
STATES OF JERSEY



THE OFFICE OF THE FINANCIAL SERVICES OMBUDSMAN: BOARD APPOINTMENTS

Presented to the States on 10th February 2022
by the Minister for Economic Development, Tourism, Sport and Culture

STATES GREFFE

REPORT

Summary

The Office of the Financial Services Ombudsman (OFSO) provides an independent dispute resolution service for unresolved complaints involving financial services. This report notifies the States of the Minister for Economic Development, Tourism, Sports and Culture's intention to appoint Antony Townsend and Robert Girard as new Board members of OFSO. This is in line with the Minister's responsibilities under the Financial Services Ombudsman (Jersey) Law 2014 (the "Law").

Background

The Channel Islands Financial Ombudsman (CIFO) comprises the OFSO in Jersey and in the Bailiwick of Guernsey. They operate as CIFO under an arrangement entered into by the Minister for Economic Development, Tourism, Sport and Culture (EDTSC) with the States of Guernsey under Article 6(1) of the Law.

CIFO's operation is overseen by the OFSO boards, appointed jointly by the Minister for EDTSC and the Guernsey Committee for Economic Development. CIFO acts as one entity, effectively with a single combined board of directors (the "Board") empowered through legislation in both Jersey and Guernsey. CIFO's operation is funded by industry through levies and case fees so that no taxpayer funding is required. CIFO's legislation in Jersey and Guernsey establishes the independence of the Financial Ombudsman and sets out the various requirements it must fulfil.

Appointments of OFSO board members must be made by the Minister by an instrument in writing in accordance with Schedule 1(1) of the Law and based on the nominations provided by the Chairman of OFSO to the Minister.

Pursuant to Schedule 1(1) of the Law, the Minister has received a letter from the Chair of OFSO making recommendation for the appointment of two new board members with immediate effect. The nominated candidates to be appointed are Antony Townsend as an additional board member and Chair designate, and Robert Girard as a replacement board member for the outgoing Guernsey board member, John Curran. Attached to the Chair's letter were the necessary declarations of interest and authority for criminal checks to be undertaken by CIFO as required under the Law.

The Chair's letter also included a further recommendation for the appointment of the replacement for the existing Jersey resident board member of OFSO but deferred for the appointment to take place nearer to the expiry of term of the current Jersey resident board member, John Mills and after the Jersey general elections.

These nominations were made following a selection process undertaken by OFSO in November 2021 to fill the vacancies created by existing board members whose term was due to expire over the period of 2022.

The OFSO vacancies were advertised widely in both islands and in the UK. This was to ensure that the pool of candidates from which the selection panel could select offered a wide range of experience and expertise relevant to OFSO Board's remit and a balance of gender and racial origins.

As part of the recruitment process a selection panel with representatives from Government of Jersey and Government of Guernsey was formed. It was chaired by a member of the Appointments Commission, who is independent from OFSO and both governments.

The selection panel took account of the existing constitution of the Board with representation from both Islands and with the Chair being from the UK and therefore neutral to either Island. Following a review of the applications and in recognition there was good quality candidates from both Islands and from the UK, the selection panel determined this balance should be replicated in the new Board replacements. The selection panel approved a short list for each vacancy. There was an equal gender mix for each role.

The panel approved the following three candidates who have been nominated by the Chair in his letter to the Minister as new appointments to the OFSO Board. The letter also recommended the respective terms of office for each, seeking to ensure a staggered succession for future appointments with the deferral of the appointment of replacement Jersey board member until immediately before the expiry of the term of the existing Jersey board member. The term proposed for Antony Townsend is a 4-year term to commence 31 January 2022 and expire 30 January 2026. The term proposed for Robert Girard is a 3-year term to commence 31 January 2022 and expire 30 January 2025. The Minister has approved the terms proposed for each. They do not exceed the maximum term permitted by the Law.

The necessary criminal checks have been undertaken for both candidates. No issues have arisen in respect of either candidate from their declaration of interests or criminal checks. The appointments have been approved by the Appointments Commission as required by the Law.

Guernsey has already approved the appointments of both candidates for the terms proposed by the Chairman of the OFSO boards and approved by the Minister

Candidates

Antony Townsend was formerly a senior civil servant in the UK. In recent years he has held a number of non-executive appointments in the public and statutory sectors. He is Chair of the Determinations Panel of the UK Pension Regulator. He is Chair of the SME Liaison Panel for the British Banking Resolution Scheme. He is Deputy Chair of the Board of the Scrutiny Committee for the UK Professional Standards Authority for Health and Social Care. He is Chair of the Strategic Advisory Board of the UK Bar Tribunals and Adjudication Service, Council of the Inns of Court. He is a member of the Board of the UK Ombudsman Association and a trustee of Citizen's Advice, UK.

Robert Girard was formerly a senior executive in the banking sector and was the Director of Institutional Banking & Island Director Guernsey for RBS International until he retired in October 2021. He has enjoyed a career in banking, in both retail and institutional banking services, spanning 45 years with relevant pan-Island experience.

Financial and manpower implications

There are no financial and manpower implications for the States arising from the appointment.