
STATES OF JERSEY



JERSEY APPOINTMENTS COMMISSION: ANNUAL REPORT FOR 2014

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STATES GREFFE



Annual Report for 2014

JERSEY APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2014

JERSEY APPOINTMENTS COMMISSION
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CHAIR'S REVIEW 2014

1. Introduction

- 1.1 The Chair of the Commission, Brian Curtis, completed his term of office on 23rd February 2014 and it was decided that the present term of Commissioners should end on 19th April 2015. The Deputy Chairman Ken Soar assumed the role of Chair.
- 1.2 I took up my appointment as Chair of the JAC in October 2014 with a view to establishing a more formal regulatory role for the Commission involving the regular audit for all but the most senior appointments where Commissioners themselves might still be directly involved. This approach would apply to States of Jersey posts and Quango appointments and follows a review of the Commission's range of activities and methods of operation.
- 1.3 My first task was to ensure that the independence and integrity of the Commission, (through its direct access, should the need arise, to report to the States of Jersey), should be enshrined in the draft Employment of States of Jersey Employees (Amendment No.7) (Jersey) Regulations 201-. This achieved, further changes were undertaken, including the recruitment of new Commissioners.
- 1.4 Changes so far are largely to the way in which the Commission carries out its activities. It has, in the past, become rather too involved in the process of recruitment itself, rather than standing back and taking a more regulatory approach. In some cases, in particular in the smaller quangos, this help was welcomed as they did not always have HR professionals to assist them but Commissioners had also been involved too deeply in the work of some government departments. This gives the Commission difficulties with capacity as well as function, but is being addressed as we assume new regulatory role.
- 1.5 The number and range of quangos is uncharted so with the help of the Chief Minister's team, we are gathering information and classifying quangos according to size, status and state funding. This work is now progressing and a meeting of the chairs of Quangos planned to explain our new role and to answer any questions. It is likely that the numbers of Quangos in which Commissioners become directly involved will reduce and oversight conducted through audit.

- 1.6 All quangos, as well as all States departments, are required to follow the JAC codes and guidance, now being re-drafted into a single document. It is against this code that departments and quangos will be regulated and audited. A pro-forma has been designed for report to the JAC so that a proper record is held of all appointments and as we move forward, this will be audited with sporadic 'deep dive' spot checks.
- 1.7 I have reviewed the findings of audits undertaken in the last reporting year, of the Viscount's, Chief Minister's and Home Affairs departments. These audits were undertaken on behalf of the Commissioners by the Chief Internal Auditor and her team with whom I met to plan the work they would engage in for us in the next planning year.

2. General comments

- 2.1 For the first six months of my work the Commission will have met three times for two hours on each occasion. A pattern of six short meetings a year is envisaged. I want at this stage to pay tribute particularly to Ken Soar, who acted up as Chair for the first six months and who has contributed to this report. His experience and advice was important in my first months, as was the support of the team of Commissioners, despite my changing their work pattern mid-year. I would also like to thank Richard Stevens, Director of HR for his wise counsel and Sue Cuming, Senior HR Manager for her dedication and hard work supporting me and the team. The continuing involvement, close liaison and support of the Human Resources Department will be important to the Commission as it moves forward into its new role. The dedication of States of Jersey personnel more broadly will become even more necessary in the years to come, as politicians face the difficult decisions they need to make particularly in the current economic climate.
- 2.2 In the first six months of this reporting period the Commission has worked with the new HR Director in establishing ways forward. It is clear that the re-organisation within the States requires some flexibility without breaching any of the codes for recruitment. There is an urgent need to establish the rules for acting up (as highlighted in the audit referred to below) and for succession planning which should not lead to breaches of the code.
- 2.3 HR support in the early part of the year continued to be inconsistent in ways previously reported. This led to the Commission taking a more hands on approach to the recruitment process, in some cases including providing of administrative support. This issue is now being resolved and HR is taking on its responsibility for recruitment. I have negotiated time from the Director of HR so that they could call on help without prejudicing the regulatory process.

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3. General Operations over the past twelve months

3.1 Since October the Commission has been involved in a number of key appointments including several outside our normal scope:-

- the Channel Isles' Financial Services Ombudsman, a joint appointment with Guernsey;
- The Chief of Staff for the Lieutenant Governor, though technically a States employee was an appointment to support the Lt Governor;
- the Deputy Bailiff, the Attorney General, and the Solicitor General, are Crown appointments accountable to the Bailiff's office and the latter was an appointment with which I was myself involved.

3.2 It is apparent that for the most senior roles, appointments from a wider field than the States of Jersey are often sought. I was myself recruited from the UK because of my previous experience as First Civil Service Commissioner where the regulatory role was one I clarified and developed. Some key states posts also require a wider search and I am aware of the development of a much needed talent management program of which the Commission should be appraised, so that the strengths of effective talent management do not conflict with open and transparent appointment on merit. The Commission should review the numbers of key posts where outside talent has been sought and record over time, the longevity and success of those appointed against the record of internal appointments. Promotions are sometimes deemed to be in the interests of the States and this process should also be monitored especially where a position is made permanent after an agreed period of 'acting up'. A review of exit interviews will presumably be available from the HR department from which to make judgments.

4. Quangos and Boards

4.1 Approximately 70% of the Commission's workload over the last year was with Jersey's Quangos. They play a vital role in the island's efficient administration, harnessing expertise and enthusiasm in sometimes demanding but often honorary service. They can command significant resources and some enjoy statutory powers. It has sometimes been difficult for such organisations to adapt to the formalities of good recruitment governance. But during this year it seems clear that almost all have now fully adopted the Code of Practice. A number of these bodies are also governed by legislation pre-dating the Appointments Commission, and in some cases members have sat on these bodies for more than twenty years. The accepted norm set by the Commission is a limit of ten years.

4.2 As previously reported a trend may be emerging of increasing difficulty in recruiting to some of the honorary Quangos and some attention might be given to this to this by sponsoring departments.

4.3 It has been difficult to assemble a complete list of Quangos, particularly those run by dedicated unremunerated individuals, despite the Commission having instigated a data gathering exercise in 2012. The range of expertise, as well as the numbers of skilled, experienced people required has apparently created difficulties in the past. As the Commission changes its role in relation to these bodies, it must take great care to reassure them of the support negotiated on their behalf from the States' HR department. As the Commission charts the number and range of the larger bodies we will consider carefully those Quangos which fall within a revised scope and require the full involvement of a Commissioner, and those who should report on their activities in this area against a pro forma enabling regular audit.

4.4 Independent Boards will be reviewed in relation to the revised scope of the Commission as regulator. Larger bodies will probably fall within that revised scope for direct scrutiny because of their public standing, the possibility of conflicts of interest, their larger budgets and the fact that their board members are remunerated. It is likely that the number under direct scrutiny will be reduced, most being audited in the same fashion as departments, and that, wherever possible, only the most senior appointments of Chair and Chief Executive will require the personal involvement of a Commissioner. Quangos and other independent bodies and tribunals tend to be sponsored by individual departments rather than by the States. This can mean little coordination of the 'terms' that apply to membership, or to remuneration. Sometimes individual legislation requires the Commission involvement in the appointment of all non-executive team members supporting a board (or Quango). It may be necessary to revisit that legislation to bring consistency.

5. Political involvement

5.1 There is inevitably political interest in the most senior appointments either directly or indirectly. The difference between interest and involvement might need further definition if the distinction is not to become blurred by either party. There seems to be an increase in the interest shown by politicians in senior appointments, which has on occasion led to unfortunate comment in the press. However, in the vast majority of cases, the Commission receives nothing but co-operation and understanding from politicians. Where scrutiny of a recommended candidate for public office is required, this information should be clearly stated in the appointment details available to prospective candidates. Should inappropriate political involvement occur or be threatened, a solution must be found to the satisfaction of all parties that does not jeopardize the Commission's principles. Similarly where wide-ranging consultation is undertaken (for the appointment of one senior appointment a total of twenty-eight people, in addition to the interview panel, were circulated with the confidential details of the final short listed

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candidates) the process needs to be considered against the rights of applicants to a degree of confidentiality.

5.2 For the appointment of Attorney General and Solicitor General, where the Commission was invited by the Bailiff to assist in the process, it was interesting to note that political views were sought only as part of more a general consultation. The move towards a more transparent appointments system at each stage and away from an assumed natural succession in the ladder to the Bailiff's office is welcomed.

5.3 A representative of the Chief Minister will be involved with the Chair of the Commission in the appointment of Commissioners. This could set the model for any such involvement in the most senior posts requiring full participation in the panel.

6. Recruitment

6.1 A list of the cases in which the Commission was involved during 2014 is referred to below. Important roles within the civil service overseen by the Commission have been:-

- Chief Officer of Education, Sport and Culture;
- Director of HR;
- Director of Information Services and Deputy Greffier.

The Commission was invited to participate in the Crown appointments of:-

- Deputy Bailiff;
- Attorney General; and,
- Solicitor General.

Within the independent bodies, there have been significant Chair or Chief roles filled, including:-

- Channel Isles Financial Ombudsman;
- Jersey Financial Services Commission,
- Committee of Management for the Public Employees' Contributory Retirement Scheme/ Teachers' Superannuation Scheme; and,
- Chief Executive of Visit Jersey.

6.2 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 2014, 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. This may indicate that it should only be

necessary to advertise more widely when the required skill set is likely to be beyond the experience of local residents.

6.3 The Commission would welcome further clarity on the policy of employing from off island to ensure that while the island needs to employ the best talent it can, it does not reject local skills and experience where they might be further developed.

7. Complaints

7.1 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 it may be that the guidance of the Commission has been sought informally. During 2014 no formal complaints were received.

8. Internal Audit

8.1 This year the Commission asked the States Internal Audit team to review the subject of acting-up appointments and other arrangements to cover temporary situations, a subject raised by my predecessor. The Internal Audit Department had independently come to the conclusion that this area needed review so it received priority consideration.

8.2 Recommendations include the review of specific cases of long-term acting up arrangements, and at least one permanent appointment being made. The current policy allows initial acting up periods for nine months. This should be reconsidered as should decisions as to when acting up arrangements should be made only following advertisement. The approval of Accounting Officers and HR in agreeing senior acting up arrangements should be reviewed and addressed in a revised HR policy.

8.3 It is still not possible to know whether there is an accurate central record of all such appointments. The Commission will work with Internal Audit and the HR department to discover the extent to which various forms of cover are used, and, if there is cause for concern, commission a further audit of the department concerned.

9. Areas for development

- Over the next year the Commission will finalise a single code outlining the principles against which all appointments will be audited.
- A revised scope will be published with particular emphasis on recruitment to Quangos, independent bodies and tribunals. Departments will be expected to take greater responsibility for the Quangos they sponsor and

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to provide assistance to those bodies as necessary.

- A new team of Commissioners will be confirmed, who will, through a newly established link role with departments, assist with the changes in process and general oversight of recruitment developments.
- The Commission will work with the HR Director to ensure that guidelines are published to assist those involved in recruitment to make lawful appointments.

The Right Honourable Dame Janet Paraskeva
Chair

March 2015

**Jersey Appointments Commission
2014 Activities**

Senior Public Service Appointments Completed	States Department	Extent of the Competition
Chief Officer, Education, Sport and Culture	Education Sport and Culture	Unrestricted
Deputy Greffier to the States	States Greffe	Local
Principal Highlands College	Education Sport and Culture	Unrestricted
Chief of Staff	Lt Governor's Office	Local
Deputy Bailiff	Bailiff's Office	Local
Attorney General	Law Office	Local
Director of Finance and Governance	Social Security	Local
'Quango' Appointments Completed		
Chair, Committee of Jersey Teachers' Superannuation Fund and Public Employees Contributory Retirement Scheme	Treasury & Resources	Unrestricted
Chair, Jersey Financial Services Commission		Unrestricted
Members, Jersey Policy Complaints Authority	Home Affairs	Local
Members Jersey Policy Authority	Home Affairs	Local
Deputy Chair, Jersey Business	Economic Development	Local
N.E.D. Jersey Finance		Local
Trustees, Jersey Heritage Board	Education Sport and Culture	Local
Fiscal Policy Panel members	Chief Minister's	Unrestricted
N.E.D.s C.I. Competition Regulatory Authority	Economic Development	Local
Deputy Chair, Jersey Employment Tribunal	Social Security	Local
Members Tourism Development Fund Advisory Panel	Economic Development	Local
Medical Practitioners, Social Security, Income Support and Medical Tribunals	Social Security	Local
Chair, Social Security Tribunal	Social Security	Local
Chair & Board, Financial Services Ombudsman	Economic Development	Unrestricted
Members, C.I. Financial Services Ombudsman Board	Economic Development	Local and Guernsey
Chair, Jersey Appointments Commission	Chief Minister's	Unrestricted

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'Quango' Appointments Completed	States Department	Extent of the Competition
Members, Jersey Consumer Council	Economic Development	Local
Honorary Treasurer, Jersey Arts Trust	Education Sport and Culture	Local
Members, Jersey Advisory & Conciliation/Discrimination Service	Social Security	Local
Member, Jersey Employment/Discrimination Tribunal	Social Security	Local
Chief Executive, Jersey Business	Economic Development	Local
Commissioner(legal), Jersey Financial Services		Local
Commissioner, Jersey Financial services		Local
Deputy Chair, Administrative Appeals/Complaints Panel	States Greffe	Local
Community Learning Director, Jersey Heritage	Education Sport and Culture	Local
Chief Executive, Visit Jersey	Economic Development	Unrestricted
Chair, Administrative Appeals/Complaints Panel	States Greffe	Local

Other Appointments		
Director of Human Resources	Chief Minister's	Internal
Director of Information Services	Chief Minister's	Internal
Interim Treasurer	Treasury & Resources	Internal
Interim Chief Officer Social Security	Social Security	Internal
Director Tertiary Education	Education Sport and Culture	Internal

Extensions to Appointments Approved		
Comptroller and Auditor General	Chief Minister's	
Members (2) Criminal Injuries Compensation Board	Home Affairs	
Member, Jersey Employment Tribunal	Social Security	

Appointments in Progress		
C.I. Financial Ombudsman	Economic Development	Unrestricted
Inspectors, Planning Appeals	Environment	To be agreed
Head of International Agreements	Chief Minister's	Unrestricted
Solicitor General	Law Office	Local

