



# Annual Report for 2008

## CHAIRMAN'S REPORT

The year 2008, more than any other since the Jersey Appointments Commission was established in 2002, demonstrated the importance of good governance, and the need for good people in the public service to support political leaders in the pursuit of it.

Allegations of historic failures in Child Care propelled the Island into the international media over several months and external scrutiny of its internal affairs continued in the high profile run up to the US Presidential elections and the G20 Summit of World Leaders, in which offshore tax jurisdictions were highlighted in proposals to reform the regulation of the global economy. In this context, the management of reputation extends across the full spectrum of government administration and illustrates the importance of adopting the highest international benchmarks in the performance expected from the Civil Service.

The quest for excellence and its bearing on recruitment policy at senior levels in the public sector has been a pre-occupation for the Appointments Commission and the States of Jersey again this year, and healthy debate continued on the issue of overseas versus local recruitment. This is one of two issues which I highlight here as being of profound importance in the ability of the Civil Service to maintain high standards of performance.

### The Balance of Imported and Local Leadership Talent

There remains a body of opinion that too many of Jersey's senior civil servants have been appointed from outside the Island, to the detriment of "the Jersey way" and the career opportunities for local professionals. About three-quarters of the 100 highest ranking Civil Service posts are held by locally developed people, as are approximately half of the 16 most senior executive posts, i.e. those which form the Corporate Management Board.

There is no blanket obligation imposed by the Appointments Commission upon the States of Jersey, to seek recruits from outside the Island. There is though, a fundamental requirement on the States as employer, to prepare at the outset of every recruitment a detailed description of the job to be filled and the experience, qualifications and qualities of the person being sought. Thus, the "Job Description" and "Person Specification" then become the key determinants of whether it is necessary to look beyond as well as within the Island, for the calibre of candidates needed to ensure a reasonable chance of filling the role.

A difficult dilemma often exists when deciding whether to open a recruitment competition to overseas candidates. It revolves around the Public Interest in whether it is either necessary or acceptable, to compromise on the qualities and experience specified, in order to appoint locally.

To an extent which appears disproportionate to its size, Jersey bears a burden of international scrutiny across the full spectrum of its governance and this, together with its need to compete in a global economy and provide its citizens with world-class facilities, calls for strategic capabilities and global perspectives among its senior civil servants which are not easily developed in a small jurisdiction. Traditionally, the public sector, like others such as the financial services industry, has developed its indigenous talent by importing specialist personnel on temporary contracts - with the specific objective of preparing local successors. Recently introduced employment legislation limits the scope to continue this practice and this has heightened the importance of Professional Development and Succession Planning in the public sector.

We welcomed the “Modern Managers” and “Future Leaders” programmes when they were launched in recent years, and whilst we believe they will generally improve the future effectiveness of public sector management, we have been disappointed by the level of ambition shown for it by all parties. We are therefore encouraged by Corporate Management Board’s renewed focus on developing through the Future Leaders programme in particular, the specific competencies prescribed for Chief Officer roles, and targeting specific career outcomes for individuals. The key test, if the programmes are to result in more local appointments to senior management roles, will be whether participants will be willing to seek broader experience than that available solely within Jersey, and whether the Corporate Management Board will be prepared to make concessions in the readiness of programme participants when recruiting to stretching posts at senior level.

We do not doubt the risks involved, given the performance pressures which exist at the top of the Civil Service and the additional managerial effort needed to deliver bespoke professional development. It is therefore particularly important that all stakeholders have realistic expectations for the extent to which indigenous talent can satisfy all the professional skills needs in the Civil Service, and that there is honest debate about the performance implications of a fully “home – grown” recruitment policy. As in the wider economy, decisions have to be made by the Civil Service as to which skills can be reasonably provided for in-house, and which are best “bought-in” as required.

## Attracting and Retaining Talent

The dynamics of the modern labour market have prompted employers everywhere to evaluate their appeal, as they compete for talent and there is increasing awareness that **quality** of employment is as important as monetary reward to talented people.

The “job for life” expectation which has traditionally given the public sector a competitive recruitment advantage over the private sector has far less relevance in today’s market, where portfolio careers are seen as more satisfying and marketable.

The Appointments Commission observes a worrying shift in the appeal of the Civil Service, which is threatening its ability to attract and retain managerial talent. Most seriously a management role in the Service is becoming perceived as one unavoidably embroiled in hostile politics and unproductive procedural work, which is seen by many as a consequence of failures in the machinery of government and indiscipline among some politicians.

We urge the Council of Ministers to address this perception as a matter of urgency and similarly we urge action to address the increasing difficulty of attracting professional people to serve in the governance of autonomous and quasi-autonomous non-governmental bodies (quangos).

## Recruitment to Quangos - a Particular Concern

The number of quangos continues to grow and their increasing accountability for regulatory compliance and resource efficiency makes more important than ever, the quality of their governance. Quangos have hitherto been able to rely largely on volunteers to fill roles as trustees and governors, but the pressures on working professionals are deterring their commitment to honorary service, to the extent that there is often a very poor response to recruitment advertisements.

The Appointments Commission’s role in recruitment remains one of regulation rather than promotion, however we share quangos’ concerns for their ability to replace the current generation of volunteers, many of whom have served well in excess of the 10 years limit to service which is a feature of good corporate governance, and on which we have made concessions in difficult recruitment conditions.

We recommend that in view of its sponsorship of these bodies, the States explores measures to promote better participation by young professionals in particular. We believe that it would be helpful if for example, the value of experience gained in the governance of quangos was recognised by its inclusion in Continuous Professional Development (CPD) programmes approved by the Jersey Financial Services Commission and the professional Institutions.

A prestigious civic award scheme, possibly sponsored by the Bailiff of Jersey would also be worthy of consideration.

It may be necessary ultimately to extend more widely the practice of remuneration which is applied to service for some of the more substantial quangos.

## Looking Ahead

We anticipate that recent years' trends of increased activity in the quango sector will continue, particularly as a consequence of a review by the States' Privileges and Procedures Committee this year and the Council of Ministers' endorsement of its recommendations. Notably, that the substantial majority of those public appointments which still require specific approval by the States Assembly, should in future be just noted as having been effected, under the Appointments Commission's procedures.

The global trend of increasing public scrutiny into the constitutional affairs of government is becoming more relevant to Jersey, and the Appointments Commission finds itself more frequently invited to oversee senior appointments outside its defined remit, where its endorsement is seen as an unimpeachable assurance of probity. Its invitation to participate in recruitments to the highest ranks within the Offices of the Bailiff of Jersey and the Law Office were two notable examples recently.

In such circumstances as these the independence of the Commission is of particular importance and whilst in practice it is absolute, this independence could in the extreme be held to be undermined by its dependence for funding from within the annual budget allocated to the States' Human Resources Department. The Commission costs less than £25,000 a year to operate and we urge again this year, that it is allocated funding to its own account.

Mike Liston

### **The Commission's Work**

The Jersey Appointments Commission is charged by the States of Jersey with the responsibility of ensuring that appointments to the public service and autonomous and quasi-autonomous non-governmental organisations (quangos) are made on merit, in open, transparent processes offering equal opportunity and freedom from political bias. There are normally five Appointments Commissioners and throughout 2008 the constitution remained unchanged, as:-

Mike Liston OBE (Chairman)  
Elizabeth Rees (Deputy Chairman)  
Advocate Rose Colley\*  
Brian Curtis  
Ken Soar

\*Rose Colley's term expired soon after the end of the year and following an open competition Julian Rogers was appointed by the States of Jersey as a Commissioner, on a four year term.

The Commission met formally on four occasions and Commissioners expended collectively 44 days in their duties. The Commission's total costs including day-rate fees paid to Commissioners were £16,200.

### **Effectiveness**

The Appointments Commission relies for much of its effectiveness on compliance with Recruitment Guidance and Codes of Practice, which it publishes and revises from time to time. The States of Jersey's Human Resources department is responsible for ensuring compliance with these standards within the Civil Service and it assists the Commission in securing compliance amongst quangos.

This compliance framework is reinforced for senior appointments by the Commission's direct involvement in the recruitment process. As part of this direct involvement the Commission:

- Approves Job Descriptions and Person Specifications
- Agrees the scope of the recruitment competition, i.e. whether it shall be fully open or restricted to the Island or the Civil Service only
- Approves job advertisements and the media to be used
- Chairs or otherwise participates in the Selection Panels and approves their constitution, including the choice of any independent experts to assist in the assessment of specialist disciplines, e.g. law, finance

- Approves the candidate assessment methods, (e.g. Assessment Centres, psychometric profiling, scenario exercises)

Periodic audits are undertaken to confirm the public sector's compliance with the Commissions standards. Although not fully comprehensive, compliance checks included in the 2008 external audit of the States of Jersey did not identify any material issues.

### **Pragmatism in Practice**

Although firm in its principles and procedures for probity in recruitment, the Commission exercises discretion in practice, where the public good is served by recognising exceptional circumstances. The presumption of unrestricted competition for the most senior Civil Service posts was first addressed in 2004 when the Commission agreed that planned re-structuring and rationalisation in the public sector could justify a general policy to restrict competition for vacant posts to within the Civil Service. This policy has been in place ever since, but at senior levels it applies only if there is confidence that restricted competition will not significantly impair the prospects for satisfying what are generally very exacting criteria defined in the Job Description and Person Specifications.

“Slotting” is a specific derivative of the Commission's broader policy to allow restricted recruitment competition in certain circumstances. It allows appointment without competition, when an existing employee has specific and most often, specialist skills, which match very closely the requirements of a vacant post. This concession is particularly useful during organisational re-structuring, when it avoids pointless competition and permits the application of proven competencies to what are often amalgamated roles. The Commission still requires though, that candidates for slotting are formally assessed and in this respect the need to make the Civil Service Performance Appraisal system more robust remains an important priority for managers.

During the year the Commission approved 12 applications for slotting at senior and middle management levels, as shown at Appendix 1. Of the seven Chief Officer/Director level appointments in which the Commission was directly involved, one was restricted to within the Civil Service, two were unrestricted and had no internal applicants and two were new, highly specialised international finance roles.

The Commission oversaw Board or Trustee recruitment to seven quangos during the year, in many cases involving several separate posts. All resulted in appointments from within the Island.

### **Equal Opportunity**

The Commission's Guidance and Codes of Practice call for the highest standards of equal opportunity and diversity in appointments to the public service, with care demanded at all stages to avoid discrimination on grounds such as gender, race, age, religion, disability, marital status or sexual orientation.

As in recent years, there were no female Chief Officers in the Civil Service in 2008. Whilst we are pleased to note that nearly half of the 196 participants in the "Modern Managers" professional development Programme are women, we urge the Council of Ministers to consider why only two women are undertaking the more senior, "Future Leaders" Programme. Whilst we are not in favour of positive discrimination in principle, we consider it a high priority to explore measures to address this marked weakness in diversity at the top of the profession.

### **Complaints**

The Commission investigates all complaints of non-compliance with its standards for recruitment. There was only one formal complaint received this year, which following investigation was dismissed as unfounded.



**Appendix 1**

**JERSEY APPOINTMENTS COMMISSION 2008 ACTIVITIES**

**Senior Appointments completed**

**During 2008**

Chief Officer Planning & Environment  
Deputy Chief of Police

**Extent of Competition**

unrestricted  
unrestricted

**Senior Appointments conducted  
but not completed, by year end**

Deputy Chief Executive  
Director of International Tax  
Director International Affairs/  
Deputy Director International finance  
Director Human Resources

restricted internal  
unrestricted  
  
unrestricted  
unrestricted

**Granted exceptions to open competition**

Senior Legal Adviser (Police HQ)  
Senior Systems Watch Manager  
Acting Chief Officer  
Senior Investigation Officer - historic abuse  
Assistant Director - Waste Strategy  
Principal Engineer - Municipal Services  
Consultant Orthopaedic Surgeon  
Director - Waste Strategy  
IS Senior Manager  
Assistant Director - Immigration & Nationality  
Head of Criminal Justice Unit  
Web Content Manager

**Quango appointments**

Jersey Heritage Trust	Chair and Members
Jersey Tourism Development Fund	Chair and Members
Commissioners of Appeal Income tax	Commissioners
Jersey Family Nursing and Home Care	Treasurer
Medical Appeal Tribunal	Members
Jersey Financial Services Commission	Commissioners
Skills Jersey	Chairman and Members
Police Complaints Authority	Members