

23.05.02

3 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding guidelines for the appointment of senior States employees (OQ.77/2023)

Will the Chair state how many senior civil servants and appointees, if any, have been appointed within the last year without going through the process as outlined in the Jersey Appointment Commission's *Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies*; and, if the process has not been followed, will the chair explain why and whether this is considered to be acceptable practice?

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):

The appointment process of senior civil servants and appointees is overseen by the Jersey Appointments Commission. The oversight and assurance is clearly described in the guidelines. This includes not only recruitment but succession planning, oversight and the audit of appointments conducted under significant reorganisations such as the implementation of a new target operating model. There has been one role, the recently recruited chief officer of Health and Community Services, which was not overseen by the commission. The needs of regulatory governance and financial accountability continued to be met however.

[10:00]

Both the chief executive and the chief people officer met with the chair of the Appointments Commission to explain the circumstances and the rationale for the urgent appointment to an interim role as an exception. The chair was also informed in writing to regularise the position. The chair of the J.A.C. (Jersey Appointments Commission) welcomed the discussion and assurances of future conduct after the explanations. The need for urgency was an exceptional circumstance that did not follow the guidance on this one occasion. The interim chief officer had recently gone through an open competition to lead the turnaround team that was overseen by the Jersey Appointments Commission.

4.3.1 Deputy C.D. Curtis:

I do not think that was an answer to my question because I did ask about whether the process has been followed and not overall guidance, but the process which is clearly set out.

Deputy K.L. Moore:

I believe that I have answered the question quite clearly and talked through the process that occurred in this occasion for what is an interim chief officer role.

4.3.2 Deputy S.Y. Mézec:

Could I ask the Chief Minister what role Ministers play in the appointment of senior civil servants in the departments for which they are responsible?

Deputy K.L. Moore:

As the Deputy is I am sure well aware, Ministers do not play a significant role in the appointment of senior civil servants.

4.3.3 Deputy S.Y. Mézec:

Does that mean, therefore, that senior civil servants can be appointed without appropriate input or approval from Ministers, leading to a risk that Ministers end up forced to work with senior officials who they do not personally have confidence in?

Deputy K.L. Moore:

I am sure the Deputy is familiar with the Employment of States of Jersey Employees Law, which sets out the process for the Appointments Commission. There is sometimes an informal process with a Minister in that process, which is set out in the law, but it is not something that is set out in the law.

4.3.4 Deputy R.J. Ward of St. Helier Central:

The appointment that has been spoken about here is an interim appointment. Can we be assured that any permanent employment will go through the full process that is being asked about today?

Deputy K.L. Moore:

I thank the Deputy for the question. Yes, this is a fixed term interim appointment and of course we will be going out for the substantive appointment very shortly. That, of course, will follow the processes and will be overseen by the Jersey Appointments Commission.

4.3.5 Deputy R.J. Ward:

Can I ask whether the chair of the S.E.B. (States Employment Board) believes that having had a temporary interim appointment gives an advantage to a particular candidate in any circumstance as we move through it, because we have seen shifts through our leadership in our civil service over the last few years?

Deputy K.L. Moore:

I would suggest that that will wholly depend upon the circumstances of each role. I can perhaps think of a circumstance that the Deputy might be pointing to but I can only say that if there is any candidate that seems to be in a poll position that would only be because of the level of experience that they bring to the role and the value that they will bring to the organisation and the people of Jersey.

4.3.6 Deputy M.R. Scott:

Could the chair of the S.E.B. just expand on the distinctions between the circumstances that might lead to the circumvention of the normal procedures to recruit an interim senior officer in this way as opposed to other interim officers, such as the interim chief executive?

Deputy K.L. Moore:

As I identified in the opening to this question, there had recently been a recruitment process that was overseen by the Jersey Appointments Commission to identify the lead of the turnaround team, which is doing a fantastic piece of work to benefit Health and Community Services. Therefore the decision was taken, given the short timeframe with which we had to replace an accountable officer to this role, that the recruitment process would not be normally followed.

4.3.7 Deputy C.D. Curtis:

I would ask that my question be answered. The process as set out by the Jersey Appointments Commission *Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies* has particular guidelines of how this process is carried out. I have heard of numerous instances where this has not been done. I ask the Chief Minister if she could come back

with more details on my question and whether she is aware that the public considers this could be down to nepotism in some cases?

Deputy K.L. Moore:

That is a very strong allegation and I refer the Deputy back to my previous answer, which outlined that a formal process had been conducted for the interim role that was overseen by the Jersey Appointments Commission. Sometimes it can feel that we cannot do right to do wrong. Of course many people in watching events in this Assembly and in the Government wider, often voice their view that it would be good to see the people who have come through the system locally to rise to the top. This is one such occasion when an interim appointment was made. A person who has been in the process locally and contributed widely to the work of government rose to the top. I simply believe that I have answered the question fully and there is a constant process of following the guidelines and communicating closely with the Jersey Appointments Commission to ensure that their processes are followed.

Deputy S.Y. Mézec:

Can I raise a point of order?

The Deputy Bailiff:

Yes, of course.

Deputy S.Y. Mézec:

Standing Orders of course require that answers that Ministers provide have to be directly related to the question that was asked. Deputy Curtis in her questions has multiple times referred “the process”. The Chief Minister has answered referring to “a process”. They are not necessarily the same thing and Deputy Curtis is very clearly asking about the process and has named it in her questions, and I think that is where the confusion has arisen why Deputy Curtis has followed it up.

The Deputy Bailiff:

So what is the ruling you are asking for?

Deputy S.Y. Mézec:

Whether her answer was indeed directly related to the question, given that her answers referred to “a process” not “the process”.

The Deputy Bailiff:

My interpretation of the chair of S.E.B.’s answers was that it was in the affirmative; the process has, other than a single instance, been followed. But I may have missed the nuance of the difference between “a process” and “the process”. Chief Minister, are you able to clarify whether there is any difference in the distinction? Is it the process that has been followed on all occasions bar one or is it a process?

Deputy K.L. Moore:

I do not think I can really help you on that one, although I would point out that in her final question the Deputy did talk about the guideline set out in the process, and I think that perhaps indicates where some of the confusion may be coming from if there is any suggestion of imprecision in my answer.

The Deputy Bailiff:

But you intended in your answer to refer to the process, the only process that we are aware of; is that what you intended?

Deputy K.L. Moore:

Yes, Sir.