
STATES OF JERSEY



PUBLIC ACCOUNTS COMMITTEE – APPOINTMENT OF UNELECTED MEMBERS

**Presented to the States on 27th November 2020
by the Public Accounts Committee**

STATES GREFFE

REPORT

Introduction

This report provides supporting information to the proposed appointment of unelected members of the Public Accounts Committee (PAC) at the States meeting on 30th November 2020.

[Standing Orders](#) 119, 123-124 and 131 – 134 cover the Public Accounts Committee's (PAC) terms of reference. The current PAC has 3 States Members (excluding the Chair) and the constitution of the PAC (in accordance with Standing Order 131) allows for equal numbers of States and non-States members, so it is within the PAC Chair's gift to nominate up to 3 persons.

124 Unelected members of the PAC: appointment process

- (1) The chair of the PAC shall, at least 14 days before the meeting during which the unelected members of the PAC are to be appointed, give notice to the Greffier of the persons he or she intends to nominate for such membership.
- (2) Any other elected member may, at least 2 clear working days before that meeting, give notice to the Greffier of the person or persons he or she intends to nominate for such membership.
- (3) The Greffier shall distribute to members of the States information he or she receives about intended nominations.

In accordance with Standing Order 124(1) the Chair of the PAC has previously given notice that she will nominate the following three persons:

1. Dr Helen Miles

Former Director of Criminal Justice and Lead for '1001 Critical Days' Taskforce for the States of Jersey, leading the development of policy and strategy to meet broad ministerial objectives. Vice Chairman of the Board of Trustees at Autism Jersey. Currently holds a number of visiting lecturer and research roles in Criminology and Law.

2. Mr Graeme Phipps

An oil and gas director of 3 companies. Served on 13 different Boards, 7 of which were public with roles on Audit, Reserves, Compensation and Corporate Governance, plus Chairman and President of one public company.

3. Mr Adrian Lane

Senior Executive in local bank, JFSC approved, Fellow of the Institute of Chartered Accountants and holder of the Diploma in Company Direction of the Institute of Directors. Background in banking and accountancy covering finance, strategy and change management. Lay member of PAC 2018-2020.

Process

There was open competition for the new appointments, in line with the Jersey Appointments Commission's Guidelines. An advertisement was placed locally in the Jersey Evening Post and Bailiwick Express, together with social media postings and a LinkedIn campaign. The advert sought experienced professionals able to demonstrate a successful track record in, but not limited to, IT, finance, HR, regulatory, legal or the third sector environments. The applicants needed to demonstrate they can work constructively as part of a team, with an analytical approach and strong communication skills.

The recruitment process was successful in attracting a number of high-calibre candidates. All applicants for the lay member vacancies were sent further information detailing the role and responsibilities of unelected members, including the Code of Conduct, as attached as an addendum to this proposition. Lay members will be asked to adopt the standard as contained therein until the end of their term.

The candidates were advised that the non-elected member or lay roles are not remunerated, and expenses are not ordinarily payable. Given that successful candidates would be expected to attend and participate in (at least) 2 meetings per month, be called to attend other working meetings or public hearings and could expect to receive significant quantities of documentation to review, they were advised of the demanding workload accordingly. Candidates were also advised that if successfully appointed, they would be expected to abide by the Code of Conduct for Lay Members of the Public Accounts Committee, a draft copy of which was supplied to them on application, and subsequently approved by the Scrutiny Liaison Panel on 25th November 2020. The Code is attached to this paper for information and is expected to be appended to an updated [Scrutiny and Public Accounts Committee Proceedings: Code of Practice](#) in due course.

The shortlisting and interview panel comprised the Chair, the Greffier of the States and the Viscount, abiding by Appointments Commission guidance, including the appropriate documentation and management of any conflicts of interest. It used a scoring matrix in order to assess the candidates objectively, both at the shortlisting and the interview stage. Eight applicants were shortlisted for interview and interviews took place on 6th and 9th November 2020.

Following the interviews, the Panel was unanimous in its agreement to nominate the three candidates. In making the recommendation for appointment, the selection panel carefully considered the merits of all the candidates and their professional and academic backgrounds, with the aim of complementing the experience and background of the States Members of the Public Accounts Committee.

The Panel was delighted to be able to nominate Mr Adrian Lane who served on the previous Public Accounts Committee. His in-depth knowledge and experience of the PAC's work over the last two years will provide expertise and continuity for the new members. As an experienced financial services professional who has held executive positions with highly regarded institutions, his first-hand experience driving change, improving financial performance, remodelling operational structures, implementing systems, motivating teams and improving their performance, will be invaluable to the Committee.

Mr Phipps has spent his working life in various management and director positions including roles as President and Chairman of the Board, member of Audit and Corporate Governance Committees and other related roles. As a Jersey citizen with Canadian heritage, his skills and experience in consulting services and as a director of 2 international oil and gas companies, will provide a fresh perspective to the Committee.

The Panel considered Dr Miles' skillset, especially her 31-year career as a public servant, developing policies, processes and procedures to deliver efficiency and effectiveness, and driving down costs would complement the core values and remit of the PAC. Having worked in the public sector, and also cultivated an academic career, completing a part-time doctorate focusing on the unique social systems in Jersey, the Panel considered Dr Miles to be a great asset and well prepared for the challenges and complexities inherent in the role of lay member of the Public Accounts Committee.

Conclusion

Full details of each nominee have been circulated to the States members in advance of the debate. The Chair of the PAC asks the States to approve the appointment of the nominees as non-elected members of the Public Accounts Committee.



Lay Members of the Public Accounts Committee

Code of Conduct

The purpose of this code is to establish the standards expected from those who are appointed by the States Assembly to serve the public of Jersey as lay members (i.e. not elected States Members) of the Public Accounts Committee (PAC). It complements the required approach to operational matters of the PAC as prescribed by the *Scrutiny and Public Accounts Committee Proceedings: Code of Practice*.

Compliance with this code is compulsory, and acceptance of its terms during the selection process is a condition of an individual's subsequent nomination. Appointees are deemed signatories of the code upon appointment. It is the responsibility of all appointees to ensure that they are familiar and comply with its provisions. Any upheld breach should be viewed as a significant indiscretion.

1. General: The Seven Principles of Public Life

Lay members of the PAC are expected to observe the 'Nolan Principles' that underpin the ethical standards expected of public office holders. These are:

- **Selflessness**

Holders of public office should act solely in terms of the public interest.

- **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- **Honesty**

Holders of public office should be truthful.

- **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. Political Activity

In this role the lay member must be, and seen to be, politically impartial. The member must maintain discretion on matters relating to the work of PAC and recognise that certain political activities could be incompatible with their membership. Political statements should not be made, nor political activity undertaken, on issues that are of direct relevance to the work of PAC.

The lay member will not hold a high-profile (or paid) post in a political party. They are expected to refrain from prominent or controversial political activity, abstain from creating traditional or e-petitions and should not stand for election while in post (he or she will resign before doing so).

The Chair of PAC should be consulted before undertaking any other political activity. Subject to this and the above context, the member can engage in political activity, whilst remaining mindful of their responsibilities and obligations as a PAC member.

In the event of there being doubt as to whether this aspect of the Code has been or might be engaged, the Chair of PAC must be consulted.

3. Responsibilities towards employees

Lay members of PAC will treat all public sector staff with respect and courtesy, in the same way that it is expected that employees' behaviour will reflect the very same standards.

They will not in any way request or induce employees to act in a way that would conflict with the terms and conditions of their employment.

4. Social Media

In adhering to all parts of this code, as a public forum the same considerations apply to social media as they would to speaking in public or writing material for publication. This is irrespective of using any such platform in a personal or official capacity.

Where any personal social media accounts used by the lay member make reference or connection to their role on PAC, the lay member must take care to ensure that it is clear what capacity it is that they are acting in.

When engaging on social media platforms the lay member should at all times respect all confidentiality that applies to any of the information being referenced.

5. Conflicts of Interest

When considering applying, and if accepting to be proposed, for appointment by the States Assembly to PAC, an individual should consider if any conflicts of interest arise (direct/indirect/perceived) from their private interests or by virtue of any other roles held.

At either stage advice should be sought from the Greffier of the States and any such actual or potential conflicts raised. Where conflicts of interest are identified, agreement should be made with the Greffier and the Chair of PAC on the appropriate management of the conflict and/or course of action.

The lay member must ensure that no subsequent conflict arises, or could reasonably be perceived to do so, between their public duties and private interests, financial or otherwise.

The lay member must be transparent on such matters at all times. They must comply with the rules regarding the declaration of interests governing the PAC, as set out in section J of the *Scrutiny and PAC Committee Proceedings: Code of Practice* on handling conflicts of interests.

6. Use of information

Lay members must be mindful that confidential information received in the course of the Committee's work should only be used in connection with that role.

Information received in this capacity must never be used for the purpose of financial gain. Furthermore, it should not in any way be used in their own personal interest or that of their families or friends.

The member should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their role. The members must at all times have regard to all relevant statutory obligations (including data protection/privacy, financial and human rights legislation) when dealing with confidential information and be aware of the consequences of breaching confidentiality.

These responsibilities continue to apply after they have left the Committee.

7. Gifts and Hospitality

PAC's lay members should not accept gifts (directly or indirectly through family and friends), hospitality or services that might appear to place them under any form of obligation to the giver, or be seen to compromise their personal judgement or integrity.

They will not seek gifts or hospitality, but if receiving them the member should ensure that this could not bring the PAC into disrepute. They should consider whether they would be prepared to justify acceptance to the public.

8. Miscellaneous Responsibilities

Appointees should:

- play a full and active role in the work of PAC, undertaking the role responsibly, acting in good faith and in the best interests of PAC
- promote an inclusive and diverse culture and environment around PAC where different perspectives and backgrounds are welcomed. Harassment, bullying, acting inappropriately towards or discrimination towards any person is unacceptable
- deal with officials, the public and other stakeholders professionally, fairly and efficiently, avoiding acting in a way that unjustifiably favours or discriminates against particular individuals or interests
- fulfil effectively any statutory or administrative requirements relating to their position
- inform the Chair of PAC and the Greffier of the States of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director in advance of proposed appointment, or should any such instances occur during the appointment

9. Concerns about breaches of the Code

If an appointee or any other person has a concern about a possible breach of this code it should be raised with the Chair of PAC and/or the Greffier of the States. The Greffier will investigate any allegation of a breach of the code and report his/her findings to the PAC Chair who has the right to raise the matter with the full Committee. The Committee has the option of publishing a report on the matter, of inviting the lay member to consider their position and, ultimately, bringing a proposition to dismiss the lay member.