

21.07.19

7 Deputy S.M. Ahier of St. Helier of the Chief Minister regarding the selection process for the new Chief Executive Officer: (OQ.161/2021)

Will the Chief Minister explain why no States Members, aside from himself, will form part of the selection process for the new chief executive officer undertaken by the Jersey Appointments Commission?

Senator J.A.N. Le Fondré (The Chief Minister):

Under the Employment of States of Jersey Employees (Jersey) Law 2005 paragraph 26AA the States Employment Board are required to nominate the Jersey Appointments Commission and an independent commission to the J.A.C. (Jersey Appointments Commission) as chair to undertake the recruitment process for an appointment in the role of chief executive officer. This in turn falls under the Jersey Appointments Commission's guidelines for recruiting into the role. The guidelines state that the Chief Minister is the only political member to be included on the appointments panel as a voting member. However in discussion between myself, the independent commissioner and the chair of the panel it was agreed to invite members of the States Employment Board to have individual and informal engagement meetings with the short-listed candidates prior to the formal panel interview. These took place with 3 members of the board after which their feedback and observations were provided to the full appointments panel. I hope that clarifies matters.

4.7.1 Deputy S.M. Ahier:

Were those 3 members that were chosen selected by the Minister?

Senator J.A.N. Le Fondré:

As I said, it was the members of the States Employment Board, so it was offered to all members and 3 were able to make the dates. It was my suggestion that it was members of the States Employment Board but it does include both ministerial and non-executive members.

4.7.2 Senator S.Y. Mézec:

Does the Chief Minister believe that there is enough political input from politicians in appointment of these senior roles to make sure that the politicians have confidence that these appointees will not just be competent but will be effective in implementing what will ultimately be the elected politicians' political priorities?

Senator J.A.N. Le Fondré:

I think there are 2 things that the Deputy potentially is conflating there. One is one would expect any professional chief executive to be able to implement the political wishes of any political direction essentially without necessarily having any view, because the civil service as a whole and the chief officer particularly is meant to be neutral in their approach. What is very clear in the guidelines that I referred to just now, which are covered in the law, specifically states that political interests must be accommodated within a system that selects on merit and makes appointments which can last and which are free from personal or political bias. I think that is quite fundamental, because we have seen issues in the past where politics has got mixed in and has not resulted in necessarily the best outcome for the Island.

4.7.3 Senator S.Y. Mézec:

It is obviously going to be the case that politics will play a part in this because we are elected politicians making political decisions based on our political priorities. Does the Chief Minister have satisfaction that processes are in place so that elected Ministers will have the ability to influence who it is they are working with to get their agenda achieved? My understanding so far is that when appointments have been made to senior officer roles Ministers are sometimes asked for their opinion but do not have an involvement in the appointments process and end up being given somebody to work with who may not have been their choice.

[16:00]

Senator J.A.N. Le Fondré:

The Senator is suggesting designing a system that each time the Minister changes, if they are not comfortable with the person giving the advice, that person would be removed, dismissed, or put somewhere else in the organisation. That is not good employment practice, politicises the public sector, which is or should not be the intention, and completely creates an air of uncertainty from an employment perspective. That is why the Assembly well before my time made the decision that the States Employment Board is the employer, not the Government or the Assembly. If the Senator wishes to change to a process where there is a lot more political involvement I think it is a case of be very careful what one wishes for. We have seen political interference in the past and frankly it has often caused significant problems.

4.7.4 Deputy M. Tadier:

I am slightly bemused with that answer because despite the intention of the policy outlined by the Minister we always seem to end up with chief executive officers who are highly political and also who are political in a neoliberal conservative sense. The question to the Chief Minister is: would it not make more sense to have a chief executive officer who, if he is working for a conservative Government, is chosen by that conservative Government with experience to implement conservative policy? If at the next election a non-conservative Government is elected then that Government should be allowed to appoint their own chief executive officer with experience in implementing a different policy direction.

Senator J.A.N. Le Fondré:

I am sorry, I have to fundamentally disagree with what Deputy Tadier is suggesting. The whole point is that the principle should be that the public sector is politically neutral, that is why we have relevant standards in place, to avoid political comment by certainly members of the public sector. That should apply all the way through. If one has an appropriately professional chief executive, for example, it should not matter what - for want of a better expression - political colour the Council of Ministers of the day is, they should be perfectly capable of implementing the decisions of that Council of Ministers. That really very much should be the case and that is also why the law is quite clear, as I have alluded to, as to what the process is around the chief executive.

4.7.5 Deputy M. Tadier:

Would the Chief Minister explain why then consistently in recent years various chief officers and indeed high- ranking civil servants have stood in the way of politicians giving them direction and suggested different policy outcomes and directions rather than politicians telling civil servants what to do?

Senator J.A.N. Le Fondré:

I think the whole point there is that is why we have talked about the necessity to change the culture of the organisation and to make sure it is on a professional and objective basis. That is something that should always have been the case. I think it has been strengthened over the last couple of Council of Ministers.

4.7.6 Senator T.A. Vallois:

Can I ask the Chief Minister how many of those 3 members of S.E.B. (States Employment Board) were non-exec? What lessons the current Chief Minister is taking with him, for the selection process, considering the history we have with our chief executive officers?

Senator J.A.N. Le Fondré:

Of the 3 members who gave their feedback: one was non-exec, one was a Minister and one was an Assistant Minister. It was offered to all 5 but unfortunately 2 others were unable to participate. In terms of lessons learned, we have tried to make sure that the process is as professional and objective as possible.

The Greffier of the States (in the Chair):

Before I call the final supplementary can I ask the Members who are engaged in a procedural discussion in the chat not to because it means I cannot see who is wanting to ask questions. Thank you very much.

4.7.7 Deputy S.M. Ahier:

Also taking part in the selection process is the chief executive of HSBC in Jersey, described as a local Jersey representative. Does the Chief Minister accept that a States Member would better fit that description?

Senator J.A.N. Le Fondré:

Not necessarily the case. It was a point about having a broad width and some external observations as to what might be appropriate for the traits and characteristics in selecting the head of the organisation, which ultimately employs just under 7,000 full-time equivalents. I think it was the point of bringing in a wider, particularly commercial and business, experience, which might be appropriate. As I said, it is more around the balance across the panel and we have tried, and I believe have achieved, an objective outcome, which we think is in the interests of the Island.