



# Annual Report for 2006

## FOREWORD BY THE CHAIRMAN

This is the Jersey Appointments Commission's fourth Annual Report and as in the previous three, I am pleased to acknowledge continuing improvement in an overall satisfactory level of compliance with the Commission's standards for Appointments to the Public Service in Jersey and to Autonomous and Quasi Autonomous Public Bodies (Quangos). These Standards are based on the fundamental principles that recruitment selection should be made on **merit**, through **open and transparent processes** which are subjected to **independent scrutiny** and which preserve the culture of **probity** among public servants. The Commission publishes and reviews from time to time, Codes of Practice and Procedural Guidance which define in detail the recruitment procedures necessary to demonstrate good practice and achieve the Commission's endorsement of specific appointments. We aim for proportionality in setting and monitoring these standards so that the degree of stringency involved reflects the varied nature, size and weight of responsibilities of different public appointments, particularly in the case of Quangos. Similarly, the Commission recognises that in Jersey as in other jurisdictions, the public sector is subject to continuous change, in pursuit of improvements in cost and effectiveness. Appointments processes need to adapt as the nature and behaviour of government changes.

As a body of Commissioners, we maintain a philosophy of "firmness in principle, flexibility in practice" and we grant exemptions where we judge that specific circumstances justify departures from our Codes of Practice. Pragmatism is exercised when it does not threaten fundamental principles of fairness, nor deprive the public sector and therefore the community as a whole, of the talent Jersey needs as it responds to increasingly complex external and internal pressures. The Commission is alert to potential conflicts which can arise between on the one hand, the desire to recruit the best available talent at the higher levels of the Island's public service, and on the other, retention of "the Jersey way" and the development of "home-grown" talent, both of which can be lost if recruitment from overseas is disproportionate. It maintains appropriate dialogue with relevant stakeholders on such matters.

Whereas the Commission delegates to the Human Resources and other States Departments the general responsibility for complying with the

Commission's Codes of Practice and Guidance on Recruitment, it participates directly in recruitment at senior levels of the Public Service, for example to Chief Officer and other posts which have direct ministerial reporting relationships and responsibilities as members of the Corporate Management Board. At these senior levels, the presumption is that the competition in recruitment will need to include overseas as well as local candidates, to provide sufficient choice for a sound appointment to be made. Soundness in this context means that competency, experience and personal qualities are demonstrated across a wide range of criteria, specified by the employer and agreed by the Commission as reflecting the scope and challenge of the role.

The Appointments Commission from time to time agrees exceptions to the presumption of unconstrained competition, where sufficient evidence is submitted by the employer, that a reasonable number of local candidates are suitably qualified for the role, or that elements of the role are peculiarly specific to the Jersey Public Service. In such circumstances the Commission may agree that the competition can be confined to the Island, or even limited to the public service only. Similarly, when one candidate already in the Public Service is eminently suited to the role, either because he or she has been satisfactorily developed in anticipation of succession, or because the role is similar to one already held (for example as a consequence of organisational re-structuring) the Commission will consider requests from the employer to "slot" an individual into the role without competition. The Commission has a well established process in place for such "slotting" which includes interviews and other assessment methods to confirm that the individual meets the requirements of the Job Description and Person Specification. During the past year 4 of the 12 Public Service recruitment competitions overseen directly by the Commission were granted exemptions.

Three quarters of the public service's "top 100" jobs are held by locally developed talent and 8 of the 14 Corporate Management Board's executives are "home grown". The Commission expects that renewed focus on the States of Jersey's Organisational Development Programme will in future years yield still more public service professionals who can compete in the international field, from which the Island should continue to benchmark when recruiting to its most demanding jobs.

During 2006 the Commission was directly involved in 18 recruitment processes of which 12 were for Civil Service posts, with the remainder for Quangos. Of the former, six were at Chief Officer/Head of Service level and of the latter, three were at Director General/Chief Executive level amongst the Island's most substantial non-governmental, public bodies. Of the six senior Civil Service appointments, 3 were made from off Island.

It is worth stressing that although the Appointments Commission carries the implied authority of the States to ensure propriety in public sector appointments, its powers are in practice limited to the withholding of endorsement and the reporting of, appointments which do not achieve its prescribed standards. This would seem an appropriately complementary role with that of the States, which remains free to determine any higher policy on such matters as constraining recruitment competition in favour of indigenous talent.

## **COMPLIANCE**

The Commission's tests for compliance with its Codes and Guidance for proper recruitment practice include an annual audit programme, which has been conducted each year on its behalf by the States Internal Audit Division. This year's audit found further improvements in the level of compliance and no major failures. However, weaknesses were observed again in the processes and documentation used with regard to the recording of selection decisions made, especially at the short-listing stages of recruitment. There were some inconsistencies in the quality of compliance between the 15 States departments audited and we expect standards to rise towards the best, under the direction of States Human Resources Department, reinforced by its corporate remit. We welcome the "Managers Guide to Recruitment" published recently by the department to augment the formal procedures already in place.

Following the restructuring of the States Internal Audit function it will no longer be able to undertake work for the Appointments Commission. Given the generally acceptable level of compliance now being achieved, we consider it safe to rely on Human Resources Department to provide audit assurance of compliance by States Departments. In future, audit effort will be risk-based and will focus on departments where weaknesses persist. We will review this arrangement periodically.

An additional indicator of compliance with best recruitment practice is the level of complaints received by the Commission. Whereas there were no material complaints during the year, the Commission remains alert to the possibility that this may have as much to do with insufficient public awareness of its role, as with satisfaction with recruitment standards. Public perception is important in securing confidence in the fairness and impartiality of recruitment selection processes and we will strive to further increase our public profile in the future.

### **IMPARTIALITY AND EQUAL OPPORTUNITY**

I am pleased to report that despite the substantial change programme in the public sector, driven by the adoption of ministerial government and the pursuit of efficiency and quality objectives, there has been no institutional pressure nor political effort to circumvent the Appointments Commission's processes for best practice in recruitment.

Recent and impending changes in Employment and Human Rights legislation have an impact on recruitment practices. For example, changes in the rights of temporary and part-time employees and of "contract" personnel traditionally used for projects and developmental assignments, demand new clarity when defining the scope and term of non-permanent jobs. Similarly, ethnicity will need to be considered in the make-up of recruitment selection panels, even though in a relatively small public sector fully representative compositions will often be difficult to achieve. Organisational size is a factor too, in managing the tension between appointing on merit and the aspiration to increase diversity of gender, race and disability.

Equality of opportunity has been a cultural imperative in Jersey's public service for a long time but there are some policies within it which this year, have highlighted some unintended consequences. One such policy provides that existing States employees will be interviewed for a vacancy elsewhere in the public service "unless they are clearly unsuitable". This positive discrimination was probably introduced to maximise opportunities for existing employees, but the burden of demonstrating unsuitability can be damaging and demoralising for those whose aspirations are misplaced and we recommend that this provision is reviewed.

## QUANGOS

Again this year, much time was spent assisting Autonomous and Quasi-Autonomous Public Bodies to comply with the Appointments Commission's Codes of Practice for Recruitment. Whereas the larger institutions such as the Financial Services Commission have readily achieved full compliance since the outset, many of the smaller organisations face difficulties, especially in situations where they have relied for governance on the services of volunteers, whose terms of office sometimes far exceed the maximum recommended, 10 years. These difficulties were identified during the Commission's consultation with the sector, prior to the introduction of the Recruitment Codes and a phased approach to full compliance is in place where needed, to avoid severe disruption to the tradition of honorary service on which these organisations rely.

There is, perhaps inevitably in today's hectic business environment, less opportunity for capable professionals to devote precious time to voluntary service. There is a continuing trend of increased difficulty in recruiting to Quangos when the level of time and accountability involved is not acknowledged by the payment of fees. Anecdotally, this is as much a matter of principle as substance but it requires acknowledgement, especially given the substantial work delegated by the States to the scores of Quangos in place.

Looking ahead, we anticipate a growing increase in the proportion of our time given to helping Quangos in their demonstration of good corporate governance in recruitment. In the public sector we expect growing involvement in the development of the public sector's "Future Leaders" and "Modern Manager" programmes which aim to provide development and succession opportunities.

**M.J. LISTON**  
**CHAIRMAN**

## ACTIVITIES DURING 2006

### THE COMMISSION

The Jersey Appointments Commission was established by an Act of the States in 2002 “to ensure that Senior Appointments to the Public Sector and to Autonomous and Quasi-Autonomous Public Bodies (Quangos) are properly made and to keep the appointments process as a whole, under review”. It was re-established in 2005 under new legislation.

The Commission met formally on 4 occasions in 2006 and in addition, engaged in recruitment assignments for a total of 38 man-days. The appointment processes in which the Commission took leading roles are described at Appendix A. Total expenditure by the Commission was £15,862.

The Commission’s constitution provides for a Chairman and not more than four other Commissioners. During the year, the Commission remained at the full establishment of five Commissioners, with no changes. Commissioners are appointed for varying periods up to four years with re-appointments permitted up to a total term not exceeding eight years. A retiring Commissioner was replaced last year in open competition and preparations were made this year for a competition to replace another Commissioner retiring in February 2007.

The Commissioners in 2006 were:-

Mr. Mike Liston OBE (Chairman)

Mrs. Elizabeth Rees (Deputy Chairman)

Advocate Rose Colley

Mrs. Sheila Henwood

Mr. Brian Curtis

Commissioners are appointed by the States on the recommendation of the Chief Minister, with the approval of the States Employment Board. Members of the States of Jersey or any of its current employees are not eligible for appointment as Appointments Commissioners. The issue of recency of States service and eligibility was reviewed by the Council of Ministers and it was agreed that as in all other aspects of the Commission’s role, the eligibility of former politicians and former civil servants for service

on the Commission should be determined using the Nolan Committee's principles for standards in the public life.

### **THE COMMISSION'S ROLE IN APPOINTMENTS**

The Appointments Commission publishes comprehensive Guidance and Codes of Practice, which when followed ensure that appointments throughout the public sector, that is the Civil Service Quangos, comply with the following fundamental principles for good recruitment practice:-

#### **MERIT (AND DIVERSITY)**

Selection is based on merit, using rigorous and objective techniques for evaluating the extent to which the abilities, experience and qualities of individual applicants meet the needs of the public body in question. In line with the Nolan Committee's original recommendations, criteria for selection can be widened to take specific account of the public body's need overall, for a balance of skills, background and succession/organisational development, but caution is maintained to avoid positive discrimination, in pursuit of such diversity.

#### **INDEPENDENT SCRUTINY**

In the more senior appointments to the Public Service and Public Bodies, the Appointments Commission provides independent scrutiny of the selection process by its direct involvement in senior appointments. In particular, one or more Commissioners will:

- Influence the drafting of the Job Description and Person Specification.
- Approve the Job Advertisement, the media to be used and the scope of the competition (e.g. competition limited to public sector only, Jersey only, or opened fully to overseas).
- Approve search consultants, if the employer proposes to use them.
- Chair the panels used for the long-listing, short-listing and final selection of candidates.



- Determine the type of selection processes to be used (e.g. Assessment Centres, psychometric profiling) and agree the inclusion of any Expert assessors on the selection panels, where appropriate.
- Provide written endorsement of the appointment process, when complete.

The Appointments Commission has a broad range of professional experience available from amongst its Commissioners and provides specific training for them in recruitment techniques.

### **EQUAL OPPORTUNITY**

The principles of equal opportunity and diversity are not only socially just, but will benefit any organisation to which they are applied. The Commission's Guidance and Codes demand care at every stage of selection not to discriminate on the grounds of gender, race, age, disability, religion, marital status, sexual orientation or community background. They encourage the attraction of candidates from all sections of society, which should ultimately lead to wider representation on public bodies.

### **PROBITY**

Jersey's Civil Service has a long established culture of commitment to the principles and values of public service among its appointees. The Appointments Commission recognises that in a small community such as Jersey's, the potential for actual or perceived conflict of interest requires special attention in appointments to public bodies. Issues most likely to need consideration are:-

- External financial interests or share ownership.
- Candidates who are actively sought from within a field of expertise within which the public body works.
- Membership of Societies (e.g. Freemasons). Such membership should not be an automatic bar to appointment, but it must be established whether there is a genuine conflict of interest and if it would hamper an individual in carrying out the duties required of the post.

- The assessment of merit must be impartial and unaffected by friendship, activities, or other connections.

### **PROPORTIONALITY**

A degree of flexibility is built into the Appointments Commission's Guidance and Codes for Recruitment, to enable a proportionate response to particular situations surrounding an appointment process. For example, the full application of the specified recruitment procedures might be hampered by the limited availability of suitable candidates; the need to appoint quickly or in unusual circumstances and the nature of high profile or potentially contentious appointments. The Appointments Commission does grant specific exemptions where it judges that they are justified by exceptional circumstances.

### **FIRM IN PRINCIPLE, FLEXIBLE IN PRACTICE**

During the year the Appointments Commission granted a number of exemptions to its Guidance and Codes for Recruitment. Mainly, these exemptions allowed some appointments to be made with limited or (rarely) no competition, where special circumstances prevailed. For example the competition was limited to Jersey in the case of the appointments of Chief Officer, Social Security Department, and all but one of the Quangos. Competition was not applied to Chief Officer, Housing Department and a rigorous assessment process was used instead to confirm the suitability of the "acting" incumbent. Competition was not applied to the appointment of a Chairman of the Waterfront Enterprise Board, given the special circumstances surrounding the vacancy, which were acknowledged by the States and the declared intention to open the post to competition following an interim period. In addition, there were a limited number of other appointments made in circumstances of redeployment and service restructuring during this period of organisational change within the public sector.

### **STANDARDS OF COMPLIANCE**

The Commission takes the lead in the recruitment to the most senior posts in the Public Service and in the larger Quangos. For all other recruitments it relies on internal policies and procedures operated by the States Human

Resources Dept., compliance with which is the responsibility of the Chief Officers and Service Heads of each Department of the Public Service. In the case of Quangos, the Appointments Commission is more “hands on”, giving assistance often in the absence of a professional Human Resources service.

A rolling programme of audit has been conducted each year since the Commission was established, in order to confirm standards of compliance with prescribed recruitment practice. This year’s audit was conducted as previously, by the States of Jersey’s Chief Internal Auditor, whose assistance we greatly appreciate. It confirmed a continuing trend of improvement. Fifteen States Departments have been audited in the past three years and this year follow-up audits were undertaken in five of them. Housing Department and Health & Social Services had both improved since the previous audit, but weaknesses remained in the completeness and documentation of recruitment processes. Education, Sport & Leisure Department had improved considerably and demonstrated best practice, particularly in respect of Deputy and Head Teacher recruitments. Harbours Department had also improved. Common failures among remaining Departments audited this year for the first time, were inadequacies in recording reasons why some candidates were selected for short-listing over others and inadequately differentiated scorings used in the evaluation and selection of competing applications – e.g. “yes or no” rather than the recommended “strong”, “competent” or “development need” or numerical ranking. Similarly, the need to retain recruitment files has not been universally recognised. Departments are notified of the audit findings and improvement opportunities discussed with management.

Following the introduction of Ministerial Government and reorganisation of the Public Service, the responsibility for compliance with recruitment policy and procedures has been unequivocally placed with Chief Officers and Service managers. The States Human Resources Dept. provides professional support and acts as guardian of recruitment standards. In view of the generally acceptable level of compliance with its Guidance and Codes and the inability of the States Internal Audit Department to resource future audits for the Commission, States Human Resources Dept. will in future be used to evaluate compliance. The adequacy of this arrangement will be reviewed periodically.

## **COMPLAINTS**

In addition to the Commission's direct involvement in senior recruitment and the regular audit of compliance, complaints are an important indicator of standards. We received no formal complaints in 2006, but we find that the greatest scope for complaint arises from the assumption by internal applicants, that enough is known about their capabilities for their applications to be less comprehensive than otherwise. In fact the responsibility lies with candidates to provide evidence at each stage of a recruitment process and not rely on observations or assumptions by selection panels about experience, abilities and qualities not explained either in application forms or at interviews. In this respect internal applicants can often disadvantage themselves compared with those externally, contrary to common perception.

**APPENDIX A  
APPOINTMENTS COMMISSION ACTIVITIES – 2006**

**PUBLIC SECTOR APPOINTMENTS**

Chief Officer, Planning and Environment Dept  
Head of Customs and Immigration, Home Affairs Dept  
Director, International Finance, Chief Ministers Dept  
Deputy Treasurer of the States, Treasury & Resources Dept  
Chief Internal Auditor, Treasury & Resources Dept  
Chief Officer, Employment & Social Security Dept  
Assistant Director, Aviation Services, Jersey Airport  
Superintendent, Jersey Police  
Airport Director  
Chief Officer, Housing Dept  
Communications Manager, Chief Ministers Dept  
Project Officer, Housing Dept

**AUTONOMOUS/QUASI-AUTONOMOUS  
PUBLIC BODES**

Director General, Jersey Financial Services Commission  
Commissioner, Jersey Financial Services Commission  
Chief Executive, Jersey Finance  
Chief Executive, Waterfront Enterprise Board  
Chair of the Statistics User Group  
Member of the Police Complaints Authority