

STATES OF JERSEY



GREFFIER OF THE STATES: CONSENT TO APPOINTMENT

Lodged au Greffe on 25th August 2015
by the Privileges and Procedures Committee

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with the provision of Article 41(3) of the States of Jersey Law 2005, to consent to the appointment of Dr. Mark Egan to the office of Greffier of the States for a period of 5 years in replacement of the present officeholder, Mr. Michael Nelson de la Haye, O.B.E.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

Article 41(3) of the States of Jersey Law 2005 provides that the Greffier of the States is appointed by the Bailiff with the consent of the States.

The present Greffier, Mr. Michael de la Haye, O.B.E., will leave office on 18th December 2015 and the recruitment process to identify a successor to him has now been completed.

As the States of Jersey Law 2005 specifies that the Greffier is formally appointed by the Bailiff, after the States have given their consent, the Bailiff led the appointment process, and the process was overseen and agreed by Dame Janet Paraskeva, Chairman of the Jersey Appointments Commission. The approach to advertising and selection was agreed by the Bailiff, Dame Janet Paraskeva and the Human Resources Department. It was agreed that the position should be advertised on-Island and an advert was published in the Jersey Evening Post on 11th June 2015. It was also agreed that the parliaments and assemblies across the United Kingdom and other Crown Dependencies should be approached to ensure the vacancy was made available to staff for their consideration. The vacancy details were provided to the following –

- The House of Commons;
- The House of Lords;
- Scottish Parliament;
- Northern Ireland Assembly;
- National Assembly for Wales;
- Isle of Man;
- Guernsey.

There were 16 applicants, 8 of whom were locally qualified and 8 who were from outside the Island. The 8 candidates from outside the Island were all from parliamentary bodies as listed above.

A shortlisting meeting was held by the Bailiff, the Chairman of PPC, the Clerk of the Tynwald (specialist adviser), and the Director of Employee Relations and Organisational Development from the Human Resources Department. The meeting was moderated by Dame Janet Paraskeva, Chairman of the Jersey Appointments Commission. All candidates were considered via a shortlisting form to rank their applications. Five candidates who most closely met the essential and desirable criteria for the role were chosen for interview. The interviews took place on 22nd July and 3rd August in Jersey. The Appointments Commission representative was Louise Read to ensure consistency, given Dame Janet Paraskeva was unavailable on 3rd August.

The interview process followed the same format for all candidates and consisted of a 45 minute ‘in tray’ exercise, a 45 minute written report on an unseen topic, and a one hour structured interview. A full assessment of the 5 candidates took place on 3rd August after the final interview when candidates were ranked, and Dr. Egan was selected as the most suitable to recommend for appointment. The criteria considered were as shown in the job description which is attached for information at **Appendix 2**. The selected candidate was the unanimous choice of the Panel after full and frank discussion.

The process was overseen and moderated by Louise Read on behalf of the Jersey Appointments Commission, and she was content that the process and outcome met the terms of the Appointment Commission code.

The post has been offered to Dr. Egan on a fixed 5 year contract basis and it is also subject to a 6 month probation period. The full salary level for the position will not be achieved until after one year in post, subject to satisfactory performance.

Dr. Egan's CV is attached at **Appendix 1**.

Financial and manpower implications

Dr. Mark Egan will replace the current postholder, and there are therefore no new financial or manpower implications arising from this proposition.

Dr. Mark Egan

Current roles

Deputy Head of the Table Office

- Leader of a team of 7 clerks responsible for the tabling of parliamentary questions and motions, in a fast-moving, highly political environment.
- The main part of the role is to edit material received from MPs, advising on wording and tactics to ensure that parliamentary rules are not broken and to help MPs achieve their aims. The volume of work is high (250+ questions each day) with direct, often challenging, interactions with MPs each day.
- Led office preparations for the general election.

Fast-Stream Talent Management for the Commons (jointly with a colleague)

- Responsible for recruitment, training, placement planning and future strategy for the fast-stream scheme.

Other current duties

- Secretary of the History of Parliament Trust, a charitable trust overseeing one of the UK's largest historical research projects
- Diversity champion for the Chamber Business Directorate. Leading work on flexible working and recruitment of BME staff.

Previous roles in Parliament

Leader of team preparing for the creation of a new Parliamentary Digital Service (April 2014 – April 2015, full-time June – October 2014)

- Led a team of 9 senior officials drawn from across the 2 Houses in a project to set up a new Parliamentary Digital Service, reporting to the Accounting Officers of the Commons and the Lords
- Prepared papers for the Commons and Lords management boards on all aspects of the creation of the new Service, particularly governance, the structure of the Service, and options for Parliament's first digital strategy
- Developed the job descriptions for the new roles of Director of the Digital Service and Chief Technology Officer
- Developed and now lead the change management process for staff across both Houses most directly affected by the change, including TUPE transfers
- Led on induction for the new Director.

Commons leader of a review of cyber-security governance in Parliament (reported in January 2015)

2010–2014: Clerk of the Transport Select Committee

- Head of secretariat for one of the House of Commons' busiest select committees
- Daily liaison with Committee Members, particularly the Chair, and senior stakeholders across all transport modes
- Responsible for helping the Committee decide on its strategy (including media and outreach) and work programme, and implementing that strategy
- Responsible for all aspects of the Committee's work, including its reports
- Committee's adviser on procedural matters. Responsible for ensuring that the Committee complied with the House's Standing Orders and followed best practice in all aspects of its work.

2007–2010: Commons Clerk of the Joint Committee on Human Rights

- Led diverse team of lawyers and administrative staff from both Houses of Parliament in working for very active and challenging Committee.

2006–2007: Second Clerk, Home Affairs Committee

2005–2006: Clerk in charge of Private Members' Bills

- One of the senior clerks in the Public Bill Office, with responsibility for all aspects of Private Members' Bills (including drafting when necessary), divisions and procedural guidance to colleagues.

2003–2005: Private Secretary to the Clerk of the House of Commons

- Private Secretary to the House's chief executive and chief procedural adviser
- Assistant Secretary to the House's management board
- Secretary of the House's Audit Committees and of various internal management groups.

2001–2003: Clerk in charge of Private and Hybrid Bills

1999–2001: Second Clerk, Treasury Committee

1997–1999: Second Clerk, Trade and Industry Committee

Academic career

2003: Management Diploma (with distinction) from University of Kent (part-time)

2001: DPhil (Oxford) in politics

1994: BA (Hons), First Class (Oxford) in Philosophy, Politics and Economics

Greffier of the States – Job Description (updated August 2014)

Job Title: Greffier of the States

Reports to: Bailiff of Jersey
Accountable directly to the States Assembly

ROLE PURPOSE

1. To act as Clerk to the States Assembly as required by Article 2 of the States of Jersey Law 2005 and to fulfil all requirements of this office as set out in the 2005 Law and the Standing Orders of the States of Jersey.
2. As chief officer, to provide strong and effective leadership to the States Greffe to ensure that the department provides an effective and efficient service to the States Assembly, its committees/panels, the Bailiff and Deputy Bailiff and all individual States members.
3. To be the principal adviser on all matters relating to the procedures of the States Assembly and, in this capacity, to provide accurate and timely advice as required to the Bailiff and Deputy Bailiff, the Council of Ministers, the Privileges and Procedures Committee, scrutiny panels/the PAC, all individual members of the States and States departments.
4. To attend all meetings of the Corporate Management Board (CMB) and, in this capacity, to act at all times to secure the best interests of the Island and the States and –
 - promote the most effective, efficient and economic delivery of services and policies;
 - support the development and implementation of the States Strategic Plan;
 - seek to engage the public, clients and other stakeholders in the work of the States and to promote the Island at every opportunity;
 - help to enhance the recognition and reputation of the States.

PRINCIPAL ACCOUNTABILITIES

1. Role as Greffier of the States (Clerk to the States Assembly)

- 1.1 Attend all meetings of the States Assembly and fulfil the functions of Clerk during the proceedings including giving advice to the Bailiff or Deputy Bailiff on matters of procedure arising during each meeting to ensure that the procedures of the States are observed. Ensure that the Order Paper is published accurately and according to the statutory deadline before each States meeting and, at the conclusion of each meeting, to produce the States Minutes as the official record of the decisions and ensure that an accurate 'Hansard' record of the proceedings of the Assembly is published within 3 working days.
- 1.2 In the absence of the Bailiff and Deputy Bailiff, preside over meetings of the States Assembly as required by the Bailiff, with or without prior notice, and undertake all functions of Presiding Officer in this role including, in particular, dealing immediately and correctly with all points of order and other matters of procedure raised during the proceedings.
- 1.3 Provide timely and accurate advice on the procedures of the States to the Bailiff and Deputy Bailiff, all Assembly committees/panels, States members and States departments, and advise on the wording and form of propositions, reports, questions and other matters to be brought to the States to ensure that they comply with Standing Orders and to act, as required, on behalf of the Bailiff in approving questions and propositions prior to their submission to the States.
- 1.4 Attend all meetings of the Council of Ministers to provide advice on all aspects of States Assembly procedures and to advise Ministers on matters such as the appropriate wording for propositions and amendments and the appropriate scheduling of States debates.
- 1.5 Act as principal adviser to the Privileges and Procedures Committee by attending all meetings of the Committee and by preparing reports and undertaking research into the matters covered by the Committee's terms of reference under Standing Order 128.
- 1.6 Advise the Scrutiny Chairmen's Committee and attend meetings of the Committee as required to provide advice and guidance on the operation of the scrutiny function.
- 1.7 Manage the publication and distribution, to appropriate quality standards, of all official publications (primarily propositions/amendments, comments, reports, Laws, Regulations and Orders) and arrange for such publications to be made available through the States Assembly Information Centre (States Bookshop) and on the States Assembly website in accordance with the statutory requirement in Standing Order 170 to maintain and publish official publications on this website.

- 1.8 Maintain strong links with Clerks of other legislatures, particularly in the Commonwealth and the French-speaking world, in order to maintain and develop an in-depth knowledge of parliamentary procedures and to provide information to other jurisdictions as requested about the work and procedures of the States Assembly. Act as Secretary of the Jersey Branches of the Commonwealth Parliamentary Association and the Assemblée Parlementaire de la Francophonie, arranging meetings, conferences and attending events as required by the Jersey Branches.
 - 1.9 Investigate complaints received under the Administrative Decisions (Review) (Jersey) Law 1982 to determine, in consultation with the Chairman of the States of Jersey Complaints Panel, whether complaints against Ministers and departments should be referred to a Complaints Board; and to provide support and guidance to the Chairman, Deputy Chairmen and members of States of Jersey Complaints Panel.
 - 1.10 Attend all meetings of the States Members Remuneration Review Body as the sole officer supporting the independent Review Body, providing administrative support and guidance to the Review Body in its work.
 - 1.11 Act as corporate officer of the States in legal matters as required, including attending each Friday afternoon in the Royal Court to pass public property contracts and by signing certain contractual and other documentation on behalf of the States and by accepting service of summonses from the Viscount on behalf of Ministers and departments in accordance with the provisions of Rule 5/9 of the Royal Court Rules.
 - 1.12 Undertake a quality assurance of all draft ministerial decisions through the LiveLink system and advise States departments on changes required to ensure that ministerial decisions are clear and in accordance with all relevant legislation and procedures. Ensure that all matters recorded in Part B of minutes and ministerial decisions are properly exempt from disclosure in accordance with the Code of Practice on Public Access to Official Information.
- 2. Role as Chief Officer of the States Greffe**
- 2.1 As chief officer, provide strong leadership to the States Greffe; lead and direct the States Greffe management team to ensure that all the department's functions are carried out appropriately and efficiently. Set priorities and targets for staff, motivating and developing them to enable the States Greffe to operate in a professional and effective manner in the service of the States Assembly, committees/panels, the Council of Ministers, Ministers, States departments and all States members.
 - 2.2 As Accounting Officer be responsible for the propriety and regularity of the public finances; for keeping proper accounting records, for prudent and economical administration; for the avoidance of waste and extravagance; and for the proper use of all resources.

- 2.3 Lead the review, analysis and strategic planning of the States Greffe which includes planning, managing and co-ordinating the financial, human, physical and IT resources of the department to ensure the provision of effective services at all times.
- 2.4 Maintain the risk register for the States Greffe and implement an effective risk management system for the department and the States Assembly to ensure the consistent and uninterrupted delivery of services at all times.
- 2.5 Ensure that the States Greffe complies at all times with the principles of good governance and with all statutory provisions and corporate States of Jersey policies on matters such as human resource management, IT security and procurement, so that the department and the States of Jersey's interests are protected.

3. Role in relation to Corporate Management Board

- 3.1 Attend all meetings of the Corporate Management Board as a *de facto* full member of CMB.
- 3.2 Participate in the consideration and development of policy and management issues for subsequent consideration by the Council of Ministers.
- 3.3 Participate in the co-ordinated management of the public service within the policy framework established by the Council of Ministers.
- 3.4 Participate in specific corporate projects and initiatives as agreed with other members of CMB and the Chief Executive to the Council of Ministers.

DEPARTMENTAL CONTEXT

The States Greffe plays a key rôle at the centre of public administration in Jersey. The principal services provided by the department can be summarised as follows –

- to provide all administrative support for the States Assembly as a parliamentary body;
- to give procedural advice to the Bailiff and Deputy Bailiff, all members of the States, the Council of Ministers, Ministers and Departments;
- to provide advice and services to members of the States and manage members' facilities;
- to provide, through the Clerks' Section, a range of administrative and advisory services for the Council of Ministers and a wide range of other committees, panels and other bodies;
- to undertake research, the preparation of reports, policy development and provide executive support and general assistance to the Privileges and Procedures Committee;

- to provide, through the Scrutiny Section, all administrative and executive support to the Chairmen's Committee, the Scrutiny panels and the Public Accounts Committee;
- to provide an administrative service to inter-parliamentary bodies including the Commonwealth Parliamentary Association, Assemblée Parlementaire de la Francophonie and the British-Irish Parliamentary Assembly;
- to provide an advisory service in relation to the preparation of draft ministerial decisions and to provide training events for officers of States departments on States' procedures;
- to publish and disseminate all official publications; to edit and publish the Official Report ('Hansard');
- to provide a range of information to the public through the States Assembly Information Centre, the States Assembly website, information leaflets and publications such as 'Scrutiny Matters' as well as organising a number of public engagement events at exhibitions, etc.;
- to publicise the work of the Assembly to young people through school visits, scrutiny events in secondary schools and the Annual Youth Assembly;
- to run publicity campaigns in advance of all public elections to encourage Jersey residents to register and to vote, to oversee the publication of a manifesto brochure for distribution to all households and to maintain the vote.je website as a resource for all election information;
- to act as custodian of official records;
- to maintain the Register of States members' Interests;
- to provide administrative and executive support to certain statutory bodies including the Criminal Injuries Compensation Board, Complaints Panel, Emergencies Council, States Members Remuneration Review Body and other ad hoc bodies such as Committees of Inquiry and the Electoral Commission;
- to operate the corporate messenger service.

DEPARTMENTAL DIMENSIONS

The Greffier of the States is responsible and accountable as Accounting Officer for the entire budget of the States Assembly and its services. For 2014 the total budget is as follows -

Income	£90,400
Expenditure	£5,275,100
Net revenue expenditure	£5,184,700

The Greffier of the States is also Accounting Officer for the expenditure incurred by any Committees of Inquiry established by the States. For 2014 this involved being responsible for the £6.3 million budget of the Independent Jersey Care Inquiry.

At 31st July 2014 there were 30 members of staff in the States Greffe. In addition, the States Greffe provides all administrative services (on a recharged basis) for the 9 staff of the Law Draftsman's Office.

Other relevant statistics are as follows –

	2011	2012	2013	2014 (to 31st July only)
No. of States meetings	64	36	42	35
No. of written questions	395	355	389	209
No. of oral questions	270	310	306	177
No. of propositions lodged	197	138	171	138

The total number of hours during which the Bailiff, the Deputy Bailiff, the Greffier of the States, the Deputy Greffier and an elected member (the Connétable of St. Clement) presided over the Assembly during the last 4 years was as follows –

	2011	2012	2013	2014 (to 31st July only)
Bailiff	189h 33m	91h 26m	105h 25m	125h 0m
Deputy Bailiff	132h 5m	74h 31m	84h 18m	42h 30m
Greffier of the States	42h 16m	15h 25m	27h 13m	33h 56m
Deputy Greffier of the States	2h 37m	1h 41m	42m	–
Connétable of St. Clement	–	–	5h 57m	7m

The above table shows that the Greffier of the States was required to preside in the States Assembly, and thereby fulfil the rôle normally undertaken by the Bailiff or Deputy Bailiff, for some 12.2% of the total number of sitting hours of the Assembly during the period 1st January 2011 to 31st July 2014.

PERSON SPECIFICATION

Knowledge, Skills and Experience

- Detailed knowledge of States and committee/panel procedures and a comprehensive understanding of parliamentary procedures in other jurisdictions, especially within the Commonwealth.
- Ability to understand and analyse legislation and advise as required, whilst recognising when formal legal advice should be sought.
- Considerable political judgement and political shrewdness to be able to command the respect of all States members and ensure that they feel able to seek and follow advice given by the postholder.
- Detailed knowledge of the organisation and operation of public administration in Jersey to enable the postholder to advise Ministers and States departments on procedural matters in relevant areas.
- Extensive experience and a proven track record in the public sector environment at a senior level including experience of departmental management in a public sector organisation gained over at least 10 years.
- Evidence of success in motivating staff and managing performance as well as in developing productive working relationships with stakeholders and all who have dealings with the States Assembly and the States Greffe.

Qualifications

The postholder will have extensive experience of successful management at a senior level and a proven track record of achievement. The postholder should possess:

- A degree or professional qualification;
- A formal management qualification.

A good knowledge of spoken and written French is required.

Personal Style and Behaviour

- Totally politically impartial at all times, with excellent interpersonal skills to be able to deal with all States members fairly and equally.
- Strong air of authority to enable the postholder to be respected when presiding at meetings of the Assembly in place of the Bailiff or when giving advice to the Council of Ministers, PPC and other committees/panels.
- High levels of energy and the ability to work under pressure and to tight deadlines, many of which are set out in Standing Orders and cannot be varied.

Behavioural Competencies

The following behavioural competencies are those which are sought for all senior management positions within the organisation:

- **Leadership** – Provides direction and inspires others.
- **Integrity** – Acts with honesty and is trustworthy; treats people fairly, equally and with respect.
- **Working in Partnership** – We will achieve success in all we do by working together.
- **Political Shrewdness** – Applies sound judgement at all times.
- **Developing Strategies and Solutions** – Focuses upon Departmental and States strategy in the provision of service.
- **Customer Focus** – We put the customer at the heart of everything we do.
- **Change Agent** – We constantly look for ways to improve what we do and are flexible and open to change.
- **Persuasive Communication** – Uses communication effectively in all work situations.
- **Team Builder** – Inspires people to give of their best.
- **Delivery and Implementation** – Achieves results and ensures value for money.

Change statement

This post has not been evaluated since the appointment of the present postholder in 2002. Prior to 2002 there had been no significant change either to the procedures of the States Assembly or to the working practices of the States Greffe for many years, but since 2002 there have been a number of significant changes and developments which have added to the complexity of the role of Greffier of the States. These include –

- The move to ministerial government in December 2005 which led to a number of significant changes, including in particular –
 - the need for the Greffier to attend all meetings of the Council of Ministers to advise as necessary. The Greffier is one of only 3 officers (the others being the Chief Executive to the Council of Ministers and Head of the Public Service and H.M. Attorney General) who are required to attend all Council of Ministers meetings as advisers;
 - the creation of the ministerial decision system where the Greffier is required to provide a ‘quality assurance’ check of draft decisions before they are signed by Ministers. This requires the Greffier to be aware of procedures across the States to ensure that draft ministerial

decisions comply with all relevant legislation and are in accordance with other requirements such as the delegation of functions;

- the creation of the scrutiny function and the establishment of the new Scrutiny Section in the States Greffe which currently has 10 FTE staff. The postholder is frequently called upon to advise scrutiny panels/PAC both on matters of procedure and on financial matters such as the appointment of advisers;
 - the establishment of the Privileges and Procedures Committee which has no officer support other than the staff of the States Greffe. The Greffier is required to attend all meetings of the committee and is the principal adviser on all matters dealt with by the committee. Since its establishment, the committee has undertaken a number of major reviews into the machinery of government structure and the composition of the Assembly and, even though many proposals have been rejected by the Assembly, the preparatory work by the postholder to research and develop proposals on behalf of the committee has been considerable;
 - the entire redrafting of the States of Jersey Law and the Standing Orders with the repeal and replacement of the previous legislation which had remained largely unchanged since 1966. The Greffier of the States acted as instructing officer for the drafting of the new legislation and has since been responsible for keeping the legislation under review and recommending amendments (8 sets of amendments to the States of Jersey Law 2005 and 26 sets of amendments to Standing Orders have been lodged for debate since 2005);
 - the establishment in 2005 of the 'Hansard' transcript of all States meetings, which did not exist before the move to ministerial government.
- Attendance at meetings of the Corporate Management Board (CMB). The Greffier has attended all meetings of CMB since the Board was first established and is now one of the longest-serving attendees. Although the Greffier cannot technically be a full member of CMB as he is chief officer of a non-ministerial department he has always been treated, and participated, as a full member and is shown as such in the Minutes. In addition to participating fully in all matters and initiatives dealt with by CMB, the present Greffier has also undertaken a number of specific tasks on behalf of CMB and been a member of various working groups. He is currently the only CMB representative on the States Audit Committee alongside 3 independent members from outside the organisation.
 - The importance and significance of the politically independent role of the Greffier has been increasingly recognised in recent years. For example –
 - In March 2013, when the States agreed to establish the Committee of Inquiry into Historic Abuse (now known as the Independent Jersey Care Inquiry) the proposition that was approved by the States (P.118/2012) charged the Greffier to identify a suitable Chairman and

2 members from outside the Island. This was a considerable responsibility for the postholder who, with no involvement or guidance from anyone in Jersey, had to identify and select suitable candidates.

- In 2012 the Greffier was asked to act as an independent and impartial adviser to the Electoral Commission and, in this capacity, attended the majority of the Commission's meetings. Following the publication of the Commission's recommendation the Greffier was made responsible by the States in the Referendum (Reform of States Assembly) (Jersey) Act 2013 for the organisation of the referendum that was held in April 2013.
- In 2002 the majority of the work of the States Assembly was undertaken using paper-based procedures. This has since been transformed by the use of electronic methods such as e-mail and the States Assembly website. The Greffier was responsible for the development of the initial website in 2004 and the complete redesign of an improved website in 2011. The Standing Orders of the States made it a statutory requirement for the Greffier to maintain the States Assembly website and publish certain official publications on it and this means that the Greffier must ensure that the website is accurate and up-to-date at all times to comply with the statutory requirement.

Signed: _____
Michael N. de la Haye, O.B.E.
Greffier of the States (postholder)

Date: _____

Signed: _____
Sir Michael Birt
Bailiff (President of the States)

Date: _____