

STATES OF JERSEY

Corporate Services Scrutiny Panel States of Jersey Development Company Selection Process

THURSDAY, 31st MARCH 2011

Panel:

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

Witness:

Senator S.C. Ferguson

Also present:

Ms. K. Boydens (Scrutiny Officer)

[13:15]

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

Welcome to everybody. This is the first hearing we have on the Corporate Services scrutiny review into the S.o.J.D.C.(States of Jersey Development Company) and the concerns that have been raised and referenced to scrutiny. If I could point Sarah's head or eyes in the direction of the usual health check. If you can just confirm you have read it and afterwards I will go round the table and ask everyone to introduce themselves for the purposes of the microphone and the transcription process. Have you read the health check?

Senator S.C. Ferguson:

Yes. Senator Sarah Ferguson, witness.

Ms. K. Boydens (Scrutiny Officer):

Kellie Boydens, Scrutiny Officer.

Senator A. Breckon:

Senator Alan Breckon.

Deputy. J.A.N. Le Fondré:

Deputy John Le Fondré, Chairman.

Deputy R.G. Le Hérissier of St. Saviour:

Deputy Roy Le Hérissier, and I would like to declare an interest. I was approached to be a member but declined because of time pressures.

Senator J.L. Perchard:

Senator Jim Perchard.

Senator F. du H. Le Gresley:

Senator Francis Le Gresley.

Deputy. J.A.N. Le Fondré:

Thanks very much. This is predominantly a public hearing but it may well move into a private hearing, as notified on the agenda and the notice, towards the end of the session. I think without any further ado we will head off on to the first question. If everybody is happy, I will just essentially read out the question and then we will leave Sarah to answer accordingly. Number 1 is when and how were you invited to be a member of the Transition Advisory Panel for (a) chairman and (b) non-executive directors?

Senator S.C. Ferguson:

There was not any distinction between chairman and non-executive. I received a letter from the Chief Minister on or about 16th December inviting me to join a Transition Advisory Panel. There were no details in the letter. I do not unfortunately have a copy of it, but that was all there was to it.

Deputy R.G. Le Hérisier:

Were you given any verbal briefings at any point before the process officially started?

Senator S.C. Ferguson:

We had a preliminary meeting in January when we were shown a number of ... I should backtrack a minute. I was detained and only got to the meeting late so I do not know what transpired before I arrived. There were some papers there with questions on but we did not get any particular briefing documents or papers before the meeting. It talked generally about the process but I did not have any particular terms of reference as to how we fitted into the whole scheme of things other than we would be conducting interviews of the candidates.

Deputy R.G. Le Hérisier:

Who ran the meeting?

Senator S.C. Ferguson:

That was run by the Chief Minister.

Deputy J.A.N. Le Fondré:

Just to make sure we get our ducks in the right row: the letter came to you initially inviting you roughly when? Was it December?

Senator S.C. Ferguson:

About 16th December from the Chief Minister.

Deputy. J.A.N. Le Fondré:

About 16th December, and then the meeting in January was roughly when?

Senator S.C. Ferguson:

The meeting in January was 17th January.

Deputy. J.A.N. Le Fondré:

So that was effectively, if you like, an informal briefing meeting? 17th January, did you say?

Senator S.C. Ferguson:

Yes. As I say, I came to the meeting late so if there was any particular briefing before then I did not get it and there was nothing in writing, certainly.

Senator J.L. Perchard:

You did not receive anything in writing with regards to the brief for the T.A.P. (Transition Advisory Panel)?

Senator S.C. Ferguson:

Only what I have in the documents from the recruitment agency.

Senator J.L. Perchard:

You must have wondered what the name of the panel implied, Transition Advisory Panel. It certainly did with me, made me raise my eyebrows: "What does that mean? What is this panel? What transition is it overseeing or advising on?"

Senator S.C. Ferguson:

Basically the documents that we were supplied with from the agency highlighted certain qualities they expected to find in the chairman and the non-executive directors. I had been involved with the 2 recent scrutiny reviews of the S.o.J.D.C. and certainly one of the subliminal conclusions from the review was that the new board of the S.o.J.D.C. was going to have to be strong. Certainly in order to have the confidence of the Island and States Members and so on it has got to be a strong board.

Senator J.L. Perchard:

Yes, I understand that, and I am sure we all do. The name of the panel did not inspire you to ask any questions?

Senator S.C. Ferguson:

Well, no. I got on with the job in hand, which was looking at the qualities, looking at what we needed and looking at the candidates in the light of what we needed for the S.o.J.D.C. In retrospect it would have been advisable, yes.

Senator F. du H. Le Gresley:

I think we might be rushing a bit fast here. We are already talking about the interview process and we are still asking how Sarah got to the stage of attending.

Deputy. J.A.N. Le Fondré:

I was looking for a spot to interject but, yes, I agree.

Senator S.C. Ferguson:

The Chairman is allowed to cry "stop".

Senator F. du H. Le Gresley:

We have shot to the bottom of the list almost.

Deputy. J.A.N. Le Fondré:

I was just letting it run to a hopeful natural conclusion. Thank you. You have identified obviously who decided that you would be invited, because you got a letter from the Chief Minister, or I am assuming that is the assumption one can make. Have you any idea how it was decided you would be invited to be a member of T.A.P.? Obviously you have touched on your role within scrutiny but have you had any other indications at all?

Senator S.C. Ferguson:

No. It may have been because I was a member of the panel but that is pure conjecture. I do not know what the basis was. The other members of the panel were Deputy De Sousa, the Connétable of Grouville, the Connétable of St. Helier and the Deputy of St. John but obviously other people were invited but declined. I think that is a question for the Chief Minister to decide. It is certainly not for me.

Senator A. Breckon:

Coming back to the letter, Sarah, what did the letter say, from memory? What did it invite you to do?

Senator S.C. Ferguson:

Become a member of the Transition Advisory Panel for the selection of directors for the ... from what I can recollect.

Senator A. Breckon:

We should be able to get that anyway, I think. Did it say who else was being involved?

Senator S.C. Ferguson:

No.

Senator A. Breckon:

You had to respond to that and say: "Yes, I am interested" or "No, I am not"?

Senator S.C. Ferguson:

Yes.

Senator A. Breckon:

That was it? Did it give any terms of reference about what that was, what you were expected to do?

Senator S.C. Ferguson:

No.

Senator A. Breckon:

It just said: "Would you like to be involved with this Transition Advisory Panel?"

Senator S.C. Ferguson:

Yes. As I say, it may have been explained more clearly at the beginning of the meeting where I was late.

Senator A. Breckon:

Can you remember did it mention chairman and non-executive or did it just refer to recruitment?

Senator S.C. Ferguson:

Recruitment.

Senator F. du H. Le Gresley:

Did it use the word "selection", or is that your own word?

Senator S.C. Ferguson:

I do not recall exactly. I am going very much by memory on this.

Deputy. J.A.N. Le Fondré:

We will confirm that from the letter, I think. We will see if we can get hold of it.

Senator J.L. Perchard:

It was a letter, not an email?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

A letter?

Senator S.C. Ferguson:

Yes.

Deputy. J.A.N. Le Fondré:

You have touched on who was on the Transition Advisory Panel.

Senator S.C. Ferguson:

I do not know who else was invited.

Deputy. J.A.N. Le Fondré:

What I was going to ask is in terms of who was ... is this people who were potentially present at the meeting on 17th January?

Senator S.C. Ferguson:

Yes.

Deputy. J.A.N. Le Fondré:

So, for example, I think you mentioned the Connétable of St. Helier and I am aware there was a member who, through illness, probably could not attend the actual meetings, but could you identify ... we know the full list of who was meant to be present. Who was present on the meetings that took place, the actual interview meetings for both the chairman and the non-execs?

Senator S.C. Ferguson:

I was not there for the chairman's meetings because I was away at the time. Deputy De Sousa and I were there for the first set of interviews of the non-executive directors. It was meant to be Monday-Tuesday but there had been thick fog on the Monday so the Tuesday people from the U.K. (United Kingdom) did not arrive, so they were rescheduled for the following week and it was the Deputy of St. John and I who did the interviews in the second week.

Deputy. J.A.N. Le Fondré:

So the Deputy of St. John was not present for the first lot of meetings on the non-execs, the Monday lot, as it were?

Senator S.C. Ferguson:

No.

Deputy. J.A.N. Le Fondré:

Deputy De Sousa was?

Senator S.C. Ferguson:

Yes.

Deputy. J.A.N. Le Fondré:

Deputy De Sousa was not present for the catch-up meeting but the Deputy of St. John was?

Senator S.C. Ferguson:

Yes. I believe that the Chief Minister was present with the T.A.P. for the chairman's interviews but I am not sure. Again, that is something I understand but you would have to ask.

Deputy. J.A.N. Le Fondré:

Just to clarify, you were not effective and you were not part of the process on the chairman?

Senator S.C. Ferguson:

No.

Deputy. J.A.N. Le Fondré:

I think we have probably covered it but we will try and do it by number and so before I move on to the next one can I just look round the table and see if anybody has got any other questions on point 2. I do not want to be too strict in terms of how we go. So, if you are happy I will go on to point 3 and the query was: was the membership of the T.A.P., or the Transition Advisory Panel, an open and transparent process? It is obviously defined who that membership appears to have been. Have you got any idea how, for example, they were selected?

Senator S.C. Ferguson:

You would have to ask the Chief Minister. I was not aware why I was chosen and I have said I could only conjecture. It certainly was not a case of asking for volunteers or anything.

Deputy R.G. Le Hérisier:

At that point, Senator Ferguson, were you given a more formal briefing on what the procedure would be? Did the consultants, for example, get involved in talking to you?

Deputy. J.A.N. Le Fondré:

Shall we cover that under 6 and 7?

Senator S.C. Ferguson:

Yes, that comes later in the interview process.

Deputy. J.A.N. Le Fondré:

Going on to 4, which we have semi touched on but do you know other members who were invited or those who declined to be members of the Transition Advisory Panel?

Senator S.C. Ferguson:

No, I am not aware of anybody other than those who were in effect circulated as part of the email circulation. That is it, I am sorry.

Deputy. J.A.N. Le Fondré:

Obviously we are aware of one person who declined because he has declared an interest.

Deputy R.G. Le Hérisier:

I should add that was the Friday before a Monday. It was that close. Somebody had dropped out.

Senator S.C. Ferguson:

I think there were problems with Monday interviews because obviously those are difficult for Connétables with the Comité meetings and so on.

Deputy. J.A.N. Le Fondré:

Presumably the Monday meeting had been scheduled for a fair degree of time?

Senator S.C. Ferguson:

Well, no. Monday, 21st February had been scheduled for a fair bit of time but Monday, 28th February, which was the fog day, obviously was fairly short notice.

Deputy. J.A.N. Le Fondré:

Just out curiosity, Roy, was yours the 21st or the 28th?

Deputy R.G. Le Hérisier

I think the 28th.

Senator S.C. Ferguson:

Yes, that was short notice and again we had the Monday problem for the Connétables and there were hearings with some of the scrutiny panels.

Senator F. du H. Le Gresley:

Could I just ask Sarah a question about, we are talking about membership of the T.A.P. at the moment. Was a member of the Appointments Commission sitting with the T.A.P. as part of that panel?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

There was?

Senator S.C. Ferguson:

Well, they were sitting in an advisory role.

Senator F. du H. Le Gresley:

Was it a different one for the 2 that you went to?

Senator S.C. Ferguson:

No, it was the same one.

Senator F. du H. Le Gresley:

And that was ...?

Senator S.C. Ferguson:

Julian Rogers.

Deputy. J.A.N. Le Fondré:

Are we happy to move on to 5? We have touched on bits and pieces in there. Were you supplied with terms of reference? I think by the sounds of things ...

Senator S.C. Ferguson:

As I have said, I was held up and did not get to the first meeting until late so I do not know whether they were discussed or not at that meeting.

Deputy. J.A.N. Le Fondré:

Sorry, just to clarify, that is the first briefing meeting on 17th January?

Senator S.C. Ferguson:

The very first, yes. I am not sure whether they were discussed at the very beginning. There certainly was not any paperwork supplied to us before the meeting and this was a bone of contention which was raised at the meeting.

Deputy. J.A.N. Le Fondré:

By ...?

Senator S.C. Ferguson:

Some of the other members there complained that there had not been any documentation.

Deputy R.G. Le Hérissier:

Was there any follow-up to that?

[13:30]

Senator S.C. Ferguson:

Well, for the following meetings the documentation arrived beforehand.

Deputy J.A.N. Le Fondré:

By reference to the following meetings: so we have got an initial meeting on 17th January. Were there other meetings before 21st February?

Senator S.C. Ferguson:

Just a minute, I did make a note of the date. Excuse me a minute. The next meeting was Wednesday, 26th January, which was to discuss the questions. Now, again, I was tied up with scrutiny. I could not get to that meeting but I did supply a question that was used in the interviews.

Deputy J.A.N. Le Fondré:

Obviously you do not know how those questions were arrived at but were you then circulated with the final questions?

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

And you were reasonably happy with it?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

Would it be appropriate now, Chairman, to ask who was present at the 17th? Do you recall who was present at that meeting on the 17th and who was present at the meetings or these pre-meetings, if you like, on the 26th?

Senator S.C. Ferguson:

It was in the town hall. There was the Chief Minister and I am certain of the Deputy of St. John and the Constable of Grouville and Deputy De Sousa. There may have been one or 2 others who I cannot recall. I think possibly the Connétable of St. Helier, but again I think you would have to check with the people taking the notes of the meeting. There were the Deputy Director of H.R. (Human Resources) and the Chief Minister. I am not sure of the others.

Deputy J.A.N. Le Fondré:

Anybody politically from Treasury?

Senator S.C. Ferguson:

I do not recall.

Senator J.L. Perchard:

Who from the Appointments Commission would have been there on the 17th?

Senator S.C. Ferguson:

There was somebody and I do not recall their name. I think the Chief Minister will have a list of the attendees.

Deputy J.A.N. Le Fondré:

Bearing in mind it is a fair time ago, you are doing fairly well on your memory, I think. So you have had the meeting that you were not able to attend on the 26th, which was about the questions. Was that it until the 21st or was there anything else?

Senator S.C. Ferguson:

No, I think that was ... After that, the next thing, 24th January, we had a question list with comments by the Appointments Commission as to the sort of ... now, how did they phrase it? Yes, with comments which suggest what the panel might be looking for in good answers and it also suggested how the questions might be allocated.

Deputy J.A.N. Le Fondré:

Sorry, this was on the 24th?

Senator S.C. Ferguson:

This was 24th January.

Deputy J.A.N. Le Fondré:

So that is before the meeting for the questions?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

At this stage, Sarah, were you under the impression that there was only going to be one panel meeting for the N.E.D. (non-executive director) candidates?

Senator S.C. Ferguson:

No, we were aware that there were 2 panels, one which was effectively States Members and one which was ... I was not aware of the exact constitution of the main panel but we were aware that there were 2 panels.

Deputy J.A.N. Le Fondré:

Are people happy for me to move on to question 6 or has anybody got anything else?

Deputy R.G. Le Hérisier:

Just on the question of 2 panels - again it may be slightly jumping ahead - were the different roles of these 2 panels explained in a clear sense to you, Sarah?

Senator S.C. Ferguson:

Not that I can put my finger on. The general impression was that there was a main panel and there was the Transition Advisory Panel.

Deputy J.A.N. Le Fondré:

It sounds like, to repeat it, fundamentally you did not get anything ...

Senator S.C. Ferguson:

We were advisory.

Deputy J.A.N. Le Fondré:

You did not get anything clear in writing. That is the finding.

Senator S.C. Ferguson:

No.

Deputy J.A.N. Le Fondré:

I will move on to number 6. Again, what background paperwork or details were you supplied with about the candidates for chairman and non-exec directors?

Senator S.C. Ferguson:

We did get a full brief. We had the complete brief that had been sent to the applicants.

Deputy J.A.N. Le Fondré:

Is that what is called the candidate brief? We do have a copy of something, although it is slightly different to the one you have got, only from the logo.

Senator S.C. Ferguson:

Yes, and then after that we had a copy of the advertisement and then a summary of the applicants.

Deputy J.A.N. Le Fondré:

Is that of all of the applicants?

Senator S.C. Ferguson:

No. A summary of the shortlist and details of their C.V.s (curricula vitae) and reports on them.

Senator F. du H. Le Gresley:

Is this for both chairman and for the N.E.D.s?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

So you had separate lists for both.

Deputy J.A.N. Le Fondré:

Anything else there?

Deputy R.G. Le Hérisier:

Did you find those details were comprehensive enough? Were they able to sustain your questioning?

Senator S.C. Ferguson:

Oh yes. These were very full. The brief itself was comprehensive. For instance, as you will have seen, it says that: "The new arrangements narrow the operational remit of the company. S.o.J.D.C. is a company that will be focused on delivery rather than becoming engaged in master planning activities as W.E.B. (Waterfront Enterprise Board) has in the past. In forming S.o.J.D.C. the States will have its own property development company. It will undertake the redevelopment of redundant States property assets." It might perhaps have been a good thing if it had emphasised that the S.o.J.D.C. will be a developer rather than a development agency but I am perhaps nitpicking there.

Deputy R.G. Le Hérisier:

Was any protocol established if anybody knew any of the people that were being assessed?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisier:

What were you told in that regard?

Senator S.C. Ferguson:

We discussed ... it was informal, perhaps, because certainly when we were discussing some of the candidates I said that I had a passing acquaintance with one of them, not a friend or anything like that but obviously in a small island these things happen. The representative of the Appointments Commission made a note of that on his documentation.

Deputy J.A.N. Le Fondré:

Just to follow on from Roy's comment, and I want to be fairly careful how we phrase the questioning in that area but under the guidelines that we have been given from the Appointments Commission, or I understand that is where they have come from, it says: "During the discussion stage [which I presume is the discussion stage with applicants] it is a requirement to ensure that candidates are fully aware of the standards of probity required of public appointees and questions of conflict of interest have been explained to and explored with the applicant." Did that enter into any of the discussions that, certainly on your panel, was raised with any of the candidates?

Senator S.C. Ferguson:

I think in most cases there were very few areas where there could be in regard to the actual work being done. I do not recall it as a separate item in the questions. It was not something that would ... Having met all the candidates, as far as we were concerned there were no particular areas that you could identify the conflict. Certainly I do not recall in the question plan. There is nothing specifically in the question plan that would really have referred to that.

Deputy J.A.N. Le Fondré:

Thanks very much.

Senator S.C. Ferguson:

I think certainly as far as the interview panel were concerned we had identified whether any of the members of the panel had any conflicts.

Senator A. Breckon:

Sarah, you mentioned before about getting a shortlist. Did you get any information about what the long list was, how many applicants?

Deputy J.A.N. Le Fondré:

That is 7.

Senator A. Breckon:

Was there?

Senator F. du H. Le Gresley:

I have got one that I think it is 6. At this stage before you have met any of the candidates and in all the discussions and meetings and paperwork were you at any stage of the opinion that any of the N.E.D.s at least one should be from Jersey or was that not intimated in any way?

Senator S.C. Ferguson:

I think certainly I was of the opinion that we had to have at least one, possibly more.

Senator F. du H. Le Gresley:

Was that your own opinion or was it the group's?

Senator S.C. Ferguson:

I think it was generally felt, but it obviously depended on the quality of the candidates after we had interviewed them all. I think the thing we had to go for first here was the quality of the candidates and if they are Jersey then obviously that gives them an edge.

Senator F. du H. Le Gresley:

We know from the statement of the Constable of St. Peter in the States that of the 14 applicants for chairman none of them were from Jersey, so the assumption there is that the chairman would be not from Jersey. As of the 40 applicants for the N.E.D. roles, 12 of them are Jersey, so that is roughly a quarter. I am just wondering if, on that basis, the panel were sort of intimated that at least somebody from Jersey should be included in the 3. I am just wondering if that was the case or not.

Senator S.C. Ferguson:

I cannot speak for anybody else but certainly I think it is important that where possible we need to employ local talent, because obviously people who have connections with the Island understand the nuances of operating in Jersey. I think that was important. I know that as far as the N.E.D.s were concerned that there was a second advertisement put out because of wanting to get local candidates. That was important.

Senator J.L. Perchard:

You said there was a meeting on 17th, 24th and 26th January. These presumably, Sarah, we could describe as pre-meetings before any interviews took place?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

There were only 3? To your knowledge there were not more than 3?

Senator S.C. Ferguson:

Those are the only ones I know of, yes.

Deputy J.A.N. Le Fondré:

Can I just clarify, sorry? I thought the 24th was just an exchange of emails rather than a meeting.

Senator S.C. Ferguson:

Yes. There was the 17th and the 26th.

Senator J.L. Perchard:

Right, okay. With regards to your brief, you were at no time during those 2 meetings or on that exchange of emails given an exact brief of what your role was on the Transition Advisory Panel?

Senator S.C. Ferguson:

Well, as I said, I was held up before I got to the first meeting.

Senator J.L. Perchard:

But no written brief?

Senator S.C. Ferguson:

And I missed the second meeting entirely.

Senator J.L. Perchard:

No written brief?

Senator S.C. Ferguson:

I have not had a written brief, no.

Senator J.L. Perchard:

That is quite important.

Deputy J.A.N. Le Fondré:

It is a flexible, fluid process on the questions and looking at our colleagues or friends in the public area it is a first sitting and we are just trying to get information together. But one thing that just struck, you said there were 2 adverts but the second advert, presumably that is local adverts, was only because ... what did you say, it was a lack of response from the first advert?

Senator S.C. Ferguson:

All I can say is that on 25th January I got an email saying that: "In total 14 candidates applied for the position of chairman and 38 for the non-executive positions. Eleven of the non-executive applications were local. However, a second advert will be placed in the *J.E.P. (Jersey Evening Post)* in order to try and attract further candidates."

Deputy J.A.N. Le Fondré:

All right. So that is basically the result of the adverts. We have got a copy of an advert on 9th December.

Senator F. du H. Le Gresley:

We have got the one on the 27th as well.

[13:45]

Senator S.C. Ferguson:

Then it says: "The recruitment panel [which is obviously the main panel] will meet in the coming weeks to shortlist the N.E.D. applicants."

Deputy J.A.N. Le Fondré:

Okay. I will move on to 7 then. We are getting on to full and short lists and basically the question that we have got down is: were you supplied with a full or short list of candidates for chairman or N.E.D.s? I think I know what the answer is, then I will let Alan go with his query.

Senator S.C. Ferguson:

No, we were not given the full list. I do not know what it was. We did not take part in the shortlisting. The main panel had shortlisted the candidates. We received a full pack but only for the shortlisted candidates.

Senator A. Breckon:

You said, Sarah, that of the non-execs there were 38 applications and 11 had some local connection?

Senator S.C. Ferguson:

Yes.

Senator A. Breckon:

Were you given any breakdown about the age of the applicants or gender or any other information at all about them?

Senator S.C. Ferguson:

No.

Senator A. Breckon:

So there was nothing from the long list that you were given. Who shortlisted them, do you know?

Senator S.C. Ferguson:

What is termed the recruitment panel.

Senator A. Breckon:

Were you given any information as to why some were in and some were out?

Senator S.C. Ferguson:

No.

Senator A. Breckon:

So they never said: "These are the 5 criteria we are looking for, apart from the advertisement, and this is what we have come up with"?

Senator S.C. Ferguson:

No. We had a summary which made comments about the candidates and graded them but we were not given anything specific about the basis on which they were shortlisted.

Deputy J.A.N. Le Fondré:

When you say comments about the candidates and graded them, that is of the shortlist?

Senator S.C. Ferguson:

A summary. This is the recruitment agency.

Deputy J.A.N. Le Fondré:

Yes. Of the shortlist?

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

Still nothing to do with the main list?

Senator S.C. Ferguson:

Nothing to do with the main list, no.

Senator F. du H. Le Gresley:

Can I just check, Sarah, what you just said there? You said that the main panel was responsible for shortlisting. Do you know that for a fact or do you think it was the agents, Odgers Berndtson, who did some of the shortlisting? That would normally be part of their role.

Senator S.C. Ferguson:

I am just quoting and it says: "The recruitment panel will meet in the coming weeks to shortlist the non-executive applicants."

Senator F. du H. Le Gresley:

That is fine. I just needed to clear that up.

Senator A. Breckon:

If there were 11 local applicants, or with a local connection, do you know why it was re-advertised? Was somebody making a judgment at that stage, do you know?

Senator S.C. Ferguson:

All I know is that: "A second advert will be placed." I am sorry I cannot give the rationale.

Deputy J.A.N. Le Fondré:

The results, at the end of the day there were 12 local applicants, were there not?

Senator J.L. Perchard:

What is the date of that email?

Senator S.C. Ferguson:

The date of that email is 25th January.

Deputy J.A.N. Le Fondré:

So, if my recollection is right, and somebody can please correct ...

Senator J.L. Perchard:

It is before the second advert.

Deputy J.A.N. Le Fondré:

Yes, but what I meant was the second advert did generate an extra local candidate; is that correct? You said you had 11 up to the date.

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

Then I believe we were told that there were 12, were there not?

Senator F. du H. Le Gresley:

Twelve.

Deputy J.A.N. Le Fondré:

Yes, okay.

Senator J.L. Perchard:

Just a single extra local candidate.

Deputy J.A.N. Le Fondré:

Anything else from 7 or shall I keep moving on?

Senator J.L. Perchard:

Are you able to give us a copy of that email for our records? There is presumably an email exchange there between you and ...

Senator S.C. Ferguson:

I would have thought so. I do not think there is any problem with that, is there, or do we have to ask the people at the other end?

Scrutiny Officer:

I think I will check with the department.

Senator J.L. Perchard:

There is an email exchange between you, Sarah, and who?

Senator S.C. Ferguson:

Policy and Research Officer.

Deputy J.A.N. Le Fondré:

What I think we have got to do is, because I imagine a number of the panel people, the people that are in front of us, will have had documentation given to them, we have got to just clarify exactly what we can receive from them as opposed to the department, and that we will do.

Senator J.L. Perchard:

Of course, but if Sarah is happy from her perspective that document could be released and any other person involved in contributing to that email exchange is happy then it can be released.

Deputy J.A.N. Le Fondré:

Yes. That is what we have got to make sure though that the Chief Minister's Department is happy to administer.

Senator J.L. Perchard:

Yes, but we have got that on record then.

Deputy J.A.N. Le Fondré:

Question 8, again I am just doing it for the record to make sure we are going through it. In 6 and 7 above was any explanation as to why candidates had been shortlisted and others eliminated and did you have any involvement or influence over this process? I do not know if you have anything extra to add, have you?

Senator S.C. Ferguson:

No. I am not aware of the criteria except they should have complied with those set out in the document pack which was fairly explicit as to the qualities they would be looking on. If you look at ... oh, the pages are not numbered, but it talked about technical candidate brief. This is particularly the non-executive directors. It says the roles and it describes the main role, the duties, the person specification, and then the non-executives, there is a short introduction and then it talks about the skills and experience that are required: "Independent of mind with no actual or perceived conflicts of interest and technical competence."

Deputy J.A.N. Le Fondré:

That is what is asked about: projects delivery, development project finance, banking, financial oversight, legal aspects of property and infrastructure.

Senator S.C. Ferguson:

Yes, I thought they were pretty good descriptions of what was needed.

Deputy J.A.N. Le Fondré:

It says: "The N.E.D.s are expected to bring career specialist capabilities in at least one and preferably 2 of the above domains."

Senator S.C. Ferguson:

Yes.

Senator A. Breckon:

When you mentioned the shortlisting, Sarah, who in your opinion did the shortlisting?

Senator S.C. Ferguson:

I am told in the emails that it was the recruitment panel.

Deputy R.G. Le Hérissier:

Who are the recruitment panel?

Senator S.C. Ferguson:

Well, the one I met ... I do not know if the structure was constant, if it changed and so on. When we were interviewing the non-executive directors then the panel was comprised of the Minister for Treasury, the Chief Executive of the States, the chairman-designate, a representative of the recruitment agency, a representative of the Appointments Commission and the Assistant Minister for Treasury and Resources.

Deputy J.A.N. Le Fondré:

Which one?

Senator S.C. Ferguson:

Oh, I am sorry, it was the Connétable of St. Peter.

Senator A. Breckon:

Do you know if they actually shortlisted or were they advised that this was to be a shortlist?

Senator S.C. Ferguson:

I do not know.

Senator A. Breckon:

Although it says the recruitment panel, you cannot say for certain whether it was the recruitment panel that shortlisted?

Senator S.C. Ferguson:

No.

Deputy J.A.N. Le Fondré:

That will come out further on as we speak to people, I think.

Senator F. du H. Le Gresley:

This panel, Sarah, is the one for the N.E.D.s because you did not attend the chairman's, so you do not know who was on the recruitment panel for chairman exactly?

Senator S.C. Ferguson:

No. I could only speculate so I am not going to.

Deputy J.A.N. Le Fondré:

Right, shall I move on? I think we have done this one fairly well but just to make sure and see if there are any other points you want to raise. As an advisory panel was your role clearly explained and by whom?

Senator S.C. Ferguson:

Nowhere in the sort of documents I have got is there anything on paper. As I say, I was held up getting to the meeting. It may be then but obviously anything that I might say on my role, how it will be treated by the main panel, et cetera, will be pure conjecture.

Deputy R.G. Le Hérisier:

But when the process got underway, Sarah, what was your understanding of what you were doing?

Senator S.C. Ferguson:

It was not clear as to how our information would feed into that of the main panel.

Deputy R.G. Le Hérisier:

What kind of information were you accumulating to feed into them?

Senator S.C. Ferguson:

Well, we had graded the applicants on the basis of the interviews, because there was a sort of marking system where you gave marks from zero to 5 for answers to particular questions and so on.

Deputy J.A.N. Le Fondré:

Was that outlined, effectively, by the Appointments Commission or a representative on how it all worked?

Senator S.C. Ferguson:

Yes, we went through the scoring system.

Senator J.L. Perchard:

Who particularly, which individual really took charge of managing the States Members' contribution and formalising dates with you? Who actually drove it?

Senator S.C. Ferguson:

Well, I suppose the Chief Minister's Department contacted us and said: "Are these dates suitable?" and those who could turned up and those who could not did not.

Senator J.L. Perchard:

When you arrived at the meeting on the 17th, Sarah, who was there to say: "Right ..."

Senator S.C. Ferguson:

I cannot remember everybody who was there. I know the Chief Minister was in charge.

Senator J.L. Perchard:

The Chief Minister was in charge?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

Can I ask a couple of questions? I will ask the easy one first. Sarah, you said you have read the same document as us about the candidate brief, because we have been looking at the same wording. Were you surprised when the recruitment process is described for the candidates but in fact that recruitment process was not followed when they arrived in Jersey? I will read it because it says: "There will be 3 interview panels for the chair on the day of final interview. Details will be provided to those shortlisted for the post. There will be a single panel interview for the N.E.D.s

and it is anticipated that the newly selected chair should be in attendance.” So did any of you query why that was told to the candidates when in fact the process was different when they arrived?

Senator S.C. Ferguson:

No, we did not. I had not, to be fair, noticed that. I was more concerned with what qualities we were looking for and how that sort of correlated with my own thinking, which it did very well.

Senator F. du H. Le Gresley:

My other question was you made reference to marking the candidates, giving them scores. Was that written records that you kept?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

Were they collected?

Senator S.C. Ferguson:

Those were collected by the Appointments Commission.

Senator F. du H. Le Gresley:

We assume they are still in existence?

Senator S.C. Ferguson:

I have no knowledge but I would think it ... I assume ...

Senator F. du H. Le Gresley:

They have to be kept for a year according to the Comptroller and Auditor General.

Senator S.C. Ferguson:

Well, they were certainly collected by the Appointments Commission representative.

Senator F. du H. Le Gresley:

Did you put your names on them so that they could tell who did which?

Senator S.C. Ferguson:

I am not sure.

Senator F. du H. Le Gresley:

You do not recall? Perhaps you were told not to put your names on them.

Senator S.C. Ferguson:

That is a good question. I do not recall writing a name on them, but first of all they collected and then in fact Julian added them all up for each candidate so there was an overall score. He graded them, I graded them and whoever was there with me we all graded the candidate and the whole thing was added up to give a total score so that you had a balanced view of all the candidates. From that point of view it took out the variation from ...

Senator F. du H. Le Gresley:

The correct procedure.

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

It may be putting words into your mouth but would it be fair to say you would assume that given that you are receiving information, including those of the non-exec directors, that the correct process was being followed? This is going back to Francis' first question.

Senator S.C. Ferguson:

I had assumed that what we were doing was the process that had been laid out. I did not catch that in the recruitment process, which is obviously an oversight. But these things can change. This was the document that was sent out to everybody applying and these things can change between then. I have been on previous appointments boards and it can change, depending on the number of people applying and so on and so forth.

Deputy J.A.N. Le Fondré:

We will get on to ... Are people happy for me to move on?

Deputy R.G. Le Hérisier:

I was just going to ask, were there any written comments on the candidates as well as numbers put against the competencies?

Senator S.C. Ferguson:

Not that were taken in.

Deputy R.G. Le Hérisier:

Not that were taken in, okay. Was there ever any discussion between you and other panel members or was it all done in a ...

Senator S.C. Ferguson:

Oh yes, we did discuss some of the finer points as a group. Not with the other panel, just between ourselves.

Deputy R.G. Le Hérisier:

That was before you put the marks down, Sarah, or that you may recall grading?

[14:00]

Senator S.C. Ferguson:

Well, we kind of discussed it while we were putting the marks down because there were quite constructive comments made about candidates and there was a certain amount of toing and froing about them.

Senator A. Breckon:

Was this done, Sarah, after each candidate had been interviewed or ...

Senator S.C. Ferguson:

Yes. No, no, after each candidate.

Senator F. du H. Le Gresley:

The gentleman from the Appointments Commission was there each time you discussed a candidate who has left the room?

Senator S.C. Ferguson:

No, no, he was with us.

Senator F. du H. Le Gresley:

With you all the time?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

So you had a discussion before you filled in the forms, is that what you are saying?

Senator S.C. Ferguson:

Kind of before and during.

Deputy J.A.N. Le Fondré:

The gentleman for the Appointments Commission was also doing his own grading?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérissier:

In that discussion, Sarah, was it totally focused on what you might call the competencies or the skills and expertise you were assessing? At any point were things brought up that did not appear to be germane to those skills but people in the process of conversation thought they were germane?

Senator S.C. Ferguson:

Not particularly as far as we were concerned. Sorry, you put me off. There was something else I was going to add to it. The interesting thing with the scoring is that, in fact, it was fairly consistent. The appointments gentleman commented on the fact

that we had each had an individual but consistent scoring pattern. We were not all going together and so on. One of us was sort of consistently marking lower, one was in the middle and one was higher but the pattern was consistent.

Senator F. du H. Le Gresley:

Can I ask you, Sarah, if you saw the C.V. that each candidate had to complete as part of their application?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

You did?

Senator S.C. Ferguson:

And the application letter.

Senator F. du H. Le Gresley:

And the application letter, okay.

Senator S.C. Ferguson:

And the summary produced by the recruitment people, because in a number of cases they had, in fact, spoken to employers of the particular people who were applying where it was appropriate.

Deputy J.A.N. Le Fondré:

Shall I move on? Okay, so on 10, what was the role of the Jersey Appointments Commission in the process from your perspective?

Senator S.C. Ferguson:

They were advisory and supportive. They were not trying to influence us with any of the candidates. There were not any particular comments made other than almost objective questions: "Do you think that the candidate satisfied A, B, C or D?" something like that. There was no hint of trying to dictate our recommendations and so on. It was all, as I say, advisory and supportive. Yes, because of the low numbers of Members attending the interviews the Appointments Commissioner did ask some of the questions but that was really to spread it out among the people there because there were only 2 States Members on both occasions. I have said before in the first week it was Deputy De Sousa and myself, in the second week it was the Deputy of St. John and myself.

Deputy J.A.N. Le Fondré:

Did you mention, sorry, the Connétable of St. Helier somewhere?

Senator S.C. Ferguson:

Yes, but I never saw him.

Deputy J.A.N. Le Fondré:

He was potentially there or he was there for the briefing of the 17th or something, was he?

Senator S.C. Ferguson:

Yes. I do not know about subsequent meetings.

Senator J.L. Perchard:

Your view of the process then, it must be like mine that Deputy de Sousa was replaced on the second interviewing by the Deputy of St. John. The people who were being interviewed were being marked differently.

Senator S.C. Ferguson:

I think there is an element of inconsistency in it which is unfortunate.

Senator J.L. Perchard:

There has to be, to say the least. You just described how the votes varied quite significantly on one sitting, on one set of hearings or interviews. I imagine if you change the personnel that will be ...

Deputy J.A.N. Le Fondré:

It is well that Sarah should respond to that one, because from my understanding you were saying that between the 3 individuals in any one meeting there was a different voting pattern?

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

But was that necessarily a significantly different voting pattern between the 2 meetings or was that due to the candidates? Does that make sense?

Senator S.C. Ferguson:

I suppose when you get these numbering systems, you will get some people who will always mark high, there are some people who will always mark low and some are sort of in the middle. The patterns were consistent per the individual.

Deputy J.A.N. Le Fondré:

Yes, okay.

Senator J.L. Perchard:

Over the 2 sets of interviews how many candidates were interviewed? Can you remember on the first occasion and the second one?

Senator S.C. Ferguson:

The first occasion there were ...

Senator F. du H. Le Gresley:

There were a total of 8, were there not?

Senator S.C. Ferguson:

Yes, there were ..

Senator F. du H. Le Gresley:

Probably 4 in each then was it? Do you remember?

Senator S.C. Ferguson:

No, the ... sorry, off the top of my head.

Senator J.L. Perchard:

Okay, but the important point ...

Senator S.C. Ferguson:

I have got timetables here.

Senator J.L. Perchard:

The important point, Sarah, is though the scoring was undertaken by different personnel at the 2 ...

Senator S.C. Ferguson:

The problem is the fact that there was inconsistency. I was the only person who had interviewed everybody.

Senator J.L. Perchard:

Would you describe that as unsatisfactory and unfair on the candidates?

Senator S.C. Ferguson:

Well it depends on the weighting the main panel gave the T.A.P.

Deputy R.G. Le Hérisier:

What was the weighting, Sarah?

Senator S.C. Ferguson:

I do not really know why we were there, frankly.

Deputy R.G. Le Hérisier:

Are you suggesting that you ... did you start to get the impression that your views were of not great consequence?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisier:

How did that come forth, so to speak?

Senator S.C. Ferguson:

There was a divergence of opinion and not much discussion.

Deputy R.G. Le Hérisier:

Where did this divergence occur?

Senator S.C. Ferguson:

At the very end. This was the non-executives. I believed there was not a divergence over the choice of chairman.

Deputy J.A.N. Le Fondré:

Are we happy to move on to 11? Is there anything else you want to add at this stage or will say it at the same time as I think you would like us to go into a private session briefly? Do you want to do it at this stage or do you want to add anything?

Senator S.C. Ferguson:

No, I think we have pretty well covered everything. I do have some comments to make which I would prefer to make in private session.

Deputy J.A.N. Le Fondré:

Okay.

Senator A. Breckon:

Sarah, can you just tell us how you accumulated that bundle of papers, was it emails?

Senator S.C. Ferguson:

These are all emails.

Senator A. Breckon:

You mentioned earlier something about the documents from the agency, the people involved in the recruitment process, they were supplying you with some sort of background papers, were they?

Senator S.C. Ferguson:

Yes, emails.

Senator A. Breckon:

Just emails, it was not ...

Senator S.C. Ferguson:

Yes, I printed all these off.

Senator J.L. Perchard:

On 10 there, before we popped over, we were just exploring some differentials between the 2 panels and Sarah was questioning whether the Transition Advisory Panel was evaluated. I thought perhaps we would expand on that as initially she was enthusiastic about her appointment but, Sarah, you were saying you did not feel that you were adding any value. Could you expand on that, the Transition Advisory Panel, in particular, not you.

Senator S.C. Ferguson:

I felt that with the more open government and transparency that it was a useful tool and I think perhaps partly the fault of us by (a) not having sufficient numbers of people attending and (b) unfortunately people not being able to attend consistently. Obviously, there are matters beyond one's control but it would have been better I think if my colleagues had been able to attend.

Deputy J.A.N. Le Fondré:

It was compounded by the fog problem I presume, which meant it was delayed.

Senator S.C. Ferguson:

It was exacerbated by the fog, yes.

Senator J.L. Perchard:

You said a moment ago: "You do not know why we were there." Would you expand on that then? Is it because you were not able to offer a consistent ...

Senator S.C. Ferguson:

Not in public session, I will not.

Deputy R.G. Le Hérisier:

But is there any way, Sarah, you can explain, now, sort of from what you might call a process point of view, where in your view, given that sort of comment, things have gone wrong, once you started to reflect on the process. You do not have to name names necessarily but it would be good if you could give us your analysis of where things appear to have gone wrong.

Senator S.C. Ferguson:

It would have been good to have had the terms of reference set out more clearly so that everybody knew what we were meant to be doing and with what effect, or to what effect. I think this is the big lesson to learn, that if you are going to use an advisory panel then you have to think very clearly about why you want an advisory panel. Is it there for decoration or are you going to draw on the experience of the people on the panel?

Deputy R.G. Le Hérisier:

You said it became obvious to you, it appeared at one of the final meetings that you did not have a terribly important role. How did it become obvious to you?

Senator S.C. Ferguson:

I think from the length of the discussion.

Deputy R.G. Le Hérisier:

What, agreement was not being reached?

Senator S.C. Ferguson:

The discussion was abbreviated.

Deputy R.G. Le Hérisier:

Sorry, just to get the context, you were all brought into one room. Is that correct?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisier:

Who chaired that particular session?

Deputy J.A.N. Le Fondré:

Sorry, is that with the recruitment panel?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisier:

Who chaired that session?

Senator S.C. Ferguson:

It was not clear.

Deputy R.G. Le Hérisier:

What announcements were made about why you were all there together?

Senator S.C. Ferguson:

Well, no, it was more, you know: "What have you come up with? This is what we have come up with."

Deputy R.G. Le Hérisier:

The idea then was to pool your different findings; was that the intention?

Senator S.C. Ferguson:

It may have been but the discussion was abbreviated.

Deputy R.G. Le Hérisier:

How long did it take, that particular discussion?

Senator S.C. Ferguson:

Five minutes.

Deputy R.G. Le Hérisier:

Five minutes.

Deputy J.A.N. Le Fondré:

Then that was then the end of the meeting was it?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

Were the members of the technical panel in that final meeting as well?

Senator S.C. Ferguson:

That was the panel which I have described, earlier on this afternoon, what was termed by the Chief Minister's Department the recruitment panel.

Senator F. du H. Le Gresley:

Yes, but there was a technical panel as well who met the candidates, which was made up of Andrew Scate, Mike Waddington.

Senator J.L. Perchard:

John Bisson and Peter Cresswell(?). The Senator is not aware of this technical panel. In her earlier evidence she said there were 2 panels.

Senator S.C. Ferguson:

No, I was not aware of that one.

Senator F. du H. Le Gresley:

There were 3 panels.

Senator J.L. Perchard:

There were 3 panels?

Senator F. du H. Le Gresley:

Yes. But when they came to the final decision, when you got together, none of the technical panel were there?

Senator S.C. Ferguson:

No.

Deputy R.G. Le Hérissier:

Were their findings fed into that meeting?

Senator S.C. Ferguson:

I do not know. I cannot comment on that.

Deputy J.A.N. Le Fondré:

You have had 2 days on 21st February and 28th February, which is the interview process, and then there was a meeting that we are talking about, effectively immediately after that on the 28th. Was it held on a later date or was it on the end of each of the 21st and the 28th?

[14:15]

Senator S.C. Ferguson:

No, the final meeting was after the 2 meetings.

Deputy J.A.N. Le Fondré:

It was on the 28th, or on a separate day?

Senator S.C. Ferguson:

It was after we had finished all the interviews we went through into the other room.

Now, you have really thrown me. I do not remember seeing Andrew Scate and David

...

Senator F. du H. Le Gresley:

Sorry, I have just read something incorrect that I have said there. I have just read that they were only used for the selection of the chairman and you were not at the chairman selection.

Senator S.C. Ferguson:

Thank you. I was beginning to think I had missed people.

Deputy R.G. Le Hérissier:

Can we explore this meeting? So you were brought to this room, without naming names, I should add, necessarily, if that is going to be an issue. You were brought to this room, it was not clear who the chairperson was of this meeting, but somehow, some sort of ... it was not ... just by osmosis, some feeling sort of emerged that you were there to make the final decisions. Is that correct?

Senator S.C. Ferguson:

No, we were there to report on our findings. So we gave our findings.

Deputy R.G. Le Hérissier:

You gave your findings?

Senator S.C. Ferguson:

That was it.

Deputy J.A.N. Le Fondré:

The findings were for both days, for the 21st and the 28th, and then after that discussion ... Yes, I suppose that is the next question. The meeting concluded you said very swiftly, finalised some things and then was that, from your point of view, the end of the process or were there any further stages?

Senator S.C. Ferguson:

There were no further stages.

Deputy J.A.N. Le Fondré:

Right, and no further communications apart from ...

Senator S.C. Ferguson:

No. That was it.

Deputy R.G. Le Hérissier:

So did the meeting conclude with the reading out of a list of successful candidates or did a group of people say: "We will now go away and have ..."

Senator S.C. Ferguson:

Well, it concluded with a selection.

Deputy R.G. Le Hérissier:

So you were told: "This is the selection"?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérissier:

That occurred all in the space of 5 minutes?

Senator S.C. Ferguson:

Well it might have been 10, but it was certainly very short.

Deputy R.G. Le Hérissier:

Did the so-called decision-maker group remove themselves and say: "We are going to go away and have a chat to consider your information, your findings?"

Senator S.C. Ferguson:

No.

Deputy R.G. Le Hérissier:

So there appeared to be no examination of your findings, as far as you were aware?

They did not go away and say: "We must take these on board and think about them?"

Senator S.C. Ferguson:

No.

Deputy R.G. Le Hérisier:

So would it be fair to say - and this is a leading question, if I may be permitted - you had gone to a meeting where there was a predetermined conclusion?

Senator S.C. Ferguson:

You could say it like that or you could say that there were 2 different conclusions and one of them was not regarded.

Deputy J.A.N. Le Fondré:

I am cautious because I am kind of on that cusp of where are we going. Is there anything else in general terms that people want to ask?

Senator J.L. Perchard:

Would you think that the Transition Advisory Panel, you are representing the view of the whole panel and what you have just told us there, I think if the whole panel means you ...

Senator S.C. Ferguson:

Well, I was the only one there because my colleague had had to leave because he had a hearing. So it was just me.

Senator J.L. Perchard:

So you were the only one there? Okay.

Deputy J.A.N. Le Fondré:

That was at the final meeting after the interview process?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

So the Deputy of St. John was not with you?

Senator S.C. Ferguson:

No.

Deputy R.G. Le Hérissier:

In terms of the officer holder as opposed to the name, although all boards sound the same, who made the announcement of the final selection?

Senator S.C. Ferguson:

The Minister for Treasury and Resources.

Deputy R.G. Le Hérissier:

The Minister for Treasury and Resources.

Senator S.C. Ferguson:

I am just trying to recall. As far as I can recall, certainly.

Senator A. Breckon:

You mentioned earlier about the Chief Minister. What was the Chief Minister's involvement?

Senator S.C. Ferguson:

He was not there.

Senator A. Breckon:

No, but he had been initially with the some of the meetings? Why was he ...

Senator S.C. Ferguson:

He had been with the chairman's meetings, the meetings of the interviews for the chairman. He had been with the T.A.P. for the chairman's selection, or at least I understand he was. You would have to check on that. But, certainly he was on the question list as being attending but he certainly was not for the non-executives.

Deputy R.G. Le Hérisier:

Without going into names again, was any rationale given for the final selection when the announcement was made, where you said: "We have reviewed everybody and these particular points impressed us in terms of A, B and C?"

Senator S.C. Ferguson:

No.

Deputy R.G. Le Hérisier:

No, it was just literally a list as ...

Senator S.C. Ferguson:

Well, there were one or 2 comments made, which I am not going to repeat.

Deputy R.G. Le Hérisier:

They were of a personal nature; would that be fair to say?

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

How soon was this summing-up meeting after the final candidates had been seen by your panel? Was it a very short space of time?

Senator S.C. Ferguson:

There may have been a slight space but it was not long. I would not like to hazard a guess as to the length of time.

Senator F. du H. Le Gresley:

But the recruitment panel would have seen them before you?

Senator S.C. Ferguson:

Some of them the recruitment panel saw them before us, some of them we saw before the recruitment panel. Because it had to be reorganised, it was not, perhaps, quite organised to the same degree as the first one. Again, I have got copies of the list but you will have to check to see if I can give them to you.

Deputy R.G. Le Hérissier:

Although you were advisory, obviously you were taking the process very seriously and, as you said, you had marked and you made written comment. Again, without having notes, when the successful candidates were announced, was there a great divergence between the conclusions you had reached and the conclusions reached elsewhere?

Senator S.C. Ferguson:

In the first set of interviews for the chairman there was no divergence. In the second set there was a degree of divergence.

Deputy R.G. Le Hérissier:

How much would you say?

Senator S.C. Ferguson:

There was a degree of divergence.

Senator J.L. Perchard:

Did your panel choose your favourite or your preferred 3 in non-executive directors for the States of Jersey Development Company? Did you come up with 3 preferred names?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

You say there was a degree of divergence. Were any of the 3 names that you chose chosen finally?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

How many of them?

Senator S.C. Ferguson:

No, I am not going into the details.

Senator J.L. Perchard:

Right, but there was a degree of overlap?

Senator S.C. Ferguson:

Yes, there was a degree of overlap or a degree of divergence, whichever way you want to take it.

Senator F. du H. Le Gresley:

It is difficult but the Deputy of St. John made a statement in the House, and I do not know if you are prepared to comment on it yet. But what has puzzled me about his statement was that, and I will read it, the sentence anyway: "Myself and colleagues were informed by our officer that the candidate was a preferred candidate of the panel prior to even interview for that part of the process." The Deputy of St. John was involved with the selection of the chairman and on your second sitting for N.E.Ds. When he refers to "our officer" who do you think that might be?

Senator S.C. Ferguson:

That would be, I would ... you will have to ask him, because frankly ...

Senator F. du H. Le Gresley:

I just wondered if you felt there was an officer present with you.

Senator S.C. Ferguson:

The only third party with us was a representative of the Appointments Commission.

Senator F. du H. Le Gresley:

Mr. Rogers?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisssier:

Just to ask, because I do have a resistance if we are going to go too prematurely into private or indeed go into private, are there are other comments you wish to make about the process and where it may have gone awry?

Senator S.C. Ferguson:

I think to go back to my previous comments that it would have been a good thing to have had a formally set out scoping document in terms of reference, much as we do for a scrutiny review. If you are going to encourage States Members to get involved with these sorts 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 appointments side of it. I have no criticism of the Appointments Commission; they did what they were meant to do. I think the problems arose more within the States in that our role was perhaps, again ... no, our role was not formally set out in a clearly written document so that the States Members knew what was expected of them and what impact they could have on it, what the terms of reference were and so on. I think this is the problem.

Senator J.L. Perchard:

Yes, I can understand that. I have just got one final question I want to ask you. You have described how your Transition Advisory Panel came up with, through a scoring mechanism, your list of 3 preferred non-executive candidates for the position of non-executive director. That differed with another panel's choice and that can be an innocent ...

Senator S.C. Ferguson:

Absolutely, yes. That is no problem.

Senator J.L. Perchard:

Do you suspect that it was not an innocent ...

Senator S.C. Ferguson:

I have no idea.

Senator J.L. Perchard:

The fact that you were not prepared to speak in the Assembly on this, give any information, implies that you do not think it was just an innocent ...

Senator S.C. Ferguson:

No, no, you did not hear me speak in the Assembly. I did speak in the Assembly.

Senator J.L. Perchard:

Sorry, I have got a copy of what you said.

Senator S.C. Ferguson:

I did say that I felt that I could have debated it, not in camera.

Senator J.L. Perchard:

Yes, you did.

Senator S.C. Ferguson:

Yes, I could. I think the real problem has been the process as much as anything, that it was not clearly set out from the very beginning.

Deputy R.G. Le Hérisier:

Sorry, I have to carry on with this. When these 2 groups came together, had it been explained to you, for example, that essentially the process was about the totting up of numbers and once that had occurred there was no discretion to the panel once the numbers had been totted up. Was that what was described to you as being the way the decision was reached, or was there a lot of discretion put into it which might have worried you, for example?

Senator S.C. Ferguson:

It was not made clear to us as to what the results of our particular totting up ... Excuse me, may I have some water please? It was not made clear to us as to what the results of our totting up would be and where they would be applied.

Senator F. du H. Le Gresley:

But, Sarah, you said that during the process of doing these interviews with the candidates you scored on individual sheets and the person from the Appointments Commission totted up scores, if you like.

Senator S.C. Ferguson:

Yes.

Senator F. du H. Le Gresley:

So, do you know if those summing-up totals were passed to the recruitment panel?

Senator S.C. Ferguson:

I do not know what Mr. Rogers did with them after he took them, no?

Senator F. du H. Le Gresley:

Did he leave the room and leave you on your own at any stage?

Senator S.C. Ferguson:

No.

Senator F. du H. Le Gresley:

No?

Senator S.C. Ferguson:

No, he ... just a minute. I think he went across to see if they were ready to see us.

There was, as I say, a slight hiatus.

Senator F. du H. Le Gresley:

He did not say: "I am taking our summaries into the main panel for them to look at" or something like that?

Senator S.C. Ferguson:

Not that I recall. I do not know what happened to our summaries and how they were used.

Deputy J.A.N. Le Fondré:

I think that will, perhaps, be something we raise when we ...

Senator F. du H. Le Gresley:

Yes, but the impression that the Senator is giving us is that their scores were not passed on.

Deputy J.A.N. Le Fondré:

But Sarah can only tell us what she knows rather than ...

Senator S.C. Ferguson:

I do not know what happened to them after he got them in his hot little hands.

Senator F. du H. Le Gresley:

The member of the Appointments Commission did not leave the room until they were ready to meet with the main panel. We assume they never moved from one room to another.

Senator S.C. Ferguson:

As I say, as far as I recall, he nipped across to see if they were ready for us but it was not very long. It was 5, 10 minutes, something like that.

Deputy J.A.N. Le Fondré:

Between the end of your interview and you going in?

Senator S.C. Ferguson:

Yes.

Deputy R.G. Le Hérisier:

No, no, between the end of your interview and the announcement of the successful candidates. That is what you said earlier.

Senator S.C. Ferguson:

Going into the other room, yes.

Deputy J.A.N. Le Fondré:

Finish process, 5 to 10 minutes, then go into room, 5 to 10 minutes.

Senator S.C. Ferguson:

As I recall. I would not like to be tied down to the nearest minute.

Senator J.L. Perchard:

That is why probably, had it gone to a vote, as you are quoted in Hansard as saying, you would have probably voted against the whole substantive proposition?

[14:30]

Senator S.C. Ferguson:

Yes. I did in fact at the time say to the main panel that I did not agree and I could not support it.

Deputy R.G. Le Hérissier:

What reasons did you give them for saying that?

Senator S.C. Ferguson:

Well, because obviously I was not agreeing with them.

Deputy J.A.N. Le Fondré:

Has anybody got any further questions?

Senator F. du H. Le Gresley:

When you say you did not agree, you did not agree with the final selection, because you said you agreed with one of the candidates because you had put them ...

Senator S.C. Ferguson:

I did not agree with the ... as I say I cannot comment on the chairman's point because I was not there for that but, no, I did not agree.

Senator J.L. Perchard:

There is bound to be a ...

Senator S.C. Ferguson:

But that could be ... I mean, yes, it could quite easily ... somebody could say: "Well it is just your personal opinion." I am aware of that.

Senator J.L. Perchard:

It is not really about the choice of the 3 non-executive directors, is it; it is the process?

Senator S.C. Ferguson:

I think the principle of the process is good because I think to bring States Members into a process like this is a very good thing. It is unfortunate that it got off to a bit of a cack-handed start, as I say, going back to your terms of reference and that sort of thing. If the process can be improved on then I think it is a very good thing, because I know in other jurisdictions the ... what do you call it, not the scrutiny panels, the ...

Senator A. Breckon:

Assessment senators?

Senator S.C. Ferguson:

No.

Male Speaker:

Select committees?

Senator S.C. Ferguson:

Select committees, thank you. The select committees do, in fact, interview people for senior positions and I think this is a good thing because you do not just get people parachuted in, or at least you get a broader view of opinion before you start with something. I think this was a brave attempt to be more inclusive but, unfortunately, it needs a bit of tuning up before we get it going properly.

Deputy J.A.N. Le Fondré:

I have got one more question.

Senator F. du H. Le Gresley:

So have I.

Deputy J.A.N. Le Fondré:

I will let you go.

Senator F. du H. Le Gresley:

I was just going to say can you identify in your mind exactly at what point you realised that the process had been, from your prospective, a waste of time?

Senator S.C. Ferguson:

I do not think it has been a waste of time, because I learnt a lot.

Senator F. du H. Le Gresley:

Yes, but you said that you thought from the outset you were part of the selection of these candidates. There must have been a point where you realised you probably were not part of the selection.

Senator S.C. Ferguson:

At the very end.

Senator F. du H. Le Gresley:

At the very end when you sat in the room with the recruitment panel?

Senator S.C. Ferguson:

Yes.

Senator J.L. Perchard:

I get the impression the Senator wants to tell us more and I think we are pressing against the closure at the moment.

Deputy R.G. Le Hérissier:

Continuing, despite your heavy hint, of course, had your role been even mandatory as opposed to advisory you could well have been outvoted because of the structure that they may have given or the weighting they may have given to the outcome from the 2 different panels and that is just the name of the game, obviously. So what was there that made you particularly upset at the end when your view was not taken on board?

Senator S.C. Ferguson:

I suppose you could always say that I was just miffed at not being listened to. There is always that view of it, so I think you just have to weigh it up and decide whether perhaps that is the question.

Deputy J.A.N. Le Fondré:

Anything else?

Deputy R.G. Le Hérisier:

No.

Deputy J.A.N. Le Fondré:

I am just going to ask one, which I hope is an easy one. It is not one we have covered but I do not want to set another hare running particularly. The involvement of the actual recruitment agents, was there much interaction between them and yourselves?

Senator S.C. Ferguson:

No.

Deputy J.A.N. Le Fondré:

I am going to stop. I have asked mine already. I am going to stop now. I suggest we stop there. I am presuming you would like to make some comments to us in private session?

Senator S.C. Ferguson:

Yes.

Deputy J.A.N. Le Fondré:

Yes, okay. In which case if I can ask the members of the public ... Thank you very much.

Member of the Public:

Before we go, Mr. Chairman, can I just ask you in the interests of ... We have heard so much about transparency, clarity and the need for removal of doubt in these procedures. Can you just clarify that this decision to go into private session is at the panel's wish or is it acquiescing to the witness' wish? Can you tell me a bit more about the motivation?

Deputy J.A.N. Le Fondré:

Under the Codes of Practice for Scrutiny you are allowed to go into private session if you are going to touch on private, confidential or sensitive matters. The impression I have at this stage, and I believe from other panel members and also from Senator Ferguson, is that the issues she wishes to raise are going to be something along those lines.

Member of the Public:

Will the transcript of this hearing include what is said in the private session?

Deputy J.A.N. Le Fondré:

The private sessions are not put onto the website or published

Member of the Public:

If it transpires that what you do say does not raise any matters of particular private matters will it go in the transcript?

Deputy J.A.N. Le Fondré:

If it is a private session, it remains a private session.

Member of the Public:

Regardless of what is in it?

Deputy J.A.N. Le Fondré:

I believe so. I emphasise this is my first scrutiny review so I believe ...

Senator J.L. Perchard:

I think it might help, Mr. Chairman. There has been a request made by Senator Ferguson to talk to us in private; we have acceded to that request.

Member of the Public:

It is not for my benefit. It is for the public's.

Deputy J.A.N. Le Fondré:

That is okay. Thank you very much. Do people want a one minute or a 5 minute break?

[14:36]