



Annual Report for 2009

CHAIRMAN'S REVIEW 2009

Having reached the end of my second term as Chairman of the Commission in February 2010, this is my final Annual Report. I wish here to thank my fellow Commissioners and their predecessors for the commitment they have demonstrated since the Jersey Appointments Commission was established by the States of Jersey in 2002, to ensure probity in appointments made to the Public Service and Autonomous and Quasi-Autonomous bodies (Quangos). In particular, I am grateful to Elizabeth Rees, who also retires after serving as Deputy Chairman since that time.

My successor Alan Merry was appointed recently in a competitive recruitment process led by the Chief Minister. Alan is a Human Resources professional with broad international business experience. He is supported by a well-established, small team of Commissioners, which now includes James Morris, a Finance industry executive, who was also recruited recently. In addition, the States Human Resources Dept provides valuable support both directly to the Commission and in overseeing compliance with our recruitment standards.

I can reflect with satisfaction on a regulatory regime which has reached maturity, with good levels of awareness and demonstrated compliance with the Commission's Codes of Practice and Guidelines, which prescribe good Standards in Recruitment to the Public Sector and Quangos. These Standards are based on the fundamental principles that recruitment and selection will be made on merit, through open and transparent processes which are subject to independent scrutiny and which preserve the culture of probity among Civil Servants.

One of the Commission's greatest challenges has been to strike a balance between firmness and flexibility in its regulatory approach. Our aim to be pragmatic has been particularly driven by the inevitable compromises involved in determining, alongside the employer, the extent of the competition to be applied to particular posts and in particular circumstances. An ideological mandate to open all appointments to unrestricted competition would risk the disproportionate importation of external practices and attitudes, the de-motivation of aspirations among existing civil servants and the destruction of those qualities of public service which are most valued about "the Jersey way". However, a protectionist policy to exclude competition could lead to institutional complacency, and an inability to adapt to the dramatically escalating complexity of global governance standards, and to the increasing external scrutiny which a competitive jurisdiction like Jersey, attracts.

At the highest levels of the Public Service there is a need to attract and retain people whose calibre reflects the reality that as a modern, complex economy operating in markets undergoing rapid globalisation, Jersey is subject to social, political and economic pressures not dissimilar to those in jurisdictions many times its size.

The Commission takes seriously its responsibility, jointly with the employing Ministries, for ensuring that off-Island recruitment is used only where there are no suitable local candidates. There is evident and increasing commitment by the States of Jersey to develop its own people and an emerging willingness, supported by the Commission, to take risks by "slotting" staff with development potential into demanding roles for which they may not be immediately ready. Again this year we agreed to a significant number of managerial and specialist vacancies being filled by competition limited to existing States employees, and we continue to support a policy that at all lower grades, competition will be confined to Jersey. It is of concern therefore, that on those few occasions when it is considered necessary to extend the competition for some senior roles off-Island, a veto against the granting of housing qualifications can be encountered, which undermines the objective processes used to match recruitment to genuine skills need. There is a need for co-ordination of policy in this important area.

Currently, three-quarters of the Public Service's "top 100" jobs are held by locally developed people, as are about half the members of the Corporate Management Board which comprises the most senior of its Civil Service executives. There are succession planning initiatives now underway which should lessen the need to import talent at the top of the public service. It is vital that the "Future Leaders" and "Modern Managers" programmes are not consigned by cost or other constraints, to become one-off initiatives.

The development and retention of talent relies on much more than good recruitment and professional development practices and it is here that I remain most apprehensive about the future. The commitment and passion for performance in any organisation depends on a sense of purpose, constructive activity and value which its people experience at work. Leadership culture has a huge bearing on morale and effectiveness, and institutional pride remains vital to the creation and fulfilment of aspiration.

Professionalism and respect in the relationships between civil servants and politicians are key to the efficient working of a modern democracy. But in Jersey there is a perceived hostility within the political environment which threatens the effectiveness and esteem of civil servants - and therefore the appeal of public service to talented professionals. Whilst the Appointments Commission holds no views on the Island's constitutional arrangements, it has concerns for the impact on recruitment and retention, of confusion between the responsibilities of politicians and civil servants and the impact of escalating workload imposed by often trivial politics.

A key factor too, in the Civil Service's ability to command the confidence and respect needed to attract and retain good people, is its willingness and freedom to tackle under-performance. There remains a need for more robust performance appraisal and development, and effective mechanisms to terminate employment where necessary.

More than half of the Commission's workload now involves Jersey's Quangos. More than 50 in number, they play a vital role in the Island's efficient administration, harnessing expertise and enthusiasm in sometimes demanding but often honorary service. They often command significant resources and some enjoy statutory powers. Whilst it has been sometimes difficult for volunteer organisations to adapt to the formalities of good recruitment governance - especially the need to limit the tenure of trustees - they have fully embraced them and the political patronage which often prevailed over the Quangos has largely subsided. A slimmer civil service will inevitably lead to the increasing use of Quangos to deliver non-core functions, but the pressures of modern life are making the recruitment of new talent difficult in this sector. Employers should be encouraged to promote the development benefits their staff gain through such service, and where difficulties persist, Quangos should consider offering modest remuneration, which some have found effective especially in recruiting to roles involving high workload.

Looking ahead, it is difficult to imagine that Jersey's public sector will escape the radical reforms which public spending crises are imposing elsewhere. In the likely rush to re-structure and rationalise it will be too easy to compromise on quality when recruiting to key roles and alongside the commitment to develop from within, there must remain the courage to recruit from outside, the leadership skills upon which the success of any major change depends.

Mike Liston
CHAIRMAN

March 2010

ACTIVITIES DURING 2009

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 four occasions in 2009 and in addition, engaged in recruitment assignments for a total of around seventy six man-days, two-thirds of which were for senior Civil Service and the balance for Quango appointments. Total expenditure on the Commission’s activities for the year was less than £30,000. Details of these assignments are shown at Appendix A. Among the most senior appointments in which the Commission participated, four were from outside the Island, reflecting the international economics and finance posts recently established. All except one of the Quango posts were filled locally. A list of Quangos known to the Commission is shown at Appendix B.

The Commission’s constitution provides for a Chairman and not more than four other Commissioners. During the year, the Commission remained at full establishment, following the appointment of Julian Rogers to replace Rose Colley soon after the end of her term. Commissioners are appointed for varying periods up to four years with re-appointments permitted up to a total term not exceeding eight years. As a consequence the tenures of the Chairman and Deputy Chairman were due to expire in February 2010 and in an open recruitment process led by the Chief Minister, two new Commissioners were appointed at the end of the year. Alan Merry succeeds Mike Liston as Chairman and James Morris becomes an ordinary Commissioner.

The Commissioners in 2009 were:-

Mike Liston OBE (Chairman)
Elizabeth Rees (Deputy Chairman)
Brian Curtis MBE
Ken Soar
Julian Rogers

The Commission receives advice from the States’ Director of Human Resources. Senior Human Resources Manager Sue Cuming is the Commission’s Secretary.

Published Standards

The Commission publishes and keeps under review, Guidance and Codes of Practice which prescribe best practice in recruitment. That is, recruitment made on the basis of merit in an open, transparent process offering equal opportunity. The Commission relies on the implementation of these Codes and Guidance by public sector managers to ensure probity in public appointments. There is good evidence, supported by audit, that those managers are sufficiently aware of the Commission's requirements and we remain satisfied that the States Human Resources Department applies adequate controls to ensure compliance.

The Commission engages directly in the recruitment at the most senior levels in the Public Service and Quangos. Its involvement includes:-

- Agreeing the Job Description and Person Specification.
- Approving the Search Consultants, if the employer proposes to engage such resources (at the employer's cost).
- Approving the job advertisement, the media to be used and the scope of competition to be applied (e.g. open to overseas or limited to Jersey only or Jersey Civil Service only).
- Agreeing the candidate assessment methods to be used (e.g. Assessment Centres, psychometric profiling, and scenario exercises) and the constitution of the selection panels, including any Expert Assessors where necessary in highly specialist disciplines such as medicine or law.
- Participating as Chair or ordinary member of selection panels used for the long-listing, short-listing and final selection of candidates.
- Providing written endorsement of the appointment process, when complete.

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

Proportionality and Flexibility

The Appointment Commission's Guidance and Codes for Recruitment afford it flexibility to accommodate exceptional circumstances in which normal recruitment procedures are impractical or imprudent. For example, where organisational re-structuring takes place, redundancy and redeployment issues may make the limitation of competition make for a more credible recruitment process when evidently suitable internal candidates are available. Similarly, in highly specialized areas of expertise, the "slotting" without competition, of an internal candidate who meets the specified requirements is often a justifiable exception to normal practice. The Commission does however require formal evaluation of individuals in these circumstances.

During the year, among the most senior appointments in which the Commission participated, four were from outside the Island and competition was restricted in nine recruitments at the middle and senior level.

Equal Opportunity

The Commission remains vigilant in ensuring that the principles of equal opportunity and diversity are upheld in public appointments and its Guidance and Codes demand care at every stage of selection not to discriminate either positively or negatively on the grounds of gender, race, age, religion, disability, marital status or sexual orientation. Women remain significantly under-represented among the candidates applying for senior public appointments. We can find no process-related reason for this situation and would recommend that Civil Service leaders examine whether there are any social or occupational barriers to the career development of women which the Service may be able to address.

Managing Expectations

The Commission has placed strong, continuous emphasis on the importance of good quality Job Descriptions and Person Specifications as the template against which the best fit can be assessed between roles and candidates. Just as important as ensuring the successful candidate is right for the job, is that the job is right for the candidate. Generally, there has been great improvement in the definition of roles and the use of specified criteria against which candidates can be rigorously assessed. Similarly, readily available assessment tools have become more sophisticated and reliable in profiling candidates' emotional and behavioral tendency's, which can be important indicators of fitness for the challenges involved at senior levels in the Public Service. This is particularly important when overseas candidates are being considered. The Commission is grateful to a small group of politicians who assist in familiarizing candidates for senior roles with the nature of the political and public interfaces in Jersey.

Complaints

The Appointments Commission investigates all formal complaints of non-compliance with its Guidance and Codes of Practice for Recruitment. One formal complaint was received during 2009, which was dismissed following investigation. Although small in number, complaints most commonly arise among unsuccessful candidates for middle and junior management roles who have not been short-listed for interview. It is sometimes alleged that specified qualifications have been set higher than necessary but it is often found that this stems from the prospective candidates' failure to comprehend the complexity of a role, particularly in functions which have been subject to increasing regulation, such as safety, aviation, environmental, health and finance.

March 2010

APPENDIX A

JERSEY APPOINTMENTS COMMISSION 2009 ACTIVITIES

The Commission met formally on four occasions and Commissioners expended collectively 76 days in their duties. The Commission's total costs including day-rate fees paid to Commissioners were £29,737.

Senior Appointments completed

| During 2009 | Extent of Competition |
|---|------------------------------|
| Deputy Bailiff | unrestricted |
| Attorney General | unrestricted |
| Solicitor General | unrestricted |
| Deputy Chief of Police | unrestricted |
| Director of International Tax | unrestricted |
| Director of International Affairs/ Deputy Director International Finance | unrestricted |
| Director of Human Resources | unrestricted |
| Deputy Chief Executive | restricted internal |
| Chief Officer Transport & Technical Services | restricted internal |

Senior Appointments not completed by year end

| | |
|---|-------------------|
| Chief Ambulance Officer | awaiting decision |
| Chief Officer of Health & Social Services | unrestricted |

Quango appointments

Jersey Financial Services Commission (JFSC) - Chair
 JFSC Commissioners
 Income Tax Commissioners of Appeal
 Jersey Child Protection Committee - Chair
 Law Society Disciplinary Panel Member
 Jersey Police Complaints Authority member
 Complaints Panel members
 Jersey Family Nursing and Home Care - Chief Executive
 Jersey Family Nursing and Home Care - extend existing Committee member
 Jersey Appointments Commission - Chair and Commissioner
 Depositors Compensation Scheme Board members
 Tourism Development Fund Chairman and Committee members

Not completed by year end;

Jersey Competition Regulatory Authority Chairman

Other Appointments subject to exception from full competition

| | |
|---|---------------------|
| Head of Criminal Justice Unit | slot |
| Meteorology Forecasters - Environment x 3 | restricted internal |
| Senior HR Manager | slot |
| Senior Investigation Officer - Historical Abuse | restricted |
| International Finance Development Director | slot |
| Strategic Planning Manager Jersey Airport | restricted internal |
| Director Civil Aviation-joint with Guernsey | slot |

APPENDIX B

Jersey Independent and Quasi Independent Non Government Organisations (Quangos)

Agricultural Loans & Guarantees Panel
Audit (Internal) Committee
Complaints Panel
Commissioners of Appeal for Income Tax
Data Protection Commission
Data Protection Tribunal
Depositors Compensation Scheme Board
Ecology Fund
Greville Bathe Fund - Trustees
Haut de la Garenne Trust
Health & Safety Appeal Tribunal
Health Services Disciplinary Panel
Health Tribunal Panel
Jersey Arts Trust
Jersey Advisory and Conciliation Service
Jersey Appointments Commission
Jersey Child Protection Committee
Jersey Childcare Trust
Jersey Community Relations
Jersey Competition Regulatory Authority
Jersey Conference Bureau
Jersey Consumer Council
Jersey Council for Safety & Health at Work
Jersey Employment Forum
Jersey Employment Tribunal
Jersey Employment Trust - Workforce Solutions Ltd
Jersey Family Nursing & Home Care
Jersey Financial Services Commission
Jersey Finance Ltd
Jersey Fostering and Adoption Agency
Jersey Heritage Trust
Jersey Law Commission
Jersey Law Society Disciplinary Panel
Jersey Overseas Aid Commission
Jersey Police Complaints Authority
Jersey Skills Executive
Jersey Tourism Development Fund
Jersey Tourism Marketing Panel
Medical Appeal Tribunal, Income Support
PACT User Group
Prison - Temporary Release Assessment Panel
Pharmaceutical Benefit Advisory Committee
Pharmaceutical Benefit Panel
Planning & Building Appeals Commission
Public Lotteries Board
Rate Appeal Board
Rent Control Tribunal
Social Security Advisory Council
Social Security Tribunal
Statistics User Group
States Members Remuneration Panel
Statistics User Group
Waterfront Enterprise Board
Westaway Trust