

STATES OF JERSEY

Corporate Services Scrutiny Panel States of Jersey Development Company Selection Process

TUESDAY, 10th MAY 2011

Panel:

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)
Deputy R.G. Le Hérissier of St. Saviour
Senator A. Breckon
Senator F. du H. Le Gresley
Senator J.L. Perchard

Witnesses:

Senator P.F.C. Ozouf (The Minister for Treasury and Resources)
Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources)
Mr. B. Ogley (Chief Executive)
Ms. J. Pollard (Assistant Director, Human Resources)

In attendance:

Ms. K. Boydens (Scrutiny Officer)

[16:35]

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

Welcome to the second session of the S.o.J.D.C. (States of Jersey Development Company) Scrutiny Panel this afternoon. The easiest way to start is if people could go round and just give their names for the purpose of the recording. So, John, if we can start with you.

Assistant Minister for Treasury and Resources:

Yes, certainly. Constable John Refault, Assistant Minister for Treasury and Resources.

The Minister for Treasury and Resources:

Philip Ozouf, Minister for Treasury and Resources.

Chief Executive:

Bill Ogley, Chief Executive.

Assistant Director, Human Resources:

Jane Pollard, Assistant Director, Human Resources.

Ms. K. Boydens (Scrutiny Officer):
Kellie Boydens, Scrutiny Officer.

Senator J.L. Perchard:
Senator Jim Perchard.

Deputy J.A.N. Le Fondré:
John Le Fondré, Chairman of the Sub-Panel.

Deputy R.G. Le Hérissier of St. Saviour:
Roy Le Hérissier, a member.

Senator F. du H. Le Gresley:
Senator Francis le Gresley.

Senator A. Breckon:
Senator Alan Breckon. For the record, I will have to leave about 5.20pm.

Deputy J.A.N. Le Fondré:
Somewhere under that lot you will find the usual health warning, which hopefully you are all happy with, acknowledge and understand and all the rest. We have got a few short warm-up questions and I will direct them mainly at Philip, if that is okay, purely to dot a few i's and cross a few t's. In Hansard you made reference - this is going back to P.73 which was the implementation of S.o.J.D.C. - to creating a transfer working group which was to allow certain non-exec members to take part in processes going forward. Is that where the idea of the Transition Advisory Panel which formed part of the recruitment process came from?

The Minister for Treasury and Resources:
Probably. I cannot put my finger really on it exactly but certainly I think we are all aware around the table, those who have been involved in the political debates, S.o.J.D.C. has been a fairly difficult transition. The transition from the current W.E.B. (Waterfront Enterprise Board) to the agreed S.o.J.D.C. has not been without its political controversy and one is aware of certainly strongly held views among members on both sides of the debate in relation to W.E.B. and so certainly getting as many people involved in the setting up of S.o.J.D.C. was important. I think it was the Chief Minister and I that both said that it was important to have a wider group which would be assisting, advising, commenting on the setting up of S.o.J.D.C.

Deputy J.A.N. Le Fondré:
How did those members that eventually became part of what we will refer to as the T.A.P. for convenience, which is the Transition Advisory Panel, part of the 3 panels that was made, for example, for the chair, identify themselves?

The Minister for Treasury and Resources:
The members have all got strongly held views in relation to previously W.E.B., S.o.J.D.C. All the members of them: the Deputy of St. John has been, I think,

a regular contributor to the Assembly in terms of propositions about Esplanade Square and other matters; Sarah Ferguson, obviously Chairman of Corporate Affairs; Debbie De Sousa, member of Corporate Affairs, probably no particularly strong views on S.o.J.D.C; Connétable Crowcroft, being a Constable and having been part of the advisory group under S.o.J.D.C.'s arrangements, trying to depoliticise W.E.B. operationally, political instruction given by the body that has been set up, Simon being part of that; Dan Murphy, W.E.B. director, previous critic, fair to say, of W.E.B. So a balanced, broad composition.

Deputy J.A.N. Le Fondré:

Any other members considered?

The Minister for Treasury and Resources:

I cannot directly remember but a fairly broad church of people and no individuals on that group could be described as being shy in terms of coming forward with their views on W.E.B. and everything.

Deputy R.G. Le Hérisier:

I was just going to say I was asked at the last minute because there had apparently been an opt-out. I was just going to ask, it could be argued otherwise, why did you not choose the political members who were competent but disinterested? Why did you not go for a group of that kind?

The Minister for Treasury and Resources:

Let us not be unclear about what T.A.P., as you referred to it, was. I guess that some members of T.A.P. might have thought that they were on recruitment board itself. In fact, I had cause to speak in the Assembly to the Deputy of St. John in the debate that we had on 1st February on P.170. The Deputy of St. John asked the Chair whether or not he should recuse himself, remove himself from the States because he was conflicted and he said: "Could I seek instructions of the Chair, Sir? I am a member of the shadow interview board for S.o.J.D.C. which is interviewing some of the candidates with shadow boards. Can I speak on this proposition or do I have to declare an interest and step aside?" I think for better or for worse the Deputy of St. John may have thought himself actually on the recruitment board for S.o.J.D.C., notwithstanding the very comprehensive briefings that they had, the meetings that Bill was part of with Terry. They clearly were not perhaps entirely clear that they were not on the recruitment panel. They were there. I wanted the recruitment for S.o.J.D.C. chair and non-executives to be absolutely pukka, to be not only constructed properly but also for the candidates themselves to be given the opportunity of being taken through their paces, frankly. That is what we did with the advice of the Appointments Commission for the Treasurer and it worked extremely well. It is not the first time it had been done, but having a political body where the candidates can be interviewed, not at the recruitment panel but they could be tested on their political awareness and all the rest of it, was a really important subject. I know W.E.B. is controversial, I knew S.o.J.D.C. was going to be controversial, and I was determined to ensure that there was the most comprehensive recruitment process possible.

Deputy R.G. Le Hérissier:

Can I intervene and ask was there confusion and did it persist among the politicians who were on T.A.P.?

The Minister for Treasury and Resources:

You need to ask them that.

Deputy R.G. Le Hérissier:

From your point of view, did you or your officers get feedback suggesting that they were not clear as to their respective roles?

The Minister for Treasury and Resources:

Well, you have got to ask them that. I should have probably said that I have come with a full team here this afternoon, (a) to reflect the importance of it, (b) because I want everybody on hand that was involved in terms of the construction of the recruitment process: Bill the senior individual who has overseen this extremely diligently and capably, served by Jane Pollard from H.R. (Human Resources). I would invite Jane and Bill to join in as much as you want in terms of the commentary. I am here absolutely unashamedly to ... I am quite determined to portray and to show and to evidence to the panel that this was the most pukka recruitment process that you could possibly have designed and implemented.

Deputy R.G. Le Hérissier:

Can we hear from Jane and Bill?

Deputy J.A.N. Le Fondré:

Can I just clarify first that, which I am sure it is, you have obviously got political responsibility now for S.o.J.D.C.?

The Minister for Treasury and Resources:

I will have when the States approve. I will not take anybody for granted. If and when the States finally put a board together then I will have responsibility for S.o.J.D.C.

Deputy J.A.N. Le Fondré:

So at the moment the shareholding still remains within the Chief Minister?

The Minister for Treasury and Resources:

As it was when you were Treasury Minister.

Deputy J.A.N. Le Fondré:

Assistant Minister, I think. In terms of who had political responsibility for the appointment process then, just for clarity?

Chief Executive:

It is under the terms of S.o.J.D.C. for the Minister for Treasury to take the proposition to the States for the appointment of the new board. It therefore

was the Minister for Treasury's political responsibility for this appointment process.

Deputy J.A.N. Le Fondré:

So in terms of overseeing it, after P.73 or whatever it was, was approved in October, is it the Minister for Treasury's responsibility or is it Chief Minister's responsibility in terms of the overall process in relation to the appointment of directors?

[16:45]

Chief Executive:

It was the Minister for Treasury's overall responsibility for this recruitment process. The Chief Minister and the Minister for Treasury did, however, agree the process before it moved into it to recognise the move of shareholding and the Chief Minister's Department provided the executive support to the Minister for Treasury to continue that relationship.

Deputy J.A.N. Le Fondré:

There is an Officer Implementation Group, I think it is referred, O.I.G. Could you say who that comprised of?

Chief Executive:

It comprised Mick Heald, the Assistant Chief Executive, the Deputy Treasurer, Jason Turner, supported by ...

Assistant Director, Human Resources:

Jack Norris.

Deputy J.A.N. Le Fondré:

I thought I had seen somewhere but I might be misquoting - this is a memory question I hasten to add - that the Deputy Chief Executive was part of that as well, or am I mixing that up? Is it a title confusion with Mick Heald?

Chief Executive:

You are mixing that up. It is the Assistant Chief Executive, Mick Heald, took the executive lead on that, answering to me.

The Minister for Treasury and Resources:

It is fair to say that the Deputy Treasurer in terms of good liaison between the transition when all the utilities are overseen in the Deputy Treasurer's area in terms of governance and Jason Turner was also involved in some of the discussions that we had.

Chief Executive:

The Deputy Treasurer was a part of that implementation panel and, as you say, to make sure that of transition because the responsibility will then be handed to Treasury after this appointment is over, if and when the appointment is agreed by the States.

The Minister for Treasury and Resources:

Then that the governance arrangements for S.o.J.D.C. are Deloitte compliant, because I wanted the governance arrangements of the existing owned entities to be looked at, strengthened, looked at to see whether they complied with best practice. While I am in no way criticising the Chief Minister's Department in relation to oversight of W.E.B., clearly S.o.J.D.C. will comply with the same standards that we apply in Treasury of governance.

Senator J.L. Perchard:

There are some points that arose out of the first series of questions. Excuse me for dragging you back. Philip, you said, and rightly so, that you wanted to ensure that the recruitment process was pukka and as such you formed the Transition Advisory Panel, a technical panel and the main recruitment panel. Could you describe the functions of these 3 panels, particularly that you are now on record as saying that the Transition Advisory Panel thought they were involved with recruitment? I want to know exactly what the roles of the 3 panels were and how they were briefed.

The Minister for Treasury and Resources:

We have got a note on this. It is at my tab 17. Key roles: recruitment, recruitment panel, panel responsible, the overall recruitment panel responsible for the recruitment of the chair and N.E.D.s (non-executive directors) including role specification, short listing, appointment to the roles. Membership of that panel: me, Chief Executive of the States of Jersey, Connétable Refault, originally not as Assistant Minister for Treasury and Resources but the process having moved on the move to John as Assistant Minister, Ken Soar, Appointments Commission, acting Chair of W.E.B., John Tibbo, supported by Giles Naylor from Odgers Berndtson. Absolutely clear the recruitment panel is the recruitment panel. The Transition Advisory Group, as we have said, set up to be consulted on key parts of the process from W.E.B. to S.o.J.D.C. and taking a role in interviewing the candidates for a terms of reference of political awareness. We will come on to talk about the questions that they were particularly addressing to report into the main recruitment panel.

Senator J.L. Perchard:

Are you aware, Philip, that they took more than a role? They were asked to score the candidates.

The Minister for Treasury and Resources:

Let us be clear. Score the candidates on the actual ... yes, of course I am aware because I was on the main appointment board and heard the report of the transition panel to the main panel, as both John and I ...

Senator J.L. Perchard:

Philip, it cannot be surprising that they thought they were involved with the recruitment.

The Minister for Treasury and Resources:

They were involved in the recruitment but they had a specific remit which was very clear. Terry was involved in that. He was involved in the actual transition panel meetings. I was not, for good segregation and separation of duties. They were clear and should have been clear. Certainly they were documented, they were written to. I have got letters in my file here about the notes of the meeting that they had, the appointment that they had in terms of Terry writing to them asking them whether they would be part of the T.A.P., discussions of exactly the focuses of questions that they were going to be focusing on. The Transition Advisory Panel had draft interview questions, topics to discuss: engagement with the community, understanding of the political system, governance and value for money, reputation of the company, working with the Regeneration Steering Group. Yes, they were required to grade those interviews but they were not the recruitment panel and they were a factor into that. We have agendas of the meetings of the Transition Advisory Panel, Terry being there, Bill, you have been part of some of those meetings, if not all of them, I think.

Chief Executive:

I have not been part of all of them but it is fair to ask the question. The very first meeting on 26th January of the Transition Advisory Panel they were not clear about their role, there is no doubt about that, but they then subsequently met on the ... just checking the date. The 31st, they then met on the 31st. They met on the 23rd, they were not clear of their role, in the Town Hall. They met again on 26th January with the nominated Appointments Commission member, where the role was set out very clearly, and they then met again on the date of the interviews to satisfy themselves about the questions and their role.

Senator J.L. Perchard:

I am confused. I think we are bound to be confused. You have asked them to interview and score candidates and at the same time you are saying that they are not involved with the recruitment. I think you have got to put this one to bed so we all understand the difference.

The Minister for Treasury and Resources:

Jim, let us be clear. They were involved in the recruitment process to the extent that they were advising the main recruitment panel on their view of the competence of distinct areas that they were asked to adjudicate on. So, to put the parallel, when the Treasurer of the States was recruited there was a main recruitment panel whose decision it is of whether or not to recruit, overseen by the Appointments Commission. A group of States Members put all of the candidates for Treasurer through their paces in relation to political issues and political awareness issues. Those are not the only issues, those are not the only competences, they are one of them, and separately a technical panel. Again for the Treasurer we had the Chairman of the Chartered Institute of Public Finance and Accountancy, we had other professional people who particularly interviewed the candidates in terms of a particular area of expertise: in the Treasurer's case, whether or not they were technically competent; in terms of the politicians, operating in a political environment, whether they could operate in a political environment, there was

an awareness of political appreciation issues of a small island, et cetera. So, let us be absolutely clear: they had a specific remit and a remit of focus and of real use to the overall recruitment panel.

Deputy R.G. Le Hérissier:

But to come back to the original point, were they at the end of all these meetings, Bill, in your estimation, and Jane, absolutely clear?

Chief Executive:

Can I step back and answer the whole process? I think there is a difference between involved in the recruitment and a decision maker and that is the fundamental difference. To be honest, this goes back to - and Deputy Le Hérissier is here - Deputy Le Hérissier's involvement with H.R. when there has been a lot of question about candidates that are brought to the Island for senior roles whether they can fit into the Island. It was agreed at that time that it would be sensible on senior appointments - this is senior officer but it has been expanded beyond that - for there to be a panel, part of the recruitment process, made up of States Members whose job is to assess the individual's fit, their ability to transition, to learn about, to become an effective part of the Jersey structure and process. The structure we have adopted for most senior appointments, almost all senior appointments, is to have the decision-making recruitment panel, a technical panel, which is an advisory panel to advise on the individual's technical ability to fulfil the role, and some form of elected Members panel to advise on their ability to fit into the Island. It has on all of those recruitments been made clear to those 2 advisory panels their role is advisory. In terms of this I cannot speak obviously for the panel but I can say that at the first meeting it was very clear that the panel were not clear about their role. I believe at the second meeting they were clear. They received documentation and they were led through the process by the Appointments Commission nominee and then it certainly appeared to all of us, and to me in particular in my role on the recruitment panel, that the advisory panel meeting on the morning of the interviews were very clear about their role and it being advisory. It felt clear to me when the advisory panel then joined the recruitment panel at the end of the interview process and fed back to the recruitment panel, including their scores about fit, that it was made very clear to them that this was a factor in the recruitment panel's decision but it was not the deciding factor. That is not to in any way underestimate the role of the advisory panel but they were advisory.

Deputy J.A.N. Le Fondré:

When you are saying that, is that in relation to both the chair and the N.E.D.s?

Chief Executive:

Yes. We specifically asked those members of the Transition Advisory Panel attending the recruitment panel about the non-executive directors whether in their view they would be able to support whatever decision the recruitment panel made.

Deputy J.A.N. Le Fondré:

What was their response?

Chief Executive:

Their decision was they would clearly have to take account of the views they had when it came to the States debate because as States Members they would have to be free and not fetter their decision, but I think through that questioning it was very clear to them that the recruitment panel would make its own decision, taking account of their views.

Deputy J.A.N. Le Fondré:

Just to skip back briefly, we are going to carry on where we are but I wanted to make sure we are clear from the beginning, as it were. You said from a segregation of duties point of view to an extent you left the Chief Minister to deal with the T.A.P. I do not know if I am putting words in your mouth.

The Minister for Treasury and Resources:

No, that is right.

Deputy J.A.N. Le Fondré:

Presumably that means you occupied yourself either with the overall process or the recruitment panel side. Is that a fair comment?

The Minister for Treasury and Resources:

That is right.

Deputy J.A.N. Le Fondré:

To what extent was your involvement in that recruitment panel in terms of in the run-up to the interview days?

The Minister for Treasury and Resources:

I do not recall any involvement in relation to T.A.P. apart from being advised about how the process was going. I did not attend any of the meetings.

Deputy J.A.N. Le Fondré:

No, I was talking about your involvement in the main panel.

The Minister for Treasury and Resources:

I was involved in the main panel.

Assistant Minister for Treasury and Resources:

As I was, yes.

The Minister for Treasury and Resources:

My job, together with Connétable Refault, was to be on the main panel with Bill and certainly I did engage and actively was part of ... I think there was one meeting I had to leave early but I was involved in most of the overall meetings in relation to the overall board and I am clear ...

Deputy J.A.N. Le Fondré:

So that is in terms of the meetings. Is that having input on questions and things like that and how they were drafted?

The Minister for Treasury and Resources:

Absolutely. It is my proposition at the end of the day and so I have to be able to defend the process and hopefully be comfortable with the appointment that the appointment panel make. But let us be clear, at the end of the day, while it is my appointment and I suppose in theory if I was at blows with the overall recruitment panel I could say I am not taking that proposition, I think it is an extreme position for me to disregard the views of the recruitment panel. The recruitment panel, at the end of the day, is doing the job of recruiting. You have put together a body of expert individuals, trained in interviewing, expert in recruitment processes, served by professionals, served by an excellent recruitment head hunter in Odgers Berndtson, who I have to say I think did a fantastic job in everything that I saw. I was clear about the segregation of duties and certainly was very clear with Terry about the segregation of duties. Also I would say that what also gave me ... and I was impressed. I have not been involved a lot with the Appointments Commission. I do not know the individuals very well, I do not know how they go about their work But as far as Ken Soar, Alan Merry, who were involved ...

[17:00]

Because of fog and other people we had 2 members of the Appointments Commission on the overall board, and Julian Rogers sitting as a watchful overseer of terms of the transition panel. If nobody else was telling the transition panel, if the Chief Minister had not explained, if the officers had not explained, Julian Rogers was there to ensure that there was proper arrangements and clear responsibility of the transition panel. I can prove that even I had an exchange with the Deputy of St. John on 1st February, if that is of interest in terms of awareness.

Assistant Minister for Treasury and Resources:

I think it would be worth acknowledging that in that exchange that Senator Ozouf had with the Deputy of St. John that Senator Ozouf went on to say he is on a technical advisory panel which is going to advise the panel that is appointing the chairman. The Deputy of St. John commented: "Thank you. Yes, you are right." So right back then he knew he was an adviser to the recruitment panel and not on the recruitment panel per se.

The Minister for Treasury and Resources:

Have we put that to bed in terms of the responsibilities of the transition panel? I think it could not have been clearer.

Senator F. du H. Le Gresley:

Could I just come in there, if I may? From the outset I understood that role as what you have described in reading the paperwork coming in cold but when we interviewed Senator Ferguson in the public hearing, because we had a private hearing as well so I cannot mention what she said there, I am going to quote from her. She says: "If you are going to encourage States Members to get involved with these sort of processes then the ground rules need to be set out very clearly, both at the beginning and what happens at the end, the main

appointment side to it.” Now, I can tell you that later on she did tell us that if she had known that she was not involved in the actual choosing of the candidate she would not have got involved at all. She was one of those politicians that you say should have known from the outset.

The Minister for Treasury and Resources:

I like Sarah Ferguson very much, I have engaged with her constructively on recruitment, but I have to say that I think that is a very surprising thing to say because it could not have been clearer. As far as I am advised, the transition panel were written to. We have already rehearsed this; the transcript will say. They were written to, they had explanations from the Chief Minister. You have heard from the Chief Executive in terms of the ongoing evolution of what they understood their role to be. Clarification in the States, thank you. I do not know whether Senator Ferguson was sitting in her seat when she heard the exchange with the Deputy of St. John but I assume she was. I have to say that perhaps memories are not what they should be but it could not have been clearer and seeing Julian Rogers coming and addressing the panel when he did give the feedback I think it is absolutely clear.

Senator F. du H. Le Gresley:

Can I follow that up and ask you why the recruitment brief that Odgers sent out to the candidates only mentioned 3 interview panels for the chairman and not for the N.E.D.s? Why did we have 2 panels for the N.E.D.s when it was not mentioned in this document?

Assistant Director, Human Resources:

We had 3 panels for the chair appointments and then we appointed Baroness Margaret Ford and she then joined the panel as a technical expert and so we did not need to have an additional technical panel because Baroness Ford was providing that technical expertise, given her background.

Deputy J.A.N. Le Fondré:

I think the point is the candidate’s brief refers to one panel only, i.e. the main recruitment panel, not any sub-advisory panels.

The Minister for Treasury and Resources:

In the original interview?

Deputy J.A.N. Le Fondré:

The original candidate’s brief that was supplied to all the politicians as well.

The Minister for Treasury and Resources:

Certainly in the period before the interviews were taking place all candidates were aware of the day, the construct of the day, who they were seeing and why they were seen. So if there was a lacuna in one of the documentation that obviously was corrected.

Deputy R.G. Le Hérissier:

Do you think some seeds of confusion may have been sown by the fact that the Transition Advisory Panel was not composed of the same people in meeting different candidates?

Chief Executive:

All of the Transition Advisory Panel members were invited to be part of the interviews. It depended on their diary availability. In terms of the candidate brief, we would normally talk only about the recruitment panel in candidate briefs. When we choose the candidates we will write to them and inform them about the process, because for most senior candidates, if I may read across, we will also include other tasks. There may well be media interviews, there may be written papers to be proved, psychometric tests. We lay all of that out when we write to people. So the candidate profile will only indicate the timetable and the major decision elements.

Deputy R.G. Le Hérissier:

I am not suggesting for a moment it is necessarily your fault but did it add to the confusion the fact that different groups of politicians were interviewing the candidates?

The Minister for Treasury and Resources:

There was fog. We had meetings set up and we were already to go and then fog descended upon the airport and all interviews had to be ... and we had to then get back together. We had appointed the chairman at that stage. Without in any way undervaluing the importance of the N.E.D.s compared to the chairman, it was much more important that there was the 3 panels for the chairman, obviously a much bigger role, bigger responsibilities, media facing, much more in the political domain than the N.E.D.s. The N.E.D.s would be more on the sort of second tier of importance. Certainly a consistency in terms of the N.E.D.s, no, it did not happen but that was because of weather factors and diaries.

Chief Executive:

Yes. It was all set up, the fog came down, we had to rearrange which we did. But we were very clear that Julian from the Appointments Commission still played the same role with the Transition Advisory Panel and, without trying to point fingers, his view and our view was that the advisory panel were given the same briefing, and he is a very thorough individual. He does a very good job, so I am surprised by the lack of understanding.

Deputy J.A.N. Le Fondré:

You have made comment about fog. Certainly in some of the information we have either heard or seen, I cannot recall which now, reference was made to that the dates were rescheduled at relatively short notice also due to half-term and trying to take account of ...

Assistant Director, Human Resources:

Yes. The original timetable had put the non-executive director interviews on Monday, 21st and Tuesday, 22nd February. That was our original timetable but that was half-term week and so we always knew that there was going to

be a risk that some of the candidates might be elsewhere and unable to attend. So therefore when we had shortlisted the candidates there were 2 candidates who were not able to attend during half-term week and so we had planned to do a second day of interviews on 28th February.

Deputy J.A.N. Le Fondré:

When was that decided?

Assistant Director, Human Resources:

That was after the shortlisting.

Chief Executive:

It was when we heard back from ... Odgers contacted the candidates to inform them that they had been shortlisted and then the candidates confirmed their availability.

Assistant Director, Human Resources:

It would have been 10th or 11th February.

Deputy J.A.N. Le Fondré:

10th or 11th February, okay. Can I just take you back, because it is quite important because it ultimately comes down to what are recruiting for, I suppose. In terms of, I suppose, S.o.J.D.C. as it has been approved by the States, what is your vision for it, where is it going?

The Minister for Treasury and Resources:

Well, Deputy, that is a big question and I am not sure that it is within the terms of reference. If you would lead me where you are going. I think we have had the debate on S.o.J.D.C. I have not checked individual votings of whether you support it or otherwise.

Deputy J.A.N. Le Fondré:

No, I am not questioning the existence or anything along those lines.

The Minister for Treasury and Resources:

You are very familiar with property holdings matters and you will have views of your own and I am not sure that it is ...

Deputy J.A.N. Le Fondré:

It is to help encapsulate in terms of we are looking for a chairman. What is your intended view of what that role of chairman is going to be? That obviously feeds back from what is the body doing. What is your understanding of it?

The Minister for Treasury and Resources:

I find that quite a wide question to answer in the context of that it is not my decision. While it is my name on the report and proposition for the chairman, let us be clear, it is a panel that is recruiting.

Deputy J.A.N. Le Fondré:

Well, as a member of the panel what is your vision? As an individual what is your vision for what you are recruiting for?

The Minister for Treasury and Resources:

I do not believe that any single individual should be the Caesar in terms of the individual selection. It was a panel which met and discussed. We met with the Appointments Commission, members of the recruitment board, the kind of person we were looking for for chairman was discussed. I think I had a telephone interview with Giles Naylor from Odgers Berndtson and probably a colleague so that he then documented out what the individual views of the recruitment panel were. Those are documented. They were discussed at the recruitment panel's initial discussions and initial meetings.

Deputy J.A.N. Le Fondré:

As a panel, what were the views of the panel? You have just said you documented with Giles Naylor what the views of the panel were for the candidates and things like that.

The Minister for Treasury and Resources:

I think they are very well described in the duties that are set out in the Odgers Berndtson report, which was not Giles Naylor just simply dreaming up his own candidate profile. It was a collective of a view.

Deputy J.A.N. Le Fondré:

So, could you just tell us what they were?

The Minister for Treasury and Resources:

I am going to be hesitant in responding just because I realise this is a public hearing on the record. There is a detailed person specification set out which highlights the ...

Deputy J.A.N. Le Fondré:

Sorry, there is nothing sinister here. What I was trying to get to is as Minister for Treasury you are going to be taking on responsibility for this new venture for the States, et cetera; what is your vision for it?

The Minister for Treasury and Resources:

Vision for what, the interview or the chair?

Deputy J.A.N. Le Fondré:

It is a combination. The 2 are interlinked because you are recruiting a chair for a new entity which the States have approved. What is your interpretation of what you are recruiting for?

The Minister for Treasury and Resources:

Well, what is set out in the States approval.

Deputy J.A.N. Le Fondré:

Yes. So, what is it? What is your understanding of it?

The Minister for Treasury and Resources:

Well, read the ...

Deputy J.A.N. Le Fondré:

No, I am asking you.

Deputy R.G. Le Hérisssier:

It might be worth attacking this issue from a slightly different angle. It has been suggested to us that the remit of S.o.J.D.C. was not perhaps as watertight as you may have thought. There were comments, for example, put in by the highly esteemed Minister that there must not be a return to 1980s style regeneration agencies. There was a suggestion that some candidates had assumed that the agency embraced planning powers, for example. Was this an issue at all? Did this pop up as an issue? Was there some kind of ambiguity or tension when you were discussing the role of the agency with candidates?

The Minister for Treasury and Resources:

Let us be clear, the candidates were taken through their paces in relation to their views of similar bodies that had existed in the past. Candidates were tested on their understanding of the arrangements that we had set out in terms of a clear separation between political policy being the body that is set up under the Regeneration Steering Group (R.S.G.) and the implementation role of the board. All candidates that were interviewed were well challenged on their views of what S.o.J.D.C. was going to do and what it was not going to do. Some candidates had different interpretations; of course that is natural. Some candidates interviewed us in terms of what we thought were the responsibilities of S.o.J.D.C, Baroness Ford being pretty well in that league, if I may say. She wanted a very clear understanding of what the remit of S.o.J.D.C. was, whether or not there was any sense that it was a docklands agency on the spectrum of regeneration bodies, which of course it is not. It does not have planning powers. We discussed the importance of master planning, where the responsibility of master planning was, clearly a planning issue but obviously an engaging issue for the development agency. In fact it was a pretty encouraging, positive, challenging discussion that we had on the interview board itself. Certainly that was my experience.

Chief Executive:

Perhaps I can help here. All of the candidates had the report and proposition. It was very clear what the role was. The questioning followed that and the specification. I can remember I think at least 3 but it may have been other candidates when asked: "Are there other questions you would have for us?" which is very normal in an interview, a couple of them did raise the issue of planning powers. I am very clear in my mind that every member of the recruitment panel made it clear to the individuals that S.o.J.D.C. would not have planning powers, that it was set out within the report that that was the remit of the Planning Minister and/or the States, depending on the scale of the relationship to the Island Plan, and there was no difference, I believe, between any members of the recruitment panel on that and there was no lack of clarity for any of the candidates. So if that is the specific ...

Deputy R.G. Le Hérissier:

Did any of the candidates feel that they might have been unintentionally misled in thinking they had greater powers than indeed they did have?

[17:15]

Chief Executive:

Certainly none of the candidates that ... well, I interviewed all of them.

Deputy J.A.N. Le Fondré:

Did they raise it as an issue at all? Did they see it as a problem going forward or how did they think things might develop, or did they understand clearly that there was this distinction in role?

Chief Executive:

As I say, it was a question asked of us by a couple of the candidates who wanted to clarify it and they were left in no doubt that this was not going to be a role of the company and no misunderstanding from the candidates.

Deputy J.A.N. Le Fondré:

They did not come back on any of that?

Assistant Minister for Treasury and Resources:

Certainly my impression was that every candidate was comfortable with their role. As Mr. Ogley said, one or 2 of them did question it and were quite relaxed with the answer. They recognised what their actual role was. There was never any question, any hint of concern that they did not have planning roles. They accepted they did not have planning roles and they had to work within master plans.

The Minister for Treasury and Resources:

By the time certainly that I was part of the recruitment panel for the chairman ... Odgers Berndtson I think did an extremely competent job in briefing the candidates. These candidates, all of them, I think, were approached candidates, head-hunted candidates to apply. In doing that, Odgers Berndtson had to explain exactly what the remit of S.o.J.D.C. was and what it was not. There could not have been any doubt in these people's minds about what they were being recruited to. That is not only the discussions that we then developed further in the interview itself but the Odgers Berndtson documentation brief and the interviews that Giles Naylor carried out with all of the candidates prior to the shortlisting. Some candidates that were approached were not interested in this kind of remit and responsibility. There was a triaging of candidates early on where obviously there was a discussion about which candidates would be able to operate in a world of being an implementer as opposed to being a planner.

Senator F. du H. Le Gresley:

Did the recruitment panel approve all the fixed questions that were asked by the individual transition and technical panel? They each had their own set of questions. Were they approved by the recruitment panel?

The Minister for Treasury and Resources:

Let us be clear, the remit of the transition panel was agreed, as we have rehearsed previously. I was not part of the T.A.P. so I do not know how they ran their business but Julian Rogers was responsible for making sure that those panels were operating within the remit that they were being asked to.

Senator F. du H. Le Gresley:

I asked the question because, as you probably know, we had Mike Waddington in just now and he suggested that Andy Scate joined the panel because of involving the Planning Department and Andy Scate put in a specific question about master planning of his own volition. I just wondered if the recruitment panel were aware of that.

The Minister for Treasury and Resources:

No, but it sounds like a jolly good idea to me.

Chief Executive:

We were very aware of the allocation of question areas, because that was set out, and you have probably had the document I think, that sets out the allocation of question areas but not how each individual panel was then going to test those. That was for them to do but they each had support in putting that together.

The Minister for Treasury and Resources:

That expert panel of Chief Officer of Planning, president of the architects, was designed to further tease out the candidates' understanding of what S.o.J.D.C.'s remit is. The candidate, while the chairman is not chief executive of S.o.J.D.C., certainly had to guide and would need to be expected to work within the remit given and then guide the board and then guide the entity to work in this environment. So I thought it was a pretty good idea to have the Chief Officer of Planning and for the Chief Officer of Planning in the environment expert which he was working in to then report up to the main recruitment panel to say: "Well, I just do not think this particular individual or this particular candidate will operate in this area because they are a frustrated planning member or whatever."

Senator F. du H. Le Gresley:

While I still have the floor for a minute, the recruitment panel for the N.E.D.s, there were 2 sessions as we know. Who chaired those recruitment panels?

Chief Executive:

The Appointments Commission member in both cases.

Senator F. du H. Le Gresley:

Is that right?

Chief Executive:

Yes.

Senator F. du H. Le Gresley:

We have different information on that. There has been a statement in the House that it was yourself.

The Minister for Treasury and Resources:

No.

Senator F. du H. Le Gresley:

Yes. I have got it in front of me.

The Minister for Treasury and Resources:

Who made that statement?

Senator F. du H. Le Gresley:

John did.

Assistant Minister for Treasury and Resources:

Did I?

Senator F. du H. Le Gresley:

Yes.

Assistant Minister for Treasury and Resources:

In what context?

Senator J.L. Perchard:

Perhaps it would be fair to remind John of what he said. It is on Hansard.

Senator F. du H. Le Gresley:

Yes, it is on Hansard. I will come back to that. My point is the Appointments Commission told us that Baroness Ford chaired one of the panel hearings.

The Minister for Treasury and Resources:

Baroness Ford did chair the recruitment panel for the N.E.D.s. She chaired the interviews and that was agreed by the recruitment panel and a jolly appropriate thing to do, once she had been going through the process.

Senator F. du H. Le Gresley:

The Appointments Commission when they came before us told us that the statement in the House introducing the panel was incorrect in that the N.E.D.s was not chaired by yourself.

The Minister for Treasury and Resources:

Well, I was not there but ...

Senator F. du H. Le Gresley:

I am just checking who chaired it and now I understand it was Baroness Ford.

Assistant Minister for Treasury and Resources:

I said that it was an error on my part because certainly Senator Ozouf did not chair the panel.

Chief Executive:

The Appointments Commission's representative chaired the chairman's panel, Baroness Ford chaired the non-executive directors panel and Julian Rogers, I believe, chaired all 3 Transition Advisory Panel interviews.

Deputy R.G. Le Hérisier:

I wonder if we can move to the new area of conflicts of interest.

Deputy J.A.N. Le Fondré:

I was just going to ask, talking about the T.A.P. and the N.E.D.s et cetera, when was it decided that the T.A.P. would be involved with the N.E.D.s?

Chief Executive:

It had been from the outset.

Deputy J.A.N. Le Fondré:

Okay. The only other thing in terms of briefings, we have talked about how the results were fed up, I think, from the technical panel, for example. So at the end of it the technical panel would have done their briefings and came in to you to discuss matters and were with you half an hour or so. They made a comment, and I cannot remember the exact terminology, that they were informed that ... accepting that all candidates or at least most of the candidates were of a very capability, all were of a good capability and 2 or 3 were ...

The Minister for Treasury and Resources:

Are you talking about the N.E.D.s or the chair?

Deputy J.A.N. Le Fondré:

I am talking about the technical panel at the moment, so it is the chair. They were informed, I think, that the candidate that they had selected as their first choice could not be selected or appointed and they assumed because of some form of recruitment technicality. Any comments on that? That was the impression, I think.

Chief Executive:

Are we talking about the technical panel for the chair?

Deputy J.A.N. Le Fondré:

Yes.

Chief Executive:

No. That certainly is not my recollection.

The Minister for Treasury and Resources:

Memories must be fading, or misinterpretation.

Chief Executive:

I can remember for the transition advisory and the technical, where the recruitment panel and one of the advisory panels appeared to have a difference in view there was a discussion about that.

Deputy J.A.N. Le Fondré:

So, using the technical panel as an example, they have ranked their candidates in a particular order. What discussion was then had to identify their rationale behind it and how then were those results incorporated into your deliberations as a recruitment panel?

Chief Executive:

They gave us their scoring, because they used a scoring matrix, as did we, against their criteria. They then ranked the individuals in terms of their preference and they informed us of those individuals who passed their threshold of acceptability and then ranked the others. We asked questions where there appeared to be a discrepancy between the information that we as the recruitment panel had, generated from our questions, and their views and we discussed it. Then their views were taken forward into the recruitment panel's final consideration. So we had their ranking, the Transition Advisory Panel's ranking and views and our own and we worked through each candidate, discussed them and arrived at a conclusion.

Deputy J.A.N. Le Fondré:

That is as a recruitment panel once the advisory panel had left?

Chief Executive:

As a recruitment panel once they had gone.

Senator J.L. Perchard:

This is the first mention we have had of threshold of acceptability. Can you expand on that? What was a threshold of acceptability with regard to marking or ...

Chief Executive:

In every interview that one carries out there will be certain people who are appointable and certain people who are not appointable.

Senator J.L. Perchard:

Unacceptable or acceptable?

Chief Executive:

Exactly.

Senator J.L. Perchard:

So it was not like a mark of 2 would be ...

Chief Executive:

I have to say that in all of the recruitments that I have participated in where we use a scoring of one to 5 we would regard 3 as if somebody has not achieved 3 they would not have passed what I would call the level of acceptability, the level at which they are able to do the job.

Senator J.L. Perchard:

So a question was put to the Transition Advisory Panel: "Does any of these candidates not pass the threshold of acceptability?" Were they asked to identify?

Chief Executive:

I was talking there specifically about the technical panel where this was a marking about technical ability to do the job, because the Chairman was wanting to talk about the technical panel. The Transition Advisory Panel where we are talking about fit it is, of course, a more subjective judgment.

The Minister for Treasury and Resources:

At the Treasurer's appointment, for example, if you had a treasurer that had been ... if you were doing a lawyer that had gone through all the other competences, political awareness, the main recruitment panel, had spoken well, had represented themselves well, but then the expert body that was testing their professional qualifications and their aptitude, treasurer or law, and they did not, then clearly you are recruiting them for those positions with their professional capability. In terms of the expert panel here with the architects and the planning, clearly you are making a sort of professional judgment of them. The transitional panel was more political awareness, which is different; it is much more subjective.

Deputy J.A.N. Le Fondré:

I am bouncing around slightly. We have had the technical panel's interaction. Sticking with the chairman first, going back to the Transition Advisory Panel, did you have much discussion with them on the chair?

Chief Executive:

Considerable discussion, yes, on the chair.

The Minister for Treasury and Resources:

Which panel?

Chief Executive:

The Transition Advisory Panel.

The Minister for Treasury and Resources:

Oh yes.

Chief Executive:

There was quite a significant discussion, yes.

Deputy J.A.N. Le Fondré:

Twenty minutes, half an hour?

Chief Executive:

Easily.

Deputy J.A.N. Le Fondré:

So then going on to the process for the N.E.D.s, so now we have just got the main recruitment panel and the T.A.P., for whatever reason you were split between 2 days. Was there any feedback after day one or was it just done at the end of the 2 days and how much time was spent on that?

The Minister for Treasury and Resources:

End of each day, very important, with Julian Rogers being the common individual overseeing the transitional panel.

Deputy J.A.N. Le Fondré:

So you took feedback from the T.A.P. at the end of day one and at the end of day 2.

The Minister for Treasury and Resources:

I think that is quite important because memories do fade and so you have got to give feedback. Just as we graded all candidates, we did not wait until we had interviewed all candidates, you grade them because otherwise you forget.

Deputy J.A.N. Le Fondré:

No, you grade as you go along. You are saying you had all the feedback from the panel at the end of day one and then at the end of day 2.

The Minister for Treasury and Resources:

Yes.

Deputy J.A.N. Le Fondré:

Was that get the whole panel in or was that get Julian Rogers in or what?

Assistant Minister for Treasury and Resources:

There was a slight difference. I cannot recall what it was.

Chief Executive:

As you say, there were differences in who could attend because of diaries. On day one Julian came in because there was a bigger panel and he therefore fed back to us on behalf of that panel. He is a very methodical and meticulous individual. On day 2, because the advisory panel only consisted of 2 members, they all came in. It just seemed ...

Deputy J.A.N. Le Fondré:

How long did you spend with them on the second day?

Chief Executive:

There was quite a discussion because we did have different views. Their ranking was significantly different to ours and we had a long discussion on day 2 although there were only a couple of candidates.

Deputy J.A.N. Le Fondré:

So you reckon half an hour, more than that?

Chief Executive:

Sorry, I was not looking at my watch. It was a significant discussion.

The Minister for Treasury and Resources:

It was a substantial discussion and the main recruitment panel was testing a whole variety of competences. We were relying upon the transition panel to focus on a particular area of expertise and there was a disconnect between our initial assessment of the political issues that transition was doing and ourselves and the panel. So that required testing to seek to identify why there was this quite curious grading which needed to be understood and so we did discuss ... there was quite a lot of discussion.

[17:30]

Deputy R.G. Le Hérissier:

Was it understood at the end of the day, the curious grading?

The Minister for Treasury and Resources:

No.

Deputy R.G. Le Hérissier:

So you agreed to disagree?

The Minister for Treasury and Resources:

Yes, and it was a feature of the panel's discussion about whether or not the overall recruitment panel would ... what weighting it would give to this result because this result was disconnected with our own experience and looked curious.

Senator J.L. Perchard:

Can I ask you a question about that? Some members of the Transition Advisory Panel feel their opinions were disregarded. That is on public record and the Deputy of St. John said in the States he had serious concerns.

The Minister for Treasury and Resources:

Can I just be clear, Jim, is that in relation to the chairman or the N.E.D.s?

Senator J.L. Perchard:

N.E.D.s. Much of that is on record. Is there any truth that their opinions were really disregarded because the members of that panel were not consistent over the 2 sessions of interviews? We do know that today the Transition Advisory Panel was different to that of the panel that sat tomorrow to interview people for the same position. Would it be fair to say, Minister, that their opinions may have been disregarded because the panel was not consistent? It was different personnel interviewing.

The Minister for Treasury and Resources:

The Deputy of St. John was on both of the chairman and ...

Senator J.L. Perchard:

He attended one of the set of interviews.

Assistant Minister for Treasury and Resources:

He was there on both of the interview panels.

Chief Executive:

No, I do not think he was.

The Minister for Treasury and Resources:

He did the chairman and he did one of the N.E.D.s

Senator J.L. Perchard:

One of the N.E.D.s, that is exactly right. I put it to you because I am concerned that the panel changed its makeup during an interview process for N.E.D.s and as such they could not consistently mark because there would be different personnel doing the marking. I put it to you that you disregarded the views of that panel because the panel was not made up consistently of the same people.

Assistant Minister for Treasury and Resources:

If I can help, there was no discussion whatsoever concerning the differences in the panel because they were comparing like with like, they were comparing the candidates in front of them that day. The previous panel had compared the candidates in front of them that day and gave them markings. There was no difference on that whatsoever.

Senator J.L. Perchard:

Do you think that is acceptable, Minister, that today you can be interviewed by a panel who will mark you and tomorrow somebody seeking to take the position would be marked by a different panel? Is that acceptable?

The Minister for Treasury and Resources:

Sometimes it will happen. I think it is very important for the overall recruitment panel themselves, the overall panel. There was absolute consistency between all members of the recruitment panel, bar we had 2 members of the Appointments Commission, but we had a common member of the Appointments Commission for the non-execs and we had a separate member of the Appointments Commission for the chairman. That is correct. So it is very important for the overall recruitment panel. While it might have been desirable, it was, of course, less important for the N.E.D.s. They were grading a number of people on this particular ...

Senator J.L. Perchard:

Can I ask Jane this question? I am going to ask you, Jane: in all your experience is it acceptable for people to be interviewed for the same position by different interviewers and then get a reasoned decision at the end of this?

Assistant Director, Human Resources:

I think it is desirable to have the same interview panel but do not forget all of the panels had already identified the question areas and the members of the Transition Advisory Panel had all been involved in various stages of the process. So some had been on the chair's interviews, some had been on the non-exec interviews. So they were not coming in completely fresh.

Senator J.L. Perchard:

But how could they compare one candidate against the other when they were not there for some of the candidates?

Assistant Director, Human Resources:

They were not necessarily being asked to compare candidates against each other. They were being asked to give candidates a score against the questions, the predetermined questions that we had already agreed with them.

The Minister for Treasury and Resources:

Not all people taking the G.C.S.E. (General Certificate of Secondary Education) music aural examination will be examined by the same people. They were being examined on a specific area of expertise to which there were a number of candidates with a number of common examiners, and Julian Rogers being the common one. In a perfect world you would have had common membership but you did not. It was absolutely important that there be common members for the decision maker for the recruitment panel, because the T.A.P. areas of interview were one aspect which you put into the mix. So, yes, one always strives for perfection and one always strives for absolutely the same consistent application but on this occasion I think it is pretty acceptable that there were different people doing that particular job. Sometimes on a big recruitment - Deputy Le Hérissier has probably got more experience on recruitment than any of us politically have - the scale of candidates means that you have a division of labour and the division of labour on a particular area means that you will end up with different people.

Deputy R.G. Le Hérissier:

Just to finalise Senator Perchard's point, it has to be said, while you are quite right if you are recruiting police officers or nurses you are engaging in mass recruitment drives and clearly there cannot be the same people there, where a job depends partly on the personal chemistry it is often very important that there be the same people assessing that chemistry, because obviously there can be a lot of bias in their results. People will assess interpersonal skills differently. Even though this was a subordinate body, as the Minister quite rightly has said, there is no doubt of course it was a political body and you obviously took their views seriously and they were embedded into the process and to have some of them come in with quite different views you would have been quite concerned, would you not?

Chief Executive:

Can I help on this, because I think this might help? First of all, we had Julian Rogers who was consistent and kept the scoring. He kept the scoring, he kept the topics, he moderated it all, which I think is very important. The issue we were talking about, about the recruitment panel and the advisory panel having a difference of view, was about 2 candidates. These were 2 specific candidates, they were totally juxtaposed. When the recruitment panel saw the 2 candidates they placed one at the top of the N.E.D.s and one basically at the bottom. When the Transition Advisory Panel saw the 2 candidates they completely turned them around and we had a long discussion with them. I think the important thing to note is that those 2 candidates were interviewed by the same 2 members of the Transition Advisory Panel on the same day who were the ones who joined the recruitment panel at the end of the process and had the discussion about those individuals. The recruitment panel were very clear with those 2 members of the Transition Advisory Panel and said to them: "Your experience of these candidates is totally different to ours. Can we talk about it?" So this was not about 2 different panels interviewing these 2 N.E.D.s, so the consistency was absolutely clear. There was no question of inconsistency and it was a very open discussion. When I referred earlier to saying to the members of the Transition Advisory Panel: "Would it give you a real problem then if the recruitment panel was to proceed with their top candidate who is your bottom candidate?" that is when Senator Ferguson said: "Well, of course, as a States Member I would have to take into account of what I saw and reserve my position for the debate." So I do not think there could have been any misunderstanding about that.

Senator J.L. Perchard:

The Deputy of St. John had left the meeting by that stage, Bill, I think.

Chief Executive:

I think quite possibly he had.

Senator J.L. Perchard:

I think the only remnant was Senator Ferguson.

Deputy J.A.N. Le Fondré:

Can I suggest we start moving on?

Senator F. du H. Le Gresley:

Can I move the discussion on to something different? The Appointments Commission have a code of practice for appointments to autonomous and quasi autonomous public bodies and in there is a section on probity and dealing with conflicts of interest. Can I ask you all how did the members of the recruitment panel deal with actual or perceived conflicts of interest with any of the candidates?

The Minister for Treasury and Resources:

The only conflict of interest as far as members of the panel were concerned for the chairman or N.E.D.s would have been personal knowledge.

Senator F. du H. Le Gresley:

Can I just ask about the N.E.D.s, not the chairman?

The Minister for Treasury and Resources:

In terms of knowledge of candidates, one of the candidates - it is not appropriate to name them in public session - was known, in fact I think 2 of the interviewed candidates were known to members of the recruitment board to varying degrees of knowledge. That was disclosed and declared and subject of a discussion. Obviously the guardian of the standards, the regulator of the standards is the Appointments Commission and Ken Soar and Alan Merry are not afraid of imposing appropriate standards for their code of practice. They would expect declarations to be made and it is up to individual members to make those declarations and they were. In my case they were made completely and fully.

Senator F. du H. Le Gresley:

Was that the first or the second appointments for N.E.D.s that these declarations were made?

The Minister for Treasury and Resources:

Well, before that when the shortlisting was carried out, because it was appropriate that one of the candidates was known and that was declared for the avoidance of any doubt.

Deputy J.A.N. Le Fondré:

There are 3 members of the recruitment panel here and there was Ken Soar, I think, on there as well. The declarations of interest that were made, you have just said you made one or 2 declarations?

The Minister for Treasury and Resources:

Two.

Deputy J.A.N. Le Fondré:

Two declarations. Did you declare any, have any?

Assistant Minister for Treasury and Resources:

I was aware of one by name only, which is a local candidate, but I did not know him personally.

Chief Executive:

Yes, I declared that I knew 2 of the candidates, or I knew of in a professional capacity 2 of the candidates, and when we shortlisted I declared that I knew in a professional sense some of the other candidates.

Deputy J.A.N. Le Fondré:

Did any of the other people on the recruitment panel make any declarations as well?

Chief Executive:

Yes, Ken declared that he knew certain individuals.

Senator F. du H. Le Gresley:

But all of that was at the shortlisting stage, not on the day of the recruitment? It had all been dealt with by then?

The Minister for Treasury and Resources:

It had all been properly dealt with but I think I can remember being reminded that one of N.E.D.s was interviewed twice by the transition panel as well, which was also one of the candidates I think from memory was unwell and so did not come forward to the main board the same day. So it was well understood. Yes, extremely well understood. I have also heard, for the avoidance of doubt, panel, that there has been rumour and innuendo about my own position in relation to some members of potential shortlisted candidates and I have to say I am deeply disappointed to hear that such scaremongering, rumours and innuendo would be put against me or any other candidates. My declarations were complete and honest and entirely appropriate.

Senator J.L. Perchard:

I am sure they were and when you are looking for local candidates to fill a position as a local director of a company it is very difficult not to know people that will be able to do it. I fully understand it is difficult and you can do no more than declare, but perhaps you would like to put on record the relationship you had with the candidate that you said that you had an interest in. Were you personal friends, business partners? It may be sensible to put it on record.

The Minister for Treasury and Resources:

I do not want to say anything in public session which is going to attribute any particular attributes to any of the N.E.D.s. Suffice it to say that ...

Senator J.L. Perchard:

Minister, I am trying to give you the opportunity to just put this to bed in public.

The Minister for Treasury and Resources:

I completely and fully declared the fact that I knew ... N.E.D. candidates were obviously from ... the Jersey candidates are known and they were known to me, 2 of them were known to me. In no description could they be personal friends. I think I even described to the fellow colleagues on panel the amount of times that I knew one of the N.E.D.s specifically and in fact I think I got some information wrong about one of the N.E.D.s in terms of what I knew about them.

Senator J.L. Perchard:

Minister, you can put on record that the candidates were not personal friends of yours and you had no business interests with any of them.

The Minister for Treasury and Resources:

Absolutely not.

Deputy J.A.N. Le Fondré:

No social interaction with them? You had not seen them? Or when did you see them or anything along those lines, or was it from days gone by?

[17:45]

The Minister for Treasury and Resources:

Days gone by to a great extent. I do not want to comment because one of the N.E.D.s I knew better than the other N.E.D. that I declared but it was not any of the N.E.D.s that went on finally for recruitment in my own report and proposition. So all of the N.E.D.s that I knew were the ones that I knew less well, put it as diplomatically as that.

Deputy J.A.N. Le Fondré:

So none of the N.E.D.s that came through on the proposition are personal friends of yours in any shape or form?

The Minister for Treasury and Resources:

In any shape or form.

Assistant Minister for Treasury and Resources:

I can vouch for that, being party to a lot of conversations that we had within the panel about the individual candidates.

The Minister for Treasury and Resources:

I think I said I can probably count on one hand the amount of times that I had interacted with any of those successful N.E.D.s, full stop.

Deputy R.G. Le Hérisier:

Did those declarations of interest result in any member of the process withdrawing from any part of the process, or was the declaration of interest in and of itself regarded as sufficient?

Assistant Minister for Treasury and Resources:

Totally sufficient. They were so far removed from actual knowledge or friendship.

Chief Executive:

I think it would be fair to say that there was a discussion at shortlisting that had a particular candidate gone through the shortlisting process then one member of the panel might have to withdraw. That candidate did not pass through the shortlisting process.

The Minister for Treasury and Resources:

Yes, that is correct.

Senator F. du H. Le Gresley:

The Appointments Commission representative was with you all the time that this was being discussed?

Chief Executive:

Yes.

Assistant Minister for Treasury and Resources:

He was quite robust in that.

The Minister for Treasury and Resources:

Not only one member of the Appointments Commission but we had 2, I think, at our planning meetings and I think the acting chairman of W.E.B. was also part of it and his reputation stands before him in terms of impartiality.

Senator J.L. Perchard:

I am really pleased that you have had the opportunity to put the record straight on this, because there have been murmurings and it has not come from here.

The Minister for Treasury and Resources:

I have heard rumours about cars being parked at my house, with dinners prior to the days of the interview panel with certain people. I find these things abhorrent and disgraceful and I am deeply offended with the way that the ...

Senator J.L. Perchard:

Well, I am pleased that you have put it on public record. Will you also put it on public record that you did not ask any of the successful N.E.D.s to apply for the position of non-executive director?

The Minister for Treasury and Resources:

No.

Senator J.L. Perchard:

You would not put that on public record?

The Minister for Treasury and Resources:

No, I did not. **[Laughter]** I did not invite, procure, suggest any individuals to apply for chairman or N.E.D.s

Deputy J.A.N. Le Fondré:

So they have not applied? You have known them but you have not met them in the last 2 years or something?

The Minister for Treasury and Resources:

No, one N.E.D. I would have done.

Deputy J.A.N. Le Fondré:

One N.E.D. you might have done. Was it the successful one or the one ...

The Minister for Treasury and Resources:

No, unsuccessful one.

Deputy J.A.N. Le Fondré:

One unsuccessful one. You were not at school with any of them or anything along those lines, or that kind of context?

The Minister for Treasury and Resources:

No.

Deputy J.A.N. Le Fondré:

Thank you very much.

Senator F. du H. Le Gresley:

Can I just ask one question, quoting the Deputy of St. John in the States you were not there on that day when he raised his concerns. I would be interested to know what your reaction was when presumably you read Hansard and I am reading what he said: "Myself and colleagues were informed by our officer [which we are assuming is from the Appointments Commission] that the candidate was a preferred candidate of the panel prior to interview for that part of the process. Prior to the directors being nominated, for want of a better word, I was also told by a member of the appointments board who they were proposing but more than that I cannot go into." What do you think he meant by all that?

The Minister for Treasury and Resources:

I can interpret that. First of all, I have to say that I think that the States has made ... and I welcome the opportunity of this review and your examination of this because it gives the people involved in the recruitment process an opportunity to clear their names and to clear their reputations from such allegations made in the Island's Parliament. Certainly the standing of the Appointments Commission's oversight, their statutory responsibilities in overseeing recruitment has to be examined and I would hope cleaned and restored of that. I cannot speak for the Deputy of St. John. I was deeply disappointed that circumstances led to the withdrawal of Baroness Ford's application, which I think the Deputy of St. John is not solely responsible for, I have to say, and those comments and the shenanigans that happened in the States around that. I can only imagine that the second part of the Deputy of St. John's statement there when he refers to the preferred candidate or candidates there being absolute clarity that after the Appointments Commission concluded their work, concluded their preferred candidates for N.E.D.s, not my decision but the recruitment panel as a whole, I did speak to one of the members of the transition panel to inform them of the imminent report and proposition which would contain the members of the N.E.D.s. Let me be clear, they were not preferred candidates for N.E.D. but they were the preferred candidates following the recruitment process, so that is all I can interpret, and if the Deputy of St. John is indicating that there is a problem with the recruitment panel doing anything else but bring forward in the Minister for Treasury's name their preferred candidates, then what is the point of having a recruitment process? But as for predetermined, I have to say I think it is ... I am not sure whether I am as disappointed as I am shocked.

Senator F. du H. Le Gresley:

Can I add on to that, John?

Deputy J.A.N. Le Fondré:

Can I move on a little bit? Just to move on in a minute to go on to the subsequent events. Because you are starting to touch on how things have gone, I have to let John go first.

The Assistant Minister for Treasury and Resources:

Yes, if you do not mind. It is very important to read on in the Hansard there, where in the debate I have some fairly harsh words about bringing the integrity of the members of the panel into question, and including other States Members, but I felt extremely strongly. I was on that panel as an independent. I was not there as the Assistant Minister doing the Treasury's bidding. In fact, the Assistant Minister and I were at difference on a couple of candidates in our scoring, and that is the way it should be. But there was certainly ...

Deputy J.A.N. Le Fondré:

The Minister and Assistant Minister.

The Minister for Treasury and Resources:

Sorry, yes. But we were always independent. There was certainly no discussion that I was party to and I was there from the very start to the very end about who was going to be the one to have a good eye on or any preference. We all went into there as independents with independent reasons and we did our scoring independently, and on many candidates, we had quite diverse scorings.

Deputy J.A.N. Le Fondré:

Okay, moving on, because I am just acutely aware of the time, because you have to go at some point.

The Minister for Treasury and Resources:

I am happy to stay as long as you want on this matter.

Deputy J.A.N. Le Fondré:

Obviously after the process, you had been communicated, I had understood that at least 2 of the members of the T.A.P. were not likely to support the proposition. What was the reaction?

The Minister for Treasury and Resources:

Well, I mean, memories fade, but I understood my initial discussions with both of the members of the T.A.P. were that they would not oppose the appointments of the preferred candidates for N.E.D.s from the recruitment panel, and so the ...

Deputy J.A.N. Le Fondré:

Is this after the interview? Is this at the end of the interview days, or later on?

The Minister for Treasury and Resources:

There were only ever discussions with either Senator Ferguson or the Deputy of St. John about preferred N.E.D.s after the approval process. There needs to be a Chinese wall.

Deputy J.A.N. Le Fondré:

No, I did not mean during. I meant was it on the end of the interview, day 2 type of thing, in other words, when you had got them in or was it afterwards in the States day, for example, in the coffee room or something?

The Minister for Treasury and Resources:

States day in the coffee room, as I recall. In fact, I cannot exactly remember, but I might have even telephoned one of the members of the T.A.P. to tell them, to inform them of who the preferred candidates were. I certainly rang. I mean, memories do fade, but I can certainly remember ringing most of the members of the T.A.P. to inform them of the outcome of the chairman's recruitment, such was the importance of that. I cannot recall when and where I discussed the imminent report and proposition in relation to the non-execs.

Deputy R.G. Le Hérisier:

But you said you did discuss that with a member of T.A.P. during the process or as the process was winding up. Is that correct?

The Minister for Treasury and Resources:

Well, before the report and proposition, because clearly I had a difficult decision to make, I guess, insofar as the members of the T.A.P. clearly had a different view about the non-executive directors, and I thought, out of courtesy, it was best to forewarn the members of the T.A.P. of who the recruitment panel's preferred candidates for non-executive were, and also to ... I mean, I think it is a disgraceful state of affairs to be washing names in public in the States Assembly. I think the States is a confirmation body for appointments and there is a school of thought as to whether or not, if you have got an Appointments Commission properly constituted with expert people overseeing recruitment, they are set up to stop political interference, inappropriate political interventions into recruitment processes, and here we were with potentially suggestions where there was inappropriate political ... I mean, it is a funny state of affairs that one is in this position, because the States were being asked to make the final decision. This is not public record, they will not thank me for saying it, but as for the, I thought, deeply unfortunate editorial in the *J.E.P. (Jersey Evening Post)* with the at best sarcastic, and worst, insulting words of: "The splendidly titled X will now be starting to appreciate some of the special quantitative qualities that make Jersey that little bit different" going on to almost revel in the inability for the States to make a decision, to suggest the Treasury was a *fait accompli* in terms of a Treasury proposition. I am the messenger of a properly constructed recruitment process, handled by experts internally, overseen by the Appointments Commission, advised and paid for or procured with expert bodies such as Odgers Berndtson, and I say again what I said at the start of this, I will defend this process to a detailed and great extent. This was a proper process overseen by pukka people, overseen by professional people and properly done, and the shadow that has been cast over this I think is shocking and has had a deeply unfortunate circumstance, that I can say to you this afternoon that I have got another N.E.D. that has pulled out of the ... willing for their name to be put forward. Frankly, I am not surprised.

Deputy J.A.N. Le Fondré:

I think 2 questions came to mind on that. One is you refer to the editorial. How was that communicated to Baroness Ford? Was it communicated to her?

The Minister for Treasury and Resources:

I mean, that is not a matter for me obviously, but yes, of course it was communicated, but not by me.

Deputy J.A.N. Le Fondré:

Oh, it was not?

The Minister for Treasury and Resources:

But was I in regular communication after Baroness Ford's preferred candidacy had been ...

Deputy J.A.N. Le Fondré:

Announced.

The Minister for Treasury and Resources:

Well, selected by the recruitment panel, then there was discussions ongoing in relation to her involvement with the Appointments Commission for the N.E.D.s and then an ongoing discussion with her, looking forward to her appointment and planning for her immediate job of work that needed to be done in putting in place S.o.J.D.C. I think the Island has lost an outstanding candidate.

Deputy J.A.N. Le Fondré:

What I was just trying to say is how after the P.32 and the reference to ourselves et cetera and then we have essentially that kind of communication, and obviously you were saying throughout the whole process you have been in constant communication with her up to the ...

The Minister for Treasury and Resources:

Well, constant ... I mean, appropriate communication with somebody that was being appointed to a board that if the States would have agreed on, I would have been politically responsible for, understanding that there is appropriate separation and segregation of duties. I mean, she certainly visited the Island and I met with her and held discussions with her about what her immediate job of work was going to entail.

Deputy J.A.N. Le Fondré:

Where does that leave P.32?

The Minister for Treasury and Resources:

I was going to leave it until I attended upon you today. Clearly, this is a deeply unfortunate situation, which has caused all sorts of difficulties and uncertainty. What I would like to do is amend the proposition to appoint an interim chair for a fixed period of time in order to set up S.o.J.D.C. I do not

think that in the ... I think the dust has got to settle in relation to this review, the circumstances in which Baroness Ford decided - for understandable reasons - to pull out. I think that one needs to ... we definitely to set up S.o.J.D.C. We cannot carry on in limbo. This has been the subject of ongoing political wranglings for some considerable period of time. My preferred approach, and now having held discussions with the Appointments Commission, is to appoint an interim chair, who would discharge the functions of chairman for a period of a number of months, leave a respectful period when the dust can settle in relation to this and to restart the appointment for a permanent chairman who can discharge the functions, as was envisaged when we recruited Baroness Ford.

[18:00]

But as far as the N.E.D.s are concerned, while there were some runner-up candidates for chairman, you could have picked a number of N.E.D.s that were recruited that would have successfully and ably discharged their responsibilities as N.E.D.s. That is no reflection if ... when it is announced that there is another N.E.D. that will be proposed in replacement, that is not to say that they were number 2 or they were B class candidates at all. You were looking for a composition of a board with particular expertise that would have moulded together and we're going to replace one of the U.K. (United Kingdom) N.E.D.s with another person who is equally able to do it justice.

Deputy J.A.N. Le Fondré:

So it is a U.K. one, is it?

The Minister for Treasury and Resources:

Yes.

Deputy J.A.N. Le Fondré:

Okay. We have covered a lot.

The Minister for Treasury and Resources:

I can say who it is. It is Mr. David Pretty, very unfortunately again a candidate of outstanding calibre, which was really looking forward ... and we were all looking forward to him being an N.E.D. has pulled out. I think the view is by some people reading editorials like we have seen in the *J.E.P.* and reading some of the political shenanigans, it is a legitimate question for people going forward to ask whether or not S.o.J.D.C. was ever going to be given or is going to be given the chance to succeed.

Deputy R.G. Le Hérisier:

Do you think given the febrile atmosphere here we can ever politicise bodies like ...

The Minister for Treasury and Resources:

I mean, I hope so. I mean, we have got to. We have got to restore confidence in recruitment because if we allow a situation ... I mean, the Deputy of St. John's comments, Senator, were wrong and inaccurate and

unfair, and to allow those comments to remain unchallenged I think will cast a shadow on all future recruitment processes. How are we going to recruit if we subject people to this kind of inappropriate intervention? Your report, I look forward to your report, giving a clean bill of health - if you believe it should - to the process and to the way in which the whole thing was carried out and maybe some opportunities for ensuring that these things are not politicised, if you have got any ideas of how these things can be depoliticised. I mean, maybe the N.E.D. should have gone to the States, maybe there should have been an Appointments Commission overseeing the process. Maybe the chairman should be. That is appropriate, it is a significant enough ... I mean, I suppose the sadness is that there was unanimity about the chairman particularly.

Senator F. du H. Le Gresley:

What lessons do you think have been learnt about involving the States Members in senior appointments?

The Minister for Treasury and Resources:

It is very interesting, is it not, because one lives in a world where States Members are saying they want more involvement, they want more involvement, they want to be involved. I agree with that. I would do away with the Tory rule and have more Assistant Ministers. I think we can prove that that would be a good thing to do, yet when you involve people, you end up with the kind of mess that we have got. You know, I like the Deputy of St. John, he is a nice chap, but I think that he needs to apologise for the statement that he made in our parliament, for what he said, because what he said was not correct and he needs to retract those words and apologise for them. I think if he does so, we can have some ... I would favour ... as Bill said earlier, that it is an important feature of senior positions that they should be tested for political awareness and they should be tested by a group of politicians. That is a good thing, and so let us ... but there needs to be some standards and maybe people need training.

Senator J.L. Perchard:

But you know he was not the only politician who has expressed concern. Senator Ferguson is on record as saying she would have voted against the proposition on the day had the vote been taken, and when I pressed her as to why, she said: "I was uneasy about the whole thing. I do not know, I just did not agree with it. I am sorry, I was uneasy about it. It was a feeling in my gut." What did she mean?

The Minister for Treasury and Resources:

I do not know. You will have to ask her.

The Minister for Treasury and Resources:

All I know is that this process was absolutely pukka.

Deputy J.A.N. Le Fondré:

Yes, I have a couple of things.

Senator J.L. Perchard:

She also spoke about the process - sorry, Chairman - not being absolutely pukka. She described some of the candidates being given a list of questions, some of the candidates being given a list of questions with questions omitted, and she said it was not pukka at all, that the candidates had, on her panel, questions omitted and they were asking questions of which the interviewees had no prior knowledge.

The Minister for Treasury and Resources:

Well, I encourage you to ask Julian Rogers to attend upon you.

Senator J.L. Perchard:

He is doing that.

The Minister for Treasury and Resources:

Okay. I read in the *J.E.P.* with some degree of interest the forthright statements that were given to you by the Appointments Commission representatives. They are appointed by us to do a job of work and to suggest that they would countenance, that they would be spectators of a process that was not ... I mean, it is not me saying it, it is them saying it, and they have responsibilities.

Deputy J.A.N. Le Fondré:

I saw Jane shaking her head there, so ...

Chief Executive:

Yes, can I pick up 2 points, if I may? First of all about moving forward, I think I would advise that it is a very important part of senior recruitment that those candidates are given the opportunity to be questioned by and question States Members, because this is a process that goes both ways, and all the senior chief officer appointments have recounted that that is valuable, and it has been valuable for those of us on the recruitment panel as well. So I think that is terrifically unfortunate, what has happened, but I hope it will not undermine an important part of the recruitment process. That is important. Can I make it clear that no candidates were given any questions in writing or they were only asked questions by the people asking the questions. There were no papers, in that sense, given. I think there may be a misunderstanding in that we gave candidates the candidate brief and some back-up information, but we did - as we do with all such processes - rely on the candidates carrying out their own investigations. It is part of the appraisal process and it does indicate how seriously the candidates have taken their job. It was very clear to us on the recruitment panel that some candidates had been much more diligent and when we asked them questions, they were referring to reports that they had not been given and they had found, and some people were not able to refer to reports which we would have expected them to have found for themselves. Now, I do not know whether that is what Senator Ferguson is referring to, but that was certainly our experience.

Deputy J.A.N. Le Fondré:

Can I just ask Jane, I know you were shaking your head there, as far as you are concerned, everybody had everything that they needed in terms of paperwork and all that sort of stuff?

Assistant Director, Human Resources:

None of the candidates were given advance notice of any of the questions.

Deputy J.A.N. Le Fondré:

Okay. Can I just ask then what happened, because I understand there was meant to be a 5-minute presentation and we have been informed that certainly the officer responsible on the day neglected to inform at least one of the candidates that they were meant to do such a presentation, so they came into the panel where they sort of initiated into: "Right, do your presentation, whatever it is" and they did not know anything about it.

Assistant Director, Human Resources:

The candidates for the chair were all asked to spend 5 minutes talking about ... just bear with me, I will tell you exactly what the subject matter was. It was along the lines of: "What have you found out so far about us? Tell us how you will progress." So all the candidates for the chair were given that information in advance except one, which was entirely my fault and that was, in fact, Baroness Margaret Ford. For some reason, I had completely neglected to tell her on the day that this is what she was going to be asked and she was the successful candidate, notwithstanding.

Senator J.L. Perchard:

That is probably what Senator Ferguson was referring to, Jane.

Assistant Director, Human Resources:

Well, Senator Ferguson was not ...

Deputy J.A.N. Le Fondré:

No, she was not present.

Assistant Director, Human Resources:

... involved in the chair interview. She was not able to attend on that day. Now, for the non-execs, we also asked them - I am just going to find the question sheet - the same question, I think. So for the non-executive director candidates, again, we had asked them to talk for 5 minutes on immediate priorities for the States of Jersey Development Company.

Deputy J.A.N. Le Fondré:

All right. Can I move fairly swiftly on? I am going to move ...

Senator J.L. Perchard:

We just need to clear this up. Were all the non-executive candidates aware of that?

Assistant Director, Human Resources:

I cannot answer that, because I was not there on the day. It was my colleague who was there for those interviews.

Senator J.L. Perchard:

The suggestion by Senator Ferguson is that they were not, and some were better prepared than others and forewarned, and I would assume that ...

The Minister for Treasury and Resources:

That is an interesting situation, I guess, because ...

Chief Executive:

I think the answer we have to give is we will find out and get back to you.

Assistant Director, Human Resources:

Yes.

Senator J.L. Perchard:

Yes, thank you.

Deputy J.A.N. Le Fondré:

Can I just move forward, I am just going to ...

The Minister for Treasury and Resources:

Can I just say, I am not surprised, because one explanation could be is that of the 2 candidates that the T.A.P. on that day interviewed, one was an on-Island candidate, one was an off-Island candidate, and it is hardly surprising that one is going to be immediately alert to some of the political issues that are going on in the Island compared to somebody who is no longer or not in the Island.

Assistant Minister for Treasury and Resources:

I think we can add to that, because one of the candidates that were seen by Senator Ferguson had been seen the week before, but not seen by the recruitment panel, because the person was unwell and he was dismissed, and therefore came back on the second occasion. So therefore there was an opportunity, one could argue, that he was better prepared than the other candidate that was seen.

Deputy J.A.N. Le Fondré:

I do not know. I think you are right. We have had some inference that it was not just at the chairman level, it was at the N.E.D. level as well.

Senator J.L. Perchard:

Yes, on both.

The Minister for Treasury and Resources:

But would you explain the N.E.D. situation, because one N.E.D. was interviewed by the T.A.P. on one day, but was then unwell, and not well enough to be able to then to go on to the main Recruitment Board, and Mr. Rogers came in and explained and said: "This individual is not well, they are going to have to go home."

Senator J.L. Perchard:

That is unfortunate, to say the least, if the interviewees were being forewarned that they were expected to speak for 5 minutes at the opening and one of the interviewees has been forewarned and another has not.

Chief Executive:

We will find out and confirm that back to you.

Deputy J.A.N. Le Fondré:

Can I just go back? I am just going to push on one point. It also gives you the opportunity to clear some stuff up as well, which you have pretty well done, I think. In terms of post-notification or sorry, post-interview days, what discussions did - I am guessing - you have with the Deputy of St. John?

The Minister for Treasury and Resources:

I explained to the Deputy of St. John about the plan to lodge the report and the proposition and I asked for his support to confirm and to support the process and appointment of recruitment, and certainly my recollection - I do not think I dreamt it - was that he was going to support.

Deputy J.A.N. Le Fondré:

Did you give him any ...

The Minister for Treasury and Resources:

He was not going to say anything negative, and I certainly sought to understand his views about the particular candidate that particularly there was a problem.

Deputy J.A.N. Le Fondré:

Did you give him any assurances about individual candidates, anything along those lines?

The Minister for Treasury and Resources:

What do you mean by assurances?

Deputy J.A.N. Le Fondré:

Well, obviously the 2 individuals that both the Deputy of St. John in particular and Senator Ferguson were not supportive of the proposition, I am presuming that is because of concerns in relation to particular individuals. Did you try and reassure them that you felt either that those individuals were meeting their concerns? I am just asking, you have said ...

The Minister for Treasury and Resources:

I had said to them ...

Deputy J.A.N. Le Fondré:

You said: "We are doing the proposition" but was there more to the conversation in terms of trying to suss out why he was not supporting?

The Minister for Treasury and Resources:

I did, John, and I still to this day struggle to understand.

Deputy J.A.N. Le Fondré:

That is what I am saying” as part of that conversation, were there any assurances given in terms of the candidates?

The Minister for Treasury and Resources:

I thought they were great candidates. I think all of the N.E.D.s are fantastic candidates who will discharge the functions of N.E.D. to the satisfaction of the States Assembly.

Deputy J.A.N. Le Fondré:

Again, I am just finalising the point, because I am accepting what you have said, I am just dotting the i's here: and so in no way again did you hint that irrespective of your declaration of interest and things like that that you either had known a candidate and thought they were good or anything along those lines?

The Minister for Treasury and Resources:

I said all of the candidates were excellent candidates and I could not understand why there was a particular issue with one candidate, and I still do not understand.

Deputy J.A.N. Le Fondré:

That is not really based on the interview process.

The Minister for Treasury and Resources:

I have to say that I am interested to learn post all of this, this inquiry, is that my marking of my supposed preferred candidate was less than any other member of the recruitment panel, which I find an interesting state of affairs to be in, because of the individual that apparently that I might have known, that that particular candidate got a lesser mark than of other colleagues on the recruitment panel, and I did not know that.

Senator J.L. Perchard:

For the record, we have also seen all the results.

The Minister for Treasury and Resources:

Yes, and I did not know that, and I have learnt that subsequently and I think ...

Senator J.L. Perchard:

That is not quite true, what you just said, but ...

The Minister for Treasury and Resources:

Well, that is what I have been told.

Deputy J.A.N. Le Fondré:

Can I move ... right, so we have covered the conflict of interest. That is dead.

The Minister for Treasury and Resources:

But whatever the point is, I did not use my position to favour a particular candidate in my scoring; if anything, it looks to the contrary.

Senator J.L. Perchard:

Just on that ...

[18:15]

Deputy J.A.N. Le Fondré:

Hang on. Sorry, so finally, as far as you are concerned, the conversations you had with the Deputy of St. John after the event in the States coffee room or wherever were purely about that you felt that the board candidates were absolutely fine et cetera et cetera? There was no attempt to try and reassure him from any other angle, saying that: "Yes, I have known him for ages" or anything along those lines? Absolutely there is no room for doubt?

The Minister for Treasury and Resources:

No.

Deputy J.A.N. Le Fondré:

Yes, okay. Good.

Deputy R.G. Le Hérissier:

Did he tell you he was going to make a political fuss about this? Did he tell you that?

Assistant Minister for Treasury and Resources:

No, I think initially not. No, in fact, I think I have still got an email at home where he said he was just going to sit on his hands. He did not agree with it, but he was going to sit on his hands. I know that - just to add to Deputy Le Fondré's question - that I know I did look up the candidates after the approval process, but clearly just to understand a little bit more about them and on one particular candidate which I knew the Deputy of St. John had an issue with, I found some very interesting and very laudable history on and perhaps we could argue about that.

Deputy J.A.N. Le Fondré:

Can we just keep ... sorry, I have said for ages ... and you did not say to him: "I have known him in a social context" or anything along those lines? No.

The Minister for Treasury and Resources:

Well, I cannot have done, because I did not.

Deputy J.A.N. Le Fondré:

Okay. Good, that is better. I know you have made a declaration of interest. I am just saying that there is no way you can pick it up that way?

The Minister for Treasury and Resources:

If I am being absolutely squeaky clean, which I absolutely intend to be, one of the unsuccessful ... if there is only one social aspect is I think that I attended a birthday party in a public event for one of the non-successful N.E.D.s, just for absolute clarity.

Deputy J.A.N. Le Fondré:

Yes, that is okay.

The Minister for Treasury and Resources:

But partly in an official capacity, as opposed to anything else, but none of them are friends of mine, they are not buddies, house guests, anything.

Deputy J.A.N. Le Fondré:

Right, good. Can I just put a couple of questions to Bill and then I think we are wrapping up, to be honest. Right, one is just on a technical ... well, detail stuff. In terms of advertising, I am presuming it is somewhere between Bill and Jane, obviously it would appear that there ... sorry, what was the general advice on advertising, because as far as we can understand, it appears that there was obviously the Odgers website and their own internal, as it were, selection process, in other words, working from their own list and there is the *J.E.P.* adverts. Is that it?

Chief Executive:

Yes.

Deputy J.A.N. Le Fondré:

Was there any advice given that alternative methods should be explored or anything along those lines?

Chief Executive:

We discussed at the outset the appropriate method, but in discussion with Odgers Berndtson, and relying on Jane and the H.R. team decided that there was nothing to be gained by going for national adverts in the U.K.

Deputy J.A.N. Le Fondré:

Right, and whose kind of decision was that in the end?

Chief Executive:

That was ... it was the recruitment panel when we first met. We agreed that. But if I am very clear, it was a recommendation that I made to them and I supported.

Deputy J.A.N. Le Fondré:

Right, okay.

Chief Executive:

That is on the professional advice. We did, interestingly, advertise again in the *J.E.P.*

Deputy J.A.N. Le Fondré:

Yes, we know that.

Chief Executive:

You will know about that, and that was in response to concerns of the Transitional Advisory Panel to ensure ...

Deputy J.A.N. Le Fondré:

In terms of the local candidates. Right, can I go from left to right. Francis.

Senator F. du H. Le Gresley:

My last question. All throughout all the hearings we have had so far, I have been very concerned about the way that personal information of the candidates has been treated by the panel members who have come before us, both of the technical and transitional panels, in that they have been able to arrive in this room with files of those candidates, their C.V.s (curriculum vitae) presumably and other information, and it seems to me that there is a failure here of process, that we have asked some of these candidates if they were told to destroy or hand in any of this personal information and they were told ... none of them have said that they were told to do that, and it does appear to me that if we are going to involve States Members in the future, we must be very careful that all information about the panel or applicants has to be removed or destroyed and not kept in their personal computers or paper copies. Do you have any comments on that?

Assistant Director, Human Resources:

I would say that under the data protection legislation that the panel members had a perfect right to have information about the candidates and that it is incumbent upon the individual panel members to protect that information, which would mean that when it comes to the end of its useful life that they shred it or protect it accordingly.

The Minister for Treasury and Resources:

States Members receive confidential information in all sorts of different capacities and I do not think a recruitment process is any different to any other of the sensitive, confidential matters in which we operate in. States Members are supposed to be responsible individuals and we trust them with massive amounts. I mean, our inboxes are full of highly sensitive, confidential information which must be properly handled and properly safeguarded.

Senator F. du H. Le Gresley:

This comment obviously applies to a member of the technical panel, not a States Member.

Chief Executive:

Yes, but I think Jane makes the point that it is incumbent on the individuals to not mistreat that information and to destroy it at the appropriate time. Now, I have to say the decision to appoint had not been made. You have demonstrated through the Scrutiny process that people would be called back and it does seem appropriate that people have held that information for that

purpose. I have no evidence that anyone has mistreated any of that information and it has not been used inappropriately.

Senator J.L. Perchard:

Nor have we, Bill.

Chief Executive:

So to that extent, I think I am satisfied that the process is appropriate. I would not expect them to have destroyed it immediately after the interview, because they may well need to refer to it.

Senator F. du H. Le Gresley:

Are you satisfied - because I have got one in front of me - that emails that are sent out to a whole load of recipients here were not marked confidential or strictly private and confidential?

Assistant Director, Human Resources:

Well, it depends on the email, really.

Senator F. du H. Le Gresley:

Well, it contained the C.V.s of the 5 candidates for chairman.

Assistant Director, Human Resources:

Why have you got that?

Senator F. du H. Le Gresley:

Because it has come to us in the papers we have been provided.

Chief Executive:

It was sent by whom?

Senator F. du H. Le Gresley:

From the Chief Minister's Department, not marked confidential.

Chief Executive:

To the people who were involved in the process, who have been properly briefed about the process.

Assistant Director, Human Resources:

But we have been told ... as far as I am aware, we have not given to Scrutiny any information about the candidates, because we have been so concerned about ...

Senator F. du H. Le Gresley:

No, you have not. No, they have not.

Assistant Director, Human Resources:

... the sensitivities under data protection.

Senator F. du H. Le Gresley:

No, I am talking here about the ...

Assistant Director, Human Resources:

So if it is not in the Chief Minister's office, then I do not ...

Senator F. du H. Le Gresley:

It is an email saying that it is enclosing. It did not enclose the C.V.s to us. It just said that it was enclosing the C.V.s.

Assistant Director, Human Resources:

So in that email, was there any personal detail which you could have gleaned?

Senator F. du H. Le Gresley:

No, no. But what I am saying is the email would normally, where I have worked before, state: "This is confidential."

Assistant Director, Human Resources:

Every single email I get is confidential, so maybe it would be an additional level of sophistication in that to record all my confidential emails as being additionally confidential, but we are civil servants. Everything we do is confidential or covered by the Official Secrets Act, Data Protection, and indeed, other legislation.

Senator J.L. Perchard:

Sure, but not all the technical advisory panel were advised as to how to deal with this information.

Assistant Director, Human Resources:

It was confidential information. These were all senior professional people. I would have thought that they would know it.

Senator J.L. Perchard:

I think there is something certainly we will be recommending about this information and how in future it should be treated, how it has got to be treated at the end of a process.

The Minister for Treasury and Resources:

Well, if that is your recommendation, then it is stating the obvious and stating what people need to already do. These are very senior people on these panels, as far as people that were brought in as expert interviewers.

Deputy J.A.N. Le Fondré:

Do you have anything?

Senator J.L. Perchard:

Only the question you are likely to ask, Mr. Chairman: are there any things you would have done differently?

The Minister for Treasury and Resources:

I would have probably not gone to India and taken the proposition with my Assistant Minister through the States. I think that it is a dreadful state of affairs that the States has got themselves into, as I have said already. We need to restore the integrity of the Appointments Commission process, and there are always lessons to be learnt, but as far as the point up until the appointment of this chairman and non-execs, I say again, I do not think that you could do much better than this appointments process that was handled. The political handling I am always - as we all are - at the mercy of the emotions of States Members and I cannot regulate - would not seek to regulate, would not seek to judge - or make comments about individual Members. I treat people, I hope, in the manner in which I would want to be treated myself. I do not think I have been treated particularly well. I do not think the candidates have been particularly treated and I do not think the States Members have - some States Members - covered themselves in glory.

Deputy J.A.N. Le Fondré:

I think one should clarify, as far as I am aware, there is not ... I was going to say certainly in relation to the chair, there was never any assertion in the States to candidates.

The Minister for Treasury and Resources:

No, there was just the sarcastic editorial.

Deputy J.A.N. Le Fondré:

Yes. What I mean is one has got to make the distinction between what has been said in the States and what has been said elsewhere.

The Minister for Treasury and Resources:

Yes, and I would hope that the point at which we get to the appointment of members, I know there are strongly held views about S.o.J.D.C. I am not suggesting that anybody, to my knowledge, has used the appointment process to wreck the process of setting up S.o.J.D.C. There has been a democratically arrived at decision to set up S.o.J.D.C. I am discharging what the States has instructed the Treasury Ministry to do for transitioning work to S.o.J.D.C. and we have got on and done the job, and I do not know what the motivations behind some people are. I do not know. I hope it is not to attempt to revisit the already very protracted and difficult point at which we got to S.o.J.D.C. and I would ask that the panel respectfully bring this report to the States as soon as possible. This was done on 24th March. This has been going on a long time now and I am going to be asking for the States to confirm the interim chairman and the permanent N.E.D.s as soon as possible in the early part of June, because we cannot carry on in this. It is unfair to the Acting Chairman, who has been holding now for ... he was originally appointed for a very short period of time. It is just not fair on the individuals.

Chief Executive:

Can I just answer the question, because I have been racking my thoughts and just listening to Jane. In terms of the process, I think I can say would I have preferred things to be different and the answer would be yes, and my preference would have been that we had the same Members on the Transition

Advisory Panel at every meeting. That would be the preference, but I am reminded how hard we worked to try and get diaries to fit with half-term, with the fog and with the need, the recognition the States had taken a decision and there was a need to move forward with S.o.J.D.C. So my preference would have been that. Would I now, with hindsight, have done anything different in managing the process? I am afraid the answer is no, and it is a straightforward, clear process intended to give the recruitment panel the best information to choose the best candidate and to allow the candidate to demonstrate their ability and to have the best knowledge of what they were letting themselves in for. I think they have now got that knowledge.

Senator J.L. Perchard:

Yes, just one final question about the role of the Appointments Commission and the States of Jersey H.R. department. My question is quite a simple one, really: is there is a sufficient separation or healthy distance between the Appointments Commission and the States of Jersey H.R. department? Are you satisfied that there is a healthy distance between the 2 functions?

Assistant Director, Human Resources:

I am, yes.

Chief Executive:

Yes, I am, I am.

The Minister for Treasury and Resources:

I mean, I have not been involved in senior appointments a lot. The only ones I have been involved in, I think, have been the Treasurer and S.o.J.D.C. chair. It has been interesting, because we have been advised by common H.R., Jane Pollard helped with both the Treasurer and the S.o.J.D.C. appointments. Bill and I were both on the panel for the main board and I have seen everybody at work with the Appointments Commission. The Appointments Commission are there to make sure there is no political interference, and I have been quite impressed by the meticulous nature of the requirement to document, record decisions, by Alan Merry and Ken Soar. You know, I think there is an appropriate distance and appropriate oversight.

Senator J.L. Perchard:

Well, I wonder, you do support the Appointments Commission through the H.R. function and I wonder if it is appropriate that the States do, whether they would not be better supported through the Greffe, for example.

Assistant Director, Human Resources:

Possibly, but the nature of the support means that we are asking them to sit on the interview panels. It is the role of the Director of H.R. to advise on recruitment for the States of Jersey and the Director of H.R. is normally the main contact for the Appointment Commission, whereas more junior staff often act on the Director of H.R.'s part. This is an unusual appointment, because it is not for ... it was not a States of Jersey appointment.

Senator J.L. Perchard:

It was not States of Jersey. Yes, that is right.

Assistant Director, Human Resources:

Normally our involvement in the H.R. department is for posts who are part of the States Employment Board, so we do not strictly for quasi-autonomous posts have a role, but we provide our professional advice when asked.

[18:30]

The Minister for Treasury and Resources:

That is the appropriate, professional advice is these are properly recruited, senior H.R. people that are carrying out the discipline of H.R. management issues, as in the same way that you would require a professional lawyer or an accountant or an economist. So these are professional people and they will serve any recruitment panel appropriately and the Appointments Commission, you know, they are by their function, by their whole construct, independent. They are there to ensure that there is appropriate segregation of duties, all the rest of it.

Chief Executive:

I think now I understand your question, maybe I can just help briefly. I mean, the Appointments Commission oversees for most of our work States employment, States employees. There is a whole spectrum of employment there, ranging from those which are fairly junior, low-ranking to relatively senior, where the Appointments Commission job is to make sure the process is fair and independent, and then moving on to senior, chief officer post where the Appointments Panel is at different stages to either oversee the panel, whichever panel. So it is a spectrum, and that is appropriate that H.R. does that. For this appointment, Jane's role was to advise in terms of the right people, Odgers and like, to go and guide the process, but the process was not run by Jane and the H.R. department, it was run by an officer within the Chief Minister's Department as a process in that sense, and you have seen all the papers.

Deputy J.A.N. Le Fondré:

That would have been Mick Heald? No, sorry.

Chief Executive:

No, that was a more junior officer.

Deputy J.A.N. Le Fondré:

Oh, right.

Chief Executive:

A project officer who specialises in this kind of work and you will have seen the meeting note, the minutes and the processes, so to that extent, there was a very clear separation, because the actual process and the handling process was the Chief Minister's Department working for the Minister for Treasury, and we did that with Jane as a professional adviser supporting the Appointments Commission. So to that extent, there was a separation. If there was any

failure of the process itself, then it should be directed to me and my department and not to H.R.

Senator F. du H. Le Gresley:

Could I just ask one final question about Odgers? What is our relationship with them now, given the fiasco of this appointment, and have they paid a fee?

The Minister for Treasury and Resources:

Yes, they have been paid a fee. That fee, I am happy to give that number. I do not think it is appropriate to mention that in public, but it is commercial information, I am happy to get the panel the number.

Senator J.L. Perchard:

We have got the number. You have done that, yes.

The Minister for Treasury and Resources:

We have done that? Yes.

Senator F. du H. Le Gresley:

What is our relationship with them now?

Chief Executive:

Our relationship with them continues as it always has been, which is a professional relationship where they tender and propose for any work that we have on a case by case, and there has been no indication in any of the discussions I have had with senior folk from Odgers that they will stop that. They are appropriately cautious about getting involved in perhaps the kind of more political type roles, but in terms of professional relationship, that stands and we maintain it.

The Minister for Treasury and Resources:

They are very highly regarded executive hire people.

Senator F. du H. Le Gresley:

Yes, that is fine. Thank you very much.

Deputy J.A.N. Le Fondré:

I think we will call it a day on that point. Thank you very much.

[18:33]