
STATES OF JERSEY



JERSEY APPOINTMENTS COMMISSION: ANNUAL REPORT FOR 2012

**Presented to the States on 15th July 2013
by the Chief Minister**

STATES GREFFE



Annual Report for 2012

APPOINTMENTS COMMISSION - ANNUAL REPORT FOR YEAR 2012

APPOINTMENTS COMMISSION

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CHAIRMAN'S REVIEW 2012

This is my first report as Chairman of the Appointments Commission, having only been appointed during September 2012, albeit that this has followed several years as a Commissioner.

During the time I have been involved with the Commission, I have recognised the dedication of States of Jersey personnel and never more so than in recent times when they have had to face so many challenges.

Their continuing commitment will become even more necessary in the years to come, as politicians grapple with the various problems that face our society, largely due to the current economic climate. This will include certain re-structuring of the Civil Service, a difficult task and although redundancies are not involved during this stage of the process, it will need to be handled in a sympathetic and professional manner, with an increasing level of communication between senior management, their staff and indeed the Commission.

The States Human Resources Department will be central to whether the States succeed or fail in its endeavours and deserve a particular mention as they provide myself and the other Commissioners with substantial administrative support in respect of our responsibilities overseeing appointments to Quangos and those relating to States' senior recruitment.

Quangos

Non Government Organisations (NGOs) meet various requirements in our society and are represented by a large number of diverse operations. In the UK, this type of body has received a degree of criticism: indeed many have now been wound up as they were seen as an unnecessary extra layer of bureaucracy and require substantial funding. In Jersey, the situation is very different and the operation of these Quangos annually saves the States large sums, as the membership of the great majority of such organisations is made up of volunteers. We are indeed fortunate that we have so many people willing to give their time and expertise for the benefit of the Island.

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Whilst they operate professionally and in accordance with the specific Code covering such organisations, we attempt to maintain a higher degree of flexibility than in senior recruitment but without it being allowed to jeopardise good practices. This attitude is particularly necessary in respect of terms of office, as notwithstanding my earlier comment, it is becoming increasingly difficult to recruit sufficient volunteers of a suitable calibre, for certain types of Quango.

The political arena

Over recent years there has been some discussion in these Reports concerning involvement by politicians within areas in which the Commission was formed to operate. Ministers and Assistant Ministers are usually very supportive; recognising that the Law that brought the Commission into being was necessary in order to provide independence from undue political influence and instil a higher level of clarity and transparency to the recruitment process.

Providing politicians operate within the Codes' parameters therefore, we welcome their support: indeed it is imperative that they are involved with certain aspects of recruitment. Invariably, when problems do arise they are well intentioned and are usually due to the lack of understanding of the Codes, which are regularly updated and detailed on the Government's own website.

Civil Service recruitment

There is a fairly even split between those Chief Officers that have been recruited locally and those that have not. The concern, which has been mentioned from time to time by past Chairmen however, that there should be more local civil servants being groomed for higher office, nevertheless remains appropriate.

Although certain action has been taken to improve matters, more could be done in respect of this issue so that at some stage in the future the great majority of Chief Officers and equally as important, senior personnel below this rank but nevertheless decision makers, are drawn from local sources.

There are however, several reasons for an insufficient degree of success in this area. UK, Guernsey or even local secondments, both internal and external, would help develop individuals, more attention could be given to proper succession planning generally and there should be more rigorous performance assessments undertaken.

Most importantly, higher levels of consideration should be given to what we really require from a senior appointee. After all, our population is no more than that of a large English town so do we need the very best we can attract nationally or

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internationally in every area or an excellent local candidate that perhaps with a little further development could compete with the best?

I believe we need a mix and whilst this comment may be considered as contrary to the ethos of the Commission, the subject of proportionality is an important one.

There are difficulties to overcome beyond the obvious ones however, such as convincing entirely able local personnel to put their heads above the parapet, without the fear of later being chastised by politicians or the media. In addition, secondments and courses may not always find favour with selected personnel. In these circumstances, it must be accepted that outside recruitment may prove necessary: one can take a horse to water but cannot make it drink.

The situation is not helped however, when the employer provides fixed term contracts to non-local appointees and then allows them, without reference back to the Commission, to remain in post well beyond the end of their contracts or even permanently. When this occurs it is usually because little or no attempt has been made for succession planning, even though such intentions are at times clearly written into the appropriate contract as being part of the imported employee's duties.

There have even been fears expressed that the terms of local employment law or even human rights legislation could result in such employees suing the States, should they be expected to leave on the expiration of their contracts. To my mind this is a totally unacceptable situation and should be properly considered and if with any substance, addressed without further delay.

There is an equally concerning situation once we recruit from outside the island – how do we keep the new incumbent? How often have such people left after a relatively short time because they have become disenchanted with our system or us with them? In recent years politicians and civil servants have done much to provide a fuller understanding to applicants for senior appointments of what may be expected by taking up a post in Jersey but the reality is often very different to the successful applicants perceived views, which initially can be clouded by the undoubted benefits of living in our Island.

It must be recognised that there are significant costs in recruiting senior individuals, particularly if search agents are employed. In addition to such direct costs, the indirect costs of disruption and time wasted can be considerable.

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I agree with comments in earlier reports therefore, that one of the Commission's greatest challenges continues to be striking a balance between firmness and flexibility in its regulatory approach and in taking seriously its responsibility, jointly with the employing Ministries, for ensuring that off-Island recruitment is used only where there is no suitable local pool of candidates. At times it therefore has to be accepted that some delay may be encountered whilst seeking such a locally qualified person and the lack of success then requiring the process to be re-started outside of the Island.

This brings me to the question of another form of delay, that of arriving at a decision concerning when the selection process should be commenced. Any loss of time in firstly searching, in appropriate instances, for local candidates and then being obliged to go off-island is minor when compared with the period that States employees may be asked to act-up in a more senior capacity. At times this develops into lengthy periods, often well in excess of a year and sometimes for several years, which is totally unreasonable and well outside the normal period as specified within the States Human Resources' internal guidelines.

If they are eventually formally appointed, usually still through open or possibly restricted competition, the trauma of uncertainty soon dissipates but if the incumbents fail to be appointed, especially if their performance has been beyond reproach, their worth as employees in the future may be seriously compromised, as well as adversely affecting them from a personal perspective.

It should also not be forgotten that any such problems can have a detrimental effect on the general public, from the perspectives of quality and speed of service delivery to much more serious situations, even to the extent that the population's health and well-being could be affected.

Our aim is to be pragmatic and has been particularly driven by the inevitable compromises involved in determining, alongside the employer, the extent of the competition to be applied to particular recruitments. Unfortunately such pragmatism, for the good of the Island, is sometimes seen as an abrogation of the Commission's responsibilities but I would suggest the opposite applies.

A combined approach to the concerns I have raised is required: the resolution of only certain of them is unlikely to have any noticeable long-term effect.

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Summation

Unfortunately, there is not very much new in what I have said: indeed if one reviewed all the Chairmen's Reports since inception of the Commission it appears little has changed in respect of attitudes or even in certain cases practices so a determined effort to address all of the points raised over the years should be made, perhaps by the Commission being permitted to take a lead or at least becoming more directly involved in such matters.

My forthrightness may make a difference over the coming period but in any event, trust it will be accepted that my passion for the Island and for us getting it right, for the good of everyone that calls Jersey home, compensates for what is intended to be constructive criticism contained within this Report.

Complaints

The Appointments Commission investigates all formal complaints of non-compliance with its Guidance and Codes of Practice for Recruitment.

Historically, there have been more concerns expressed by applicants that have not been short-listed than from those that passed that process but then failed to be appointed. I can understand why this should be so and consider one of the Commission's more important tasks in monitoring processes is to ensure that detailed attention is given to this area, particularly if a great number of applications are received, which is often the case and never more so than in this economic climate. Time constraints, whether created due to slowness in commencing the search or because it is considered particularly important that the post be filled as quickly as possible, is no excuse for a rushed selection process.

Complaints should firstly be considered by the responsible States Department so the Appointments Commission is not necessarily aware of all those received, although I suspect that more often than not the guidance of the Commission is sought. During 2012 there have been just two approaches that have reached the Commission about the manner in which particular aspects of an appointment process have been conducted. One however, was a more of a request for feedback rather than a formal complaint, which was dealt with as far as we were permitted to do so within the parameters of legal and confidentiality constraints.

The one specific complaint received, in respect of a Quango, was fully reviewed by the Commission. We were able to confirm to the complainant that the process had been carried out in an entirely proper manner.

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Internal Audit.

This brings me to the question of audits. Due to internal States' financial constraints, in recent years the Commission has been unable to have conducted the required internal audits: indeed until this past year no audits had been undertaken on our behalf by the Internal Audit Department of the States of Jersey since 2006. I am pleased to say that this situation has been resolved and we have been able to request audits with the objective of us meeting our obligations, by having the majority of departments and agencies audited over a three-year cycle. During 2012 the Commission arranged for a variety of States' recruitments and Quangos, within three departments, to be considered.

The areas to be audited over the next period have already been decided upon and these audits will be conducted before the end of 2013.

With the changes anticipated to take place in the civil service and as already indicated, HR efforts will be crucial to success and will not be as effective as required, without the maintenance of at least the current level of internal audit partnership activity. Any reduction in future audit activity therefore, must be firmly resisted.

My first few months as Chairman have been challenging. Each year however, has its own particular challenges and undoubtedly 2013 will be no different. I am confident however, that with the assistance of my fellow Commissioners, HR support and appropriate States' bodies, they will be faced in an appropriate and professional manner.



Brian Curtis MBE,
Chairman
Jersey Appointments Commission.

25th March 2013.

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JERSEY APPOINTMENTS COMMISSION 2012 ACTIVITIES

Appendix A

The Commission met formally on four occasions during 2012 and its Commissioners completed 42 cases, compared to 31 cases in 2011, an increase of 26%. Total expenditure increased proportionately, to some £60,000.

The specification of the cases dealt with during 2012 is provided below, from which it can be readily seen that the great majority related to Quangos.

Senior Appointments completed	Dept.	Extent of Competition
1. Director of Corporate Policy	Chief Minister's	Restricted Internal
2. Chief Inspectors	Jersey Police	Restricted Internal
3. Chief Internal Auditor	Treasury	Restricted Internal
4. Chief Executive	Chief Minister's	Restricted Internal
5. Director of Operations	TTS	Restricted Internal
6. Director of Population	Chief Minister's	Restricted Internal
7. Director of Financial Services	Economic Development	Unrestricted
8. Hospital Director	Health & Social Services	Unrestricted
9. Director of HR Operations		Local
10. Director of HR Organisation Development		Unrestricted

Quango Appointments completed

1. Jersey Development Co. - Chair & NEDs	Unrestricted
2. Commissioners of Appeal Income Tax	Local
3. Skills Jersey Board - Members	Local
4. Complaints Panel - Members	Local
5. Jersey Consumer Council - Members	Local
6. Jersey Financial Services Commission - Member	Local
7. Jersey Financial Services - Member (UK)	Unrestricted
8. Electoral Reform Commission - Members	Local
9. CI Competition Regulatory Authority - NED	Local
10. CI Competition Regulatory Authority - Chief Executive	Unrestricted
11. Jersey Business - Chair and NEDs	Local
12. Jersey Business - Chief Executive	Local
13. Jersey Family Nursing & Home Care - Chair	Local
14. Jersey Family Nursing & Home Care - Board Members	Local

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15. Jersey Family Nursing & Home Care - Chief Executive	Local
16. Community Relations Trust - Member	Local
17. Jersey Digital - Chair	Local
18. Jersey Digital - NEDs	Unrestricted
19. Jersey Digital - Chief Executive	Unrestricted
20. Tourism Shadow Board - Chair	Local
21. Law Society Disciplinary - Panel Member	Local
22. Rates Appeal Board - Member	Local
23. Public Accounts Committee - Member	Local
24. Jersey Employment Tribunal - Member	Local
25. Jersey Child Care Trust - Chair	Local
26. Statistic User Group - Members	Local
27. Jersey Police Complaints Authority - Members	Local
28. Remuneration Review Body - Member	Local
29. Criminal Injuries Compensation Board - Members	Local
30. Jersey Appointments Commission - Member	Local
31. Tourism Development Fund Panel - Members	Local

Exceptions

1. Delegate Registrar	Extension
2. Prison Governor	Extension
3. Finance Director TTS and Environment	Internal slot
4. Chair: JPCA	Internal slot
5. Members: JCRA	Internal slots
6. Jersey Police Complaints Authority - Chair	Internal slot

Not Completed by Year End

1. Comptroller of Taxes, Treasury	Unrestricted
2. Controller and Auditor General	Unrestricted
3. Director of Estates, Treasury & Resources	Local
4. Jersey Finance Board Member	Local
5. Children & Vulnerable Adult Protection C'tee - Chair	Unrestricted