

STATES OF JERSEY

Corporate Services Scrutiny Panel

THURSDAY, 7th APRIL 2011

Panel:

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)
Senator J.L. Perchard
Senator A. Breckon
Senator F. du H. Le Gresley
Deputy R.G. Le Hérissier of St. Saviour

Scrutiny Officer:

Ms. K. Boydens

Witnesses:

Mr. K. Soar, Jersey Appointments Commission
Mr. J. Morris, Jersey Appointments Commission

[15:29]

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman):

Welcome, thank you very much for coming to our hearing today. Probably the best way to start off is could you just speak into the microphones and give your names and then we will just go round, then we will kick off properly.

Mr. K. Soar:

Ken Soar, Appointments Commission.

Mr. J. Morris:

James Morris, Appointments Commission

Senator A. Breckon:

Senator Alan Breckon, a member of the sub-panel.

Ms. K. Boydens:

Kellie Boydens, Scrutiny Officer.

Deputy J.A.N. Le Fondré:

John Le Fondré, Chairman.

Senator J.L. Perchard:

Senator Jim Perchard.

Deputy R.G. Le Hérissier of St. Saviour:

Deputy Le Hérissier.

Senator F. du H. Le Gresley:

Senator Francis Le Gresley.

[15:30]

Deputy J.A.N. Le Fondré:

Very quickly then just to start, James has come with Ken Soar. James, you are a new Commissioner or relatively new Commissioner?

Mr. J. Morris:

I have been on the Commission for just over a year but I was involved partly with this process. Ken led it.

Deputy J.A.N. Le Fondré:

Okay. So the only consideration, is the panel happy for Mr. Morris to sit there with Ken or do you want him in the public gallery?

Senator J.L. Perchard:

We are perfectly happy.

Deputy J.A.N. Le Fondré:

All okay? Great, that solves that little administration ...

Mr. K. Soar:

One other bit of administration; Kellie, did you print that thing off for me?

Ms. K. Boydens:

Yes, it is just on the table there.

Deputy J.A.N. Le Fondré:

Now, the other thing just to direct your attention to is the laminated notice by your left and right elbows. If you could just read and digest and note that you have absorbed the contents, please.

Mr. K. Soar:

Right, thank you.

Mr. J. Morris:

That's fine.

Deputy J.A.N. Le Fondré:

Obviously, as with the nature of things, we hope everybody all around the table is acting in all good spirits and will give the best answers they can under the questions we are going to put to you. I think probably the best place to start off is could you give a sort of overview role ...

Mr. M. Dunn:

Just before you start, Mr. Chairman, could we have the same video? I have asked the witnesses if they are happy to be videoed and they said they are happy to do it.

Deputy J.A.N. Le Fondré:

I will go back to the point ...

Mr. K. Soar:

I think, given what we have discussed in terms of that, we will withdraw our thing because we will be covering some areas which I did not think that we would be covering.

Deputy J.A.N. Le Fondré:

Okay.

Mr. K. Soar:

So I withdraw what I said on that.

Deputy J.A.N. Le Fondré:

Thank you. I will take a note so we are very clear then on that basis.

Mr. K. Soar:

Thank you.

Deputy J.A.N. Le Fondré:

The witness, I believe, has withdrawn his consent.

Mr. M. Dunn:

He has withdrawn his consent?

Deputy J.A.N. Le Fondré:

Yes.

Mr. M. Dunn:

After talking to you.

Deputy J.A.N. Le Fondré:

Well, I think I would also make the point that the Corporate Scrutiny Panel has made a collective decision, I understand last year but well before my time, that none of these proceedings were going to be videoed generally. Also, I was going to make the point that I understand there is not to be too much interaction between the public gallery and myself.

Mr. M. Dunn:

I will make the point that the Chairmen's Committee interpretation that you are giving is not correct. That is all I am saying.

Deputy J.A.N. Le Fondré:

That is okay. I shall await further guidance from my chairman. To kick off, could we just go through the general role of the Appointments Commission? My understanding, obviously under the law, is the function of the Commission is to oversee the recruitment of States employees or the States appointees, et cetera. Perhaps you could elaborate a bit more the sort of practicalities of how it all functions.

Mr. K. Soar:

Very much so. The Appointments Commission's function is to oversee the appointment of high-level posts, in particular those that are at senior civil service level, and any posts or Q.U.A.N.G.O. (Quasi-Autonomous Non-Governmental Organisation) which may have a bearing upon the public or an influence within the decision-making processes of the States. An example of one would be, say, something like the Jersey Heritage Trust which receives a lot of money from the States. We would be involved in that process of appointing the trustees to that particular board. We get involved right at the beginning of the process. That is not true; let us be careful about this. We get called in once the decision has been made that a recruitment process should be undertaken. Now, whether that recruitment process is decided by somebody leaving or a new post being created or whatever it happens to be that has created the need, we will not be involved at that particular

stage. What we do is come along once the decision has been made to discuss how we go about it and the methodologies that should be used. We then oversee completely the process, which means that we will sign off at every stage, which includes a review of the job descriptions, the persons' descriptions. We will then oversee the appointment and recruitment of any consulting panels that may be required or recruitment agencies that may be required and we would scrutinise and oversee and chair, effectively, the process for selecting the recruitment agent. It will then move on to the advertising stage and we will ensure that the fairness of advertising is undertaken and that the advertisement is in such a fashion as to comply with the job description and the person descriptions that we are looking for. Applicants will then be received and we will oversee any long-listing or shortlisting process that is required from that. Again, it needs to be emphasised that is very much under our control and our jurisdiction. We move from long-listing/shortlisting into interview and what typically happens at these sort of ... there is never an absolute model. There is a model that is laid down in the Guidelines but they are called Guidelines because they are guidelines. Nothing is absolutely prescriptive. So we would come to a conclusion about what the best mix for the interview process will be. We will then decide what the constitution of the interview panels will be. In conjunction with people, we will oversee and probably in most cases decide what the questioning process will be during the interview processes. In a lot of cases we will draw forth and place the emphasis upon where the weightings are in the questions that were created and, therefore, ensure that the best fit is found. We then go into the interview process. Once the interview process has taken place the individuals will numerically score each aspect that has been pre-determined and is laid out on a piece of paper that they have in front of them. Each member of the panel will put down a mark on how they see that individual. We will then ... sorry, go ahead.

Deputy J.A.N. Le Fondré:

Just a quick question there; will that necessarily include the representative of the Appointments Commission as well?

Mr. K. Soar:

We are the chair.

Deputy J.A.N. Le Fondré:

You are the chair. So you are part of the panel?

Mr. K. Soar:

We are part of the process, yes.

Deputy J.A.N. Le Fondré:

Part of the process; so you will score the individual candidates as well.

Mr. K. Soar:

We will score. That is absolutely, again, not 100 per cent prescriptive. For instance, I always do. I know one of my fellow Commissioners will look at the composition of the panel that are interviewing and will decide whether this is sufficiently strong enough in its make up not to require further impartiality by a member. But certainly if there is more of a bias in terms of people who have some concern about what's going on then we will certainly make sure that we have provided the impartiality as well. It is not 100 per cent true but in most cases we do.

Deputy J.A.N. Le Fondré:

Okay, carry on.

Mr. K. Soar:

Sorry, where did we get to? We will then mark and score each individual and we will then oversee the wash-up process which then decides on what the appointment will be. That will include numerical scoring; so there is an empirical bit that goes with it but the empirical bit does not always decide. The numbers may come out in one way but there are some other things that may skew it in other directions and an example, and certainly things we will no doubt be talking about, is whether this is the sort of post that should be filled by a local person or not filled by a local person. We will take that into account and if the score for somebody who is not local is higher than somebody who is local but the predominance here is that we want to have somebody local do the job, then we would ignore the scoring mechanisms.

Senator J.L. Perchard:

Who would decide whether that person should be local?

Mr. K. Soar:

It is normally determined right at the beginning. On the particular one we are talking about today, it got quite complex because there were 5 people that were being appointed at any one stage.

Deputy J.A.N. Le Fondré:

Sorry, I was just going to say we are also covering not just the chairman but also the non-executive directors.

Mr. K. Soar:

That is exactly it. There were 5 all together; so there was one chairman and 5 non-executive directors of which 3, as you are probably well aware, were up for election and one was in the gift of the Minister for Treasury and Resources. So in terms of the selection process, we had a debate about: "There are 5 that are available. Do we want 3 local or 2 local out of the 5?" So there was a debate that started right at the beginning with the Minister for Treasury and Resources and with the people that were sponsoring this particular appointment and all the independents that were involved in it as well about the appropriateness and what the mix should be.

Deputy J.A.N. Le Fondré:

What was the outcome?

Mr. K. Soar:

It was quite interesting. There were 5 and the question was 3 or 2. So we decided to leave the fifth one in abeyance until we got towards the end because then what you are looking at ... there is nothing prescriptive. We know it will be 3 or it will be 2 but it depends on the mix that you end up with. So whatever we are left with at the end we will have a look at and say: "It needs a bit more of a local bias," or: "It needs somebody who is an expert on accounting practices," and whatever it happens to be. So we left that right until the very end really.

Deputy J.A.N. Le Fondré:

So at the moment you have obviously got one chairman who could or could not be local. As it turned out I do not think ... I am not sure if there were any local candidates or not.

Mr. K. Soar:

There were no local candidates for the chair, no.

Deputy J.A.N. Le Fondré:

You have got a non-executive director appointed by the Minister for Treasury and Resources.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Do you have any indication who that might ...

Mr. K. Soar:

Yes, we do.

Deputy J.A.N. Le Fondré:

Is it somebody ...

Mr. K. Soar:

It was local.

Deputy J.A.N. Le Fondré:

Yes. I was going to say was it a politician or was it ...

Mr. K. Soar:

No.

Deputy J.A.N. Le Fondré:

Right. So that is an additional individual ...

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

... who has not been identified yet because they are not on the proposition?

Mr. K. Soar:

Correct.

Deputy J.A.N. Le Fondré:

Right, okay.

Senator F. du H. Le Gresley:

Sorry, can I ...

Deputy J.A.N. Le Fondré:

Yes.

Senator F. du H. Le Gresley:

This is the first time I have heard about this. That selection of that person, the Minister for Treasury and Resources' nominated person, did that come out of the pool of people who were interviewed?

Mr. K. Soar:

No, it is his gift. If you look at the proposition that is put forward, it says that he may appoint whoever he wishes to. I will say, though, what he did do was he passed it by us and said: "This is what I wish to do. Does it sound appropriate?"

Senator F. du H. Le Gresley:

Right, okay.

Mr. K. Soar:

My opinion at the time was it was absolutely the right thing to do.

Deputy J.A.N. Le Fondré:

Of that you have then got 3 non-executives left.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

So when you are talking about 3 or 2, are we effectively talking 3 out of 3 ...

Mr. K. Soar:

No, we are talking about out of the 5 that we were told about.

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

So far if you look at it, you have got a chairman who is U.K. (United Kingdom); you have an appointee who is local.

Deputy J.A.N. Le Fondré:

So it could then be 2 if it was going to be 3.

Mr. K. Soar:

Yes, whichever it was; 2 or 1.

Deputy J.A.N. Le Fondré:

Okay.

Mr. K. Soar:

Whichever way it was going to go, yes.

Deputy J.A.N. Le Fondré:

Okay, thanks.

Mr. K. Soar:

But the general make-up of the whole board, the balancing was: "We will leave the last one right until we see what we have got and then we will decide how we go from there".

Deputy J.A.N. Le Fondré:

Okay.

Senator J.L. Perchard:

Can I just ask Ken, he described in some detail the procedures and processes the Appointments Commission adopt and you just slipped in the words "in most cases".

Mr. K. Soar:

Yes, and I ...

Senator J.L. Perchard:

Can I just ask a question on that? I want to know: the procedure as you outlined very carefully and eloquently, was that the procedure used in this case?

Mr. K. Soar:

What, the chair ...

Senator J.L. Perchard:

The chair and the N.E.D.s (Non-Executive Directors).

Mr. K. Soar:

That I voted?

Senator J.L. Perchard:

No. You described the process, how the Appointments Commission ...

Mr. K. Soar:

Is this how it worked on this occasion?

Senator J.L. Perchard:

Yes.

Mr. K. Soar:

Absolutely. In fact in spades, to be quite honest. We were absolutely clear at the beginning that this was a political nightmare and, therefore, we were absolutely certain that we had to get this one right. So it followed almost to the letter.

Senator J.L. Perchard:

Because one of your early recruitment principles, or it appears early in the document, is to uphold political impartiality of the public service.

Mr. K. Soar:

Yes, correct.

Senator J.L. Perchard:

Do you feel you did that?

Mr. K. Soar:

In spades, yes.

Senator J.L. Perchard:

Okay.

Deputy J.A.N. Le Fondré:

Do you want to carry on about the generality at the moment?

Mr. K. Soar:

I am not sure where I got to.

Deputy J.A.N. Le Fondré:

I think you had got to wash-up at that point.

Mr. K. Soar:

Okay. So when we get to the wash-up stage and then decide in terms who should go forward and what our opinions are, we will go through the pointing systems. So

we will sit down and say: "How did you score this individual on this one?" "Well, I scored him 3 out of 5." "Well, that seems a bit steep." There is a general discussion that will be going on among them and I will be sitting there as the chair guiding that debate and sometimes, I have to say, it does get a little heated and, therefore, as the chair I will start to move it on. We will come to a conclusion at the end but what we will not do is cause anybody to change their opinion. That is not what we are there for. What we are there for is to just make sure that they are happy that the score they have given is absolutely the one they want to give. Very rarely will somebody say: "Mm, I think I take your point. I will move your score down one," or: "I will move my score up one." But it gives them the opportunity to do so. We collect all those points and we add them all up. That gives us an indication of where people sit. I have to say, it depends on what we are doing on processes as well but, again in generality, sometimes we set hurdle rates. Sometimes we will say, for instance: "If this individual cannot score a 3 on (an example might be) political astuteness then really we do not want him doing this particular job because he has to be politically astute and if he cannot make that level then he is unappointable." Sometimes, depending on the job, we will have gone through and said: "These are critical factors that we have to have from the individual," and there will be a level at which we will say: "If they cannot score 30 out of 50 then I am afraid the individual ...". If nobody is beyond that capability we do not appoint anybody. They are just not up to the calibre that we are looking for. So sometimes right at the beginning we all load those criteria down.

Deputy R.G. Le Hérisier:

Ken, what about if you get considerable variations between individuals scorers? You feed that into the discussion, do you?

Mr. K. Soar:

Yes. We use a 5-point scoring system at the moment. There is some debate about going to a 10-point scoring system but at the moment we are on a 5-point scoring system. I have had occasions (not on this particular one) where somebody scored one and somebody scored 5 and, to be quite honest, that merits discussion because somebody has seen something or not seen something that the other one has and we need to understand that. What typically happens is that they misinterpreted the question and you go: "Ah, I did not see it that way. I did not read the question that way. When you put it like that, this is how I see it."

Senator F. du H. Le Gresley:

Your scoring, is it one to 5 or zero to 5?

Mr. K. Soar:

It is zero to 5.

Senator F. du H. Le Gresley:

Zero to 5, in all instances?

Mr. K. Soar:

Yes. Sometimes what we do when we get very complex (not on this occasion but sometimes) we will weight a particular question by 2 or 3 times its value. Because it is so critical that we are looking for that, we will give it a higher weighting.

Senator F. du H. Le Gresley:

Could I just ask a question? I may be getting into the detail too soon but I am very interested when you said you collect all the points up. I know you were involved as

chairman of the recruitment panel for the chairman of this new organisation but you were not involved with the N.E.D.s.

Mr. K. Soar:

I was. There were 2 N.E.D. appointments. I did the first day's N.E.D. appointments and James did the second day's N.E.D. appointments.

Mr. J. Morris:

That is right.

Mr. K. Soar:

That is why James is here.

Senator F. du H. Le Gresley:

Right, okay. So when you say you collect up all the points, is that just from the recruitment panel or from the other panels that were involved?

Mr. K. Soar:

All the other panels as well.

Senator F. du H. Le Gresley:

All the other panels as well?

Mr. K. Soar:

Correct, yes.

Senator F. du H. Le Gresley:

That happened on both processes?

Mr. K. Soar:

Yes, absolutely.

Senator F. du H. Le Gresley:

Chairman and N.E.D.s?

Mr. K. Soar:

Absolutely. Absolutely, yes.

Senator F. du H. Le Gresley:

Okay.

[15:45]

Mr. K. Soar:

May I ask that you come back to that question later on?

Deputy J.A.N. Le Fondré:

I will keep track of those kinds of things. Right, you got to that point.

Mr. K. Soar:

Then what happens is we will approve or not approve the process and we will say: "This has been fine. Everything is above-board," and we will write a letter to whoever the appointing authority is and say: "Yes, this is the person that has been agreed by the panel." On this particular occasion it was a little interesting because obviously it

was Senator Ozouf, but we was on the panels as well; so we then said: "We agree. We will sign the paperwork. Everything is above-board and you may continue."

Deputy J.A.N. Le Fondré:

There you go.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Okay, fine.

Deputy R.G. Le Hérissier:

Sorry.

Deputy J.A.N. Le Fondré:

I have got some general ones, so ...

Deputy R.G. Le Hérissier:

I was just going to ask on that issue, Ken, when you sign it, who do you consult before you sign it off?

Mr. K. Soar:

I do not. Once I am satisfied that that process is above-board and robust and it has achieved all the objectives that we set out in the first place, I am the signing authority saying that it is above-board; it is correct.

Deputy J.A.N. Le Fondré:

Who do you report to?

Mr. K. Soar:

That is an interesting question. It is something which hope the scrutiny will pick up on in terms of some of the things that have happened of late. I do not know. I do not think we really understand. The law says that we will go back to the S.E.B. (States Employment Board) with any issues that we may have. Nothing is really in there if we say ... how do we say, for instance, that the process that is being followed is unacceptable but they proceed with nominating the individual? We have no recourse except to say: "We withhold our signature." That, in itself, is perhaps not the best way of doing something. The best we can do is go to, I think, the S.E.B. and say to them: "Blow the whistle and say 'foul'." What happens from there on is beyond us.

Deputy J.A.N. Le Fondré:

The only other place to go political, if it is an appointment, is going to the States, presumably.

Mr. K. Soar:

Well, that is the problem because the whole remit of the Appointments Commission is to make sure that it is not political. If we have done all this work to make sure it is not political and all of a sudden it goes into being political, what is the point of having the Appointments Commission?

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

It is one of those circular arguments, to be quite honest.

Senator J.L. Perchard:

Could you explain or give an example to the Committee of a reason why you may be dissatisfied? That an appointment would be made that you would not endorse; is that an example?

Mr. K. Soar:

I have not had an example where I have ever had to get to the stage of saying: "I will not sign off on this process," mainly because we step in long beforehand. We make sure that if something is not where we want it to be we will stop it. There have been many examples where I have literally said: "You will not continue down this road. If you do continue down this road I will be exiting it at this particular stage and you may continue but not with an Appointments Commissioner."

Senator J.L. Perchard:

I need a little bit more information as to ... a non-specific example, can you give us ...

Mr. K. Soar:

I will give you one example of something which I stopped.

Senator J.L. Perchard:

Yes.

Mr. K. Soar:

No names, no pack drill.

Senator J.L. Perchard:

Absolutely.

Mr. K. Soar:

There was a particular individual at a very senior level in the States who had resigned and was being replaced. We were doing the interviews for the replacement. It was thought by some individuals that this would be a good idea if we get the incumbent person to interview and go and talk to them in the bar and then come and tell us what he thinks of him. I said: "Under no circumstances, absolutely under no circumstances." They went: "Well, why not," sort of thing and I said: "Because it does not follow process. There is too much ambiguity about it. There is no control on what is going on. You will not do it." At one stage it was a: "I am going to. I am not going to," and the point was: "If you do, I will walk out of this thing." Is that a good enough example?

Senator J.L. Perchard:

Yes. Yes, I could not understand and thank you for that. That has provided me with some help.

Deputy J.A.N. Le Fondré:

I am sorry; I have suddenly realised when we get into the nitty-gritty how little I know about the Appointments Commission and that is with the irony of having sat on about 2 or 3 processes, as you may or may not know.

Mr. K. Soar:

I think that is why we are sitting here, to be quite honest.

Deputy J.A.N. Le Fondré:

It possibly is. I suppose number one is, is it an honorary role?

Mr. K. Soar:

No, we get paid. We get paid a daily rate. I think the rate is about £340 a day for doing that.

Deputy J.A.N. Le Fondré:

Okay. The other one then is, presumably you have officer support or support through the civil service. I understand your secretary is part of H.R. (Human Resources) in the States?

Mr. K. Soar:

H.R. provide us with a little administration support, yes.

Deputy J.A.N. Le Fondré:

What is your relationship with the States in terms of the processing of this? Is it basically that the civil service does the work, if that makes sense, and you oversee the detail? What is the interaction?

Mr. K. Soar:

In theory that is the case. What tends to happen, because we have specific ways ... and each Commissioner, by the way, has their own little foibles as well and ways in which they particular want to work. So the area where we tend to be not interactive but almost take over the process is when it comes to designing the questions. We do not think that the civil services has necessarily got a full grip of what is going on. We have a greater experience in those things to be able to design what the questions should look like and how it should be phrased and the weighting of that particular interview process. For instance, the creation of the job specifications, the person specifications, the candidate packs that go out; they all get done by the H.R. Department. The collation of all that information and bringing it together, making the packs up for us to be able to examine; that is all done by the ...

Deputy J.A.N. Le Fondré:

But you will then review the packs before they go out?

Mr. K. Soar:

Absolutely. There is not a single process, once we have opened the discussion up, that is not subject to our review.

Deputy J.A.N. Le Fondré:

Okay. Very quickly then, this is just trying to dot Is and cross Ts. In terminology terms, I know the law makes reference to guidelines. Are they the same, as far as you are concerned, to the Codes of Practice that we have got in front of us?

Mr. K. Soar:

Exactly.

Deputy J.A.N. Le Fondré:

Right, so the Codes of Practice we have got in front of us are the guidelines covered under the law.

Mr. K. Soar:

Correct, yes.

Deputy J.A.N. Le Fondré:

Thank you. Only because the annual report does seem to make a distinction between Guidance and Codes of Practice.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

The role also refers to audits.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Have you done any? Yes, no, do not know.

Mr. K. Soar:

We have done a couple of audits, but we have done is we have subcontracted that out and we audit the auditor.

Deputy J.A.N. Le Fondré:

Okay. Right, starting to get slowly towards the details; 23(c) of the law basically covers the involvement of States Members. Well, I can read it to you if you like. It says ...

Mr. K. Soar:

Yes, I have got a copy of it here somewhere.

Deputy J.A.N. Le Fondré:

“Members of the States are only involved in the recruitment of States employees or States appointees in accordance with the guidelines or otherwise in circumstances where, in the opinion of the Commission, it is appropriate that they be involved.” Now, essentially, I think (and maybe I will be corrected on this) the first indication of involvement to the States was a statement by the Minister for Treasury and Resources on 13th October inferring that he would set up what he called a transfer working group. I think that is what it was called.

Mr. K. Soar:

Transition advisory group.

Deputy J.A.N. Le Fondré:

That is what is now being called. He refers to it as a transfer working group.

Mr. K. Soar:

Okay. Yes.

Deputy J.A.N. Le Fondré:

Which talks about bringing to States Members, to scrutiny, potentially another non-executive member of the States in. Was that effectively the first time you heard of it or had that been mooted with you previously?

Mr. K. Soar:

It is not part of our remit. If the States decide that they wish to create a transition advisory group or working party to be able to do this, we are not involved in that. What we have been asked to do is be involved in the appointment of the board of the

States of Jersey Development Company. That is the only point at which we came into the process.

Deputy J.A.N. Le Fondré:

Obviously the appointment process for the board includes what is call the transition advisory panel, which has ...

Mr. K. Soar:

Which had members from here.

Deputy J.A.N. Le Fondré:

... a number of States Members on it.

Mr. K. Soar:

Correct, yes. But do not mix the 2.

Deputy J.A.N. Le Fondré:

So presumably you had to comment whether that was appropriate.

Mr. K. Soar:

We have got horses and carts here.

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

The States have created the transition advisory group.

Deputy J.A.N. Le Fondré:

The States have not.

Mr. K. Soar:

Okay. Well, whoever did; it was created. When we came to the recruitment process it was considered that we should take somebody from that environment to help with the selection process, because that is part of the remit that they had. So as we looked at how are we going to make the selections for these individuals, it seemed a wise thing to do to take these people who are going to be involved in that working party to bring it onto the selection process and have a say and a view on what ...

Deputy J.A.N. Le Fondré:

So purely in terms of process, you were happy with the timing on the basis that ... there is not any issue there, essentially?

Mr. K. Soar:

No.

Deputy J.A.N. Le Fondré:

Right, okay. I think we have covered the authority position in terms of if things start going awry what is your role, as it were.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

We have covered that and I think we have covered if there is any perceived problem with process how that that gets handled or actual the difficulties that are involved around that one.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

I think we are going to start going into the detail basically then. So to start off ...

Senator F. du H. Le Gresley:

Just before you have your first question.

Deputy J.A.N. Le Fondré:

Yes.

Senator F. du H. Le Gresley:

Am I absolutely correct in understanding that you had no involvement in the choice of the people on the transition advisory panel?

Mr. K. Soar:

Panel? Yes, we did.

Senator F. du H. Le Gresley:

On the panel but not the actual group?

Mr. K. Soar:

No.

Senator F. du H. Le Gresley:

Sorry, I used the wrong word there.

Deputy J.A.N. Le Fondré:

As far as you are concerned, are you saying that what I have referred to as the transfer working group already existed?

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Who would be the members of that group?

Mr. K. Soar:

No idea. I have no idea who the members were. There was a selection of people that we could use to form what we called the transition advisory panel. As far as we were concerned ...

Deputy J.A.N. Le Fondré:

That selection was who?

Mr. K. Soar:

Well, I have got a list of them. There were people like Constable Crowcroft, Deputy De Sousa, Deputy Rondel, Sarah Ferguson. Dan Murphy was there. The Chief Minister was on that list as well. There was a whole raft of people that might have been available to be used within the panel.

Deputy J.A.N. Le Fondré:

Okay. At this stage (and I do not know) my understanding is that there is nothing formally to establish what the Minister for Treasury and Resources has called a transfer working group but, anyway, that is fine.

Senator J.L. Perchard:

Let me Ken about the transition about it. There is a transition advisory panel and there is a transfer working group. I am confused.

Mr. K. Soar:

Okay. In terms of what we are dealing with here at the moment all we had was a second panel who was working subordinate to the main recruitment panel who were to form an opinion separately. What we did is we made their questions different to the questions that the main group was doing; so they were dealing with a completely different aspect. Some of you have been and done this. It is the first time we have done it as a panel but what we would like to see is how the individuals can react in a political environment. So when you look at the questions (and these are open question sheets that are there) they are all skewed towards how did the individual handle politics or handle politicians. Therefore, we were given just a selection of: "These are politicians that are available to sit on that panel and do that particular job. Are you happy?" My presumption was that they were part of this working group, but all we were aware of was that there was a list of people we could select from there.

Deputy J.A.N. Le Fondré:

When were you selecting this transition advisory panel? Let us forget the transfer working group or whatever you call it. Let us focus on the panel.

Mr. K. Soar:

As we progressed through doing this the availability of the politicians changed which meant that even at the last minute we were seeking other people to step in to be able to help us through this process. It is absolutely clear when you look at the people who were involved in each stage that there was a little inconsistency and it was an area that caused us some concern. But what the appointments commissioner Julian Rogers, who was dealing with it, did was to make sure that he nailed everything down. So he kept the continuity right but what happened is you had a flow of different politicians going through it.

Deputy J.A.N. Le Fondré:

But when was the actual existence of a transition advisory panel mooted? Was it before Christmas or after Christmas?

Mr. K. Soar:

The answer is I do not 100 per cent know. I can get the answer for you but it was right at the very beginning of the structure about how we are going to do the interview process. But exactly when I am going to have to go back to my notes and have a look, I am afraid. I do not know the answer, but it was right at the beginning when we started talking about interview process.

Senator F. du H. Le Gresley:

There was a meeting on 25th November 2010.

Mr. K. Soar:

Yes.

Senator F. du H. Le Gresley:

The first meeting of the recruitment panel which Alan Merry attended. So perhaps it was ...

Mr. K. Soar:

It could have been then. It might have been later on. We are not talking about the interview process at this stage, which is where the transition advisory panel would come into it. We are talking typically here about what does the individual look like, not what does the recruitment process look like. So I will have to check my notes, I am afraid, to be absolutely sure. It could well have been then. It may well have been later on, but I need to check.

Deputy R.G. Le Hérissier:

Before we get any ...

Deputy J.A.N. Le Fondré:

I think we will just keep pressing on.

Deputy R.G. Le Hérissier:

I wonder if you could outline the role of the private company that was involved?

Mr. K. Soar:

The recruitment agency? Yes. We decided on this occasion that this was such a specialist requirement that we would use a specialist agency to do it and, therefore, we would go out to tender. We laid the tender open to X number of recruitment agencies, both local and U.K. They are invited to submit a tender to us. We will examine it and choose the best based upon our belief in their capability of delivering and price to make sure that we get the best deal that we can. On this case Odgers were decided; they were the best for the job. What we are also looking for in that process is the contacts they have within the industry in U.K. as well, because clearly what we were looking for within the chair and that was a very clear decision at the front; this has really got to be a U.K.-based chairman. They have got the skill sets. They have got the experience to bring to the table that we were looking for and, therefore, the recruitment process was probably better handled by somebody who has got their fingers in that pie in the U.K. market. But, again, price had a bearing upon it as well.

[16:00]

Deputy J.A.N. Le Fondré:

How did you go about identifying the skill sets that you were looking for?

Mr. K. Soar:

We sit down as a group of individuals right at the beginning, on 25th November. We sit down and say to ourselves: "Well, what are you looking for here? What is it you are after?" We question, if you like, the sponsoring authority and we will say to them: "Well, explain to us what you are looking for. Okay, this is the type of individual." We will say: "What does the job do? What is the job about?" Then we will ask the question: "Well, what does the individual look like that you are looking for?"

Deputy J.A.N. Le Fondré:

In essence, what was the summary for this particular role or these particular roles?

Mr. K. Soar:

What will come out of it is the job description and the person description. I do not know if you have got the candidate recruitment packs?

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

In there is a complete spiel about what the role is, what the individual looks like, what we are looking for. That will all come out of that pre-discussion that we are having.

Deputy J.A.N. Le Fondré:

You have obviously got to make sure that your understanding of the role is ...

Mr. K. Soar:

Correct.

Deputy J.A.N. Le Fondré:

Right. So what was your understanding of the role?

Mr. K. Soar:

That we were looking for a high-grade board that would be able to oversee the development of States properties forward, from now on. In other words, we were going to increase the remit of the present W.E.B. (Waterfront Enterprise Board) and put a board above it that has the experiences required to move Jersey forward into the next century almost.

Deputy J.A.N. Le Fondré:

When you say "the experience required to move Jersey forward", can you expand on that?

Mr. K. Soar:

Have done developments in environments similar to the one that we have dealt with; have had the experience and understanding how to deal with developers; has got the experience and understanding of things like master plans and within a community environment as well. So it is not just about: "Well, I have built a block of flats somewhere," but understand the impact upon community and take a much wider view about what the development of that environment ...

Deputy J.A.N. Le Fondré:

So have a role of establishing the criteria perhaps or ... you have basically implied that building on what W.E.B. have done or do at the present time. Is that correct?

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Engaging the community and things like that. That sounds a wide-ish sort of remit.

Mr. K. Soar:

You have got to put it in context of what has already been established. Their job is delivery. So you have got a development company that is going to deliver. First of all, there is an Island plan, then there is the master plan, then you have got the advisory group (is it) that is involved in this and then you have got the transition working group as well that are all in producing concepts of where we have got to go forward. The States of Jersey Development Company's role was to take all that and

take it forward and deliver to make the development happen. As we progressed down through the discussions it became obvious that that is not quite as simple as: "Here is a remit; go and do it," because there was obviously a back chat and discussion that goes on about: "What is the appropriate thing to do?" It became quite an interesting development and discussion as you went through it.

Deputy R.G. Le Hérissier:

The issue is that it relates to this politician's group that obviously became part of our focus. What did you draw from those discussions as to how the politics of this would be managed and as to how candidates would have to deal with the politics, because obviously that has been contentious for quite a time?

Mr. K. Soar:

I think there are 2 elements to your question. One is you are asking how would the individual that we are appointing be dealing with politicians and the second is one I would describe as the political outfall of the process that is going on at the moment. We were asking the transition advisory panel, the recruitment panel that was there, to interact with the individuals so that we could gauge their ability to handle political environments. What has since happened, and it is an interesting debate, is that ... our whole remit throughout is to stop political interference, which you might say is a bit of a challenge when you have got a whole ... and I have to say, quite categorically, we were very, very successful. There is a debate that I would open up with you later on about how it then moved into the political environment and I would say that really does need to be investigated because if we are there to stop political interference how come politics has interfered. So the question is twofold; one is: "How did the individual react?" We have a look at the scores for that and look at some notes that say: "This individual was very good," or: "This individual was not," and marks were allocated to that. During the process there was very clearly desires and comments; some were political and some were not. Expressing an opinion while you are going through is not a political statement but trying to skew some of the markings and things like that is a political statement.

Deputy R.G. Le Hérissier:

So are you alleging that happened?

Mr. K. Soar:

I know it happened. I have got the proof, yes.

Deputy R.G. Le Hérissier:

Okay, how did it happen?

Mr. K. Soar:

Well, some of the markings that came in and certainly off the transition advisory panel, in all my experience (not only as an appointments commissioner; this is end of my term coming up) I have never seen anything like it. It is completely biased and you must draw your own inferences from that.

Senator F. du H. Le Gresley:

Are you talking just about the chairman at this stage?

Mr. K. Soar:

No, I am talking about the N.E.D.s.

Deputy R.G. Le Hérissier:

So when you say it was biased, Ken, did you derive this finding of bias from the kind of comments that were told you, the kind of comments that were written down ...

Mr. K. Soar:

No, by the comments that were written down and the ...

Deputy R.G. Le Hérissier:

... as well as the pattern of marking?

Mr. K. Soar:

Yes, absolutely.

Deputy R.G. Le Hérissier:

Yes.

Senator J.L. Perchard:

Are you inferring that any of the candidates were known to ...

Mr. K. Soar:

No. We were quite clear from the beginning that any conflict of interest had to be declared. There was no declaration of conflicts of interest.

Senator J.L. Perchard:

Can you tell me how you display bias if you do not know the candidate?

Mr. K. Soar:

Anybody who scores straight 5 marks, every category 5 right the way through, there is something wrong. I have never seen it, never come across it before. When 2 members of the panel both score straight 5s through on a candidate there is something wrong.

Deputy R.G. Le Hérissier:

This was one particular candidate having straight 5s for marks?

Mr. K. Soar:

Yes.

Deputy R.G. Le Hérissier:

The same candidate from 2 members?

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

Are you able to tell us whether that was the first set of interviews for N.E.D.s or the second set of interviews for the N.E.D.s for this?

Mr. K. Soar:

Does that give any indication towards what the individuals are? Probably not. The answer is second, yes.

Senator J.L. Perchard:

The second, okay. While we are on the subject, you mentioned also earlier, Ken, the turnover. I think you said exactly: "The turnover of politicians sitting on the transition advisory panel was unfortunate."

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

Can you expand on that?

Mr. K. Soar:

What would happen is that people then had other appointments come through and sometimes not their fault. What would happen is a candidate was not available for an interview. We had to set another interview date and the person that was asked to be on the transition advisory panel could not make that date. Well, that is perfectly understood. Politicians are all busy people. So what we then had to do was find somebody else that could help us through that.

Senator J.L. Perchard:

Can you confirm that different candidates were being interviewed by different politicians?

Mr. K. Soar:

There were 2 sets of interviews of which there was one politician that was consistent between the 2 and a couple that were interchanged, if you like. But what we did on the scoring systems, we briefed the individuals first of all so they understood where we were coming from, what the gist of the questioning should be and the chairman who was overseeing it, the Appointments Commissioner that was overseeing, was guiding the discussion through to try and keep it consistent.

Senator J.L. Perchard:

So you have confirmed, different candidates were being interviewed by different politicians on different occasions.

Mr. K. Soar:

Yes, as a statement that is correct.

Senator J.L. Perchard:

You have described that only as "unfortunate".

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

Is there no stronger term? Do you think that is acceptable?

Mr. K. Soar:

It was managed and it was managed within the bounds that we knew ... the result that was coming out was within the tolerances that we were looking for.

Senator J.L. Perchard:

You do not consider that unacceptable and that one candidate would be interviewed by a person and another candidate by another person?

Mr. K. Soar:

If it was one individual with one person then I would not like that. It was not. There was a panel of people of which there was at least 2 people on the panel that provided the continuity. Under those circumstances it is acceptable. It is not recommended; it

is acceptable. If there was a completely different set of panels and a completely different set of people then I would agree with you; I would not want to do it.

Deputy R.G. Le Hérissier:

If I can come back, Ken, to this issue of the marking and the fact that you were obviously alerted by it ... and come in if you wish, James.

Mr. J. Morris:

Yes, thank you.

Deputy R.G. Le Hérissier:

If I can revert to that, what did you do? Once you saw a pattern emerging which seemed bizarre, shall we say, what did you do about this?

Mr. K. Soar:

This was James who was doing this.

Deputy R.G. Le Hérissier:

Okay.

Mr. J. Morris:

I sat in on the second day with the recruitment panel and, therefore, at the conclusion of the day, invited the transition advisory panel representatives to come and have a full and frank debate about what they had seen from the candidates and what we had seen from the candidates. I have to say that when it became apparent that one particular candidates had scored straight 5s (and I agree with Ken) I was shall we say surprised. I have not seen straight 5s in all my experience. I have had extensive outside commercial experience of interviewing and so on but I have not seen a candidate score straight 5s in every single competency in an interview. I have certainly not seen it from 2 panellists. Probably even more quizzical was the fact that the Appointments Commissioner who sat there did not have anything like 5s for this particular candidate and, furthermore ... and who can say, I was not in that panel. I was inviting their views. But the fact remains that the individual in question crossed the corridor 10 minutes later and came into the main recruitment panel on which I did sit and did not give a 5 performance, which I think is probably ...

Mr. K. Soar:

I think it goes stronger than that. The individual that came in and had the interview was unappointable and I make that term as strongly as I can. Okay, was unappointable.

Senator J.L. Perchard:

What do you conclude from that, gentlemen?

Mr. K. Soar:

We do not. We leave you to conclude it.

Deputy R.G. Le Hérissier:

When these straight 5s came in though, you posed a challenge?

Mr. J. Morris:

I did pose the challenge to ...

Deputy R.G. Le Hérissier:

Were you given a credible explanation?

Mr. J. Morris:

I was given an explanation that was more generic. The candidate we are talking about here did not give a strong performance here in front of the panel that I was chairing. Example, question one was: "Please tell us what expertise you bring to this role." The answer was: 'None'," which is quite an interesting proposition from a candidate. I said: "What experience?" The answer equally was: "None." So the sort of dichotomy between what we had seen from this one candidate, who in the preceding hour had wowed and scored straight 5s with the other panel, I confess I have not been faced with such a situation. Dare I say I was just sort of almost looking for the Candid Camera, if the truth be told. What then ensued was that the candidate whom the panel on which I had sat and chaired (who was the strongest in the view, independently, of the panel which I was chairing) was the weakest in the view of the transition ...

Deputy R.G. Le Hérissier:

Is that out of 2 people?

Mr. J. Morris:

Yes, and vice versa. We did; we opened it up to debate and had a debate about what we had seen with the particular candidate and what they might have seen that we perhaps had not seen. But all that came back in justification of the straight 5s was a very generic: "The candidate was excellent."

Deputy J.A.N. Le Fondré:

So does that mean you sent the query back to the panel, Mr. Morris?

Mr. K. Soar:

They were in the room.

Mr. J. Morris:

They were in the room. I called them in for a ... I facilitated the debate between the 2 panels.

Senator F. du H. Le Gresley:

There was in fact only one States Member, was there not?

Mr. J. Morris:

There was indeed.

Deputy J.A.N. Le Fondré:

How long was that debate?

Mr. J. Morris:

I am going to say 20 to 30 minutes but I did not time it. It was of the order of some 20 minutes.

Deputy J.A.N. Le Fondré:

This was at the end of the whole process?

Mr. J. Morris:

Yes.

Deputy J.A.N. Le Fondré:

Can I just ask: if the candidate was unappointable and I think from your inference not credible (if that is a leading statement tell me but it is not meant to be) how did that get through the shortlisting?

Mr. K. Soar:

I can answer that. There was a desire on our part to make sure we had sufficient local candidates and on paper has everything that you would want. So we wanted to make sure there was sufficient choice to make sure we get the balance right on the 3 and 2.

Deputy J.A.N. Le Fondré:

I suppose the query does arise if on paper the candidate was fine, is it possible it was a case of personalities in terms of the response? Because it seems odd: "What experience do you bring?" "None," sounds facetious.

Mr. J. Morris:

It was an interesting response, yes.

Deputy J.A.N. Le Fondré:

Yes, and that implies something has gone wrong somewhere in there.

Mr. J. Morris:

Like Ken has said, it is not ours to conjecture why that candidate ostensibly gave such a staggeringly good performance in one interview and crossed the corridor and gave a staggeringly poor one in another.

Mr. K. Soar:

I do not think there were any personality conflicts in any of this. There was no indication from anything I knew and I do not think there was any indication from anything from anything ... there is nothing I know of in the individual that would make me think that at all.

Senator J.L. Perchard:

We have it on public record that Senator Ferguson was that person at that final meeting when you convened the two panels together, James, and the candidates were discussed. Senator Ferguson said that was a very short meeting where she ... I am not sure if she exactly described as: "The transition advisory panel were informed of the selection," but she implied at least that the transition advisory panel's opinions were not relevant. Have you got a comment on that?

[16:15]

Mr. J. Morris:

I would refute that. I would not have called both her and Julian Rogers, who was the Appointments Commissioner working with that panel, across to share their views with the main recruitment panel if there was no desire to listen to what they had to say. As I say, when I did ask for details of candidates as they went through and got this answer that this particular candidate had got straight 5s and I did a sort of double-take, bearing in mind the experience we had. We did and Senator Ferguson and I and, in fact, the panels did have some discussion about the discrepancy between the one candidate that they had favoured and the panel that I was chairing had not and vice versa.

Deputy J.A.N. Le Fondré:

You are saying that discussion lasted about half an hour.

Mr. J. Morris:

I could not time it. I would certainly say it was of the order of 20 minutes.

Deputy J.A.N. Le Fondré:

Okay, but a longish discussion?

Mr. J. Morris:

If the inference from Senator Ferguson is that it was a 2-minute in/out, that was not the case. That was not the case.

Senator F. du H. Le Gresley:

I think she said 5 to 10 minutes.

Deputy J.A.N. Le Fondré:

"Perfunctory" I think was the expression.

Mr. J. Morris:

It was not intended to be perfunctory. There was this discrepancy and, dare I say it, among the panellists almost a level of incredulity about the discrepancy which may have led one to believe: "Well, hang on a minute; is this really a conversation that is ever going to come to some sort of" ...

Mr. K. Soar:

I think there is one other aspect that might well be worth putting in at this particular stage. We talked about scoring. Even with the straight 5s that we are talking about, the result will still have stood. So you empirically add up the scores and including 2 lots of straight 5s, okay, and the decision is exactly the same.

Deputy R.G. Le Hérissier:

There was a significant difference between this candidate and other candidates on the list.

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

This anomaly, did it appear with more than one candidate?

Mr. K. Soar:

No.

Senator J.L. Perchard:

Okay, the extreme example you have given ...

Mr. K. Soar:

No, absolutely not. That is why we have an incredulity. That is why we just do not understand why the bias was there.

Senator J.L. Perchard:

Otherwise you would describe there was some sort of standard between the panels?

Mr. K. Soar:

Yes, there is a standard deviation across the marks. There always is. This was beyond the standard deviation.

Deputy J.A.N. Le Fondré:

Okay. This going back to dates, process and timing effectively and it is relevant, I think, to your Code of Practice, which says: "The Commission expects those involved to frame their procedures in a considerate and timely manner." Now, my understanding from documentation we have had is that the meeting for 17th January was notified on 22nd December by email but the meeting for 26th January was notified on 18th January. Then on 25th January the N.E.D.s were scheduled for 21st and 22nd February.

Mr. K. Soar:

Okay, can I just explain that one to you first of all?

Deputy J.A.N. Le Fondré:

Yes. I was less concerned with those, I must admit. It was the next one ...

Mr. K. Soar:

At the first meeting, I was there.

Deputy J.A.N. Le Fondré:

I was less concerned with those, I must admit. It was the next one.

Mr. K. Soar:

On 17th January when the transition advisory panel was there, there was a considerable debate among the politicians about the 3 and 2 question. It was raised by, I am fairly certain, Constable Murphy, Deputy Rondel ... I think they were the main 2, probably Senator Ferguson as well. They were insistent that we have more local candidates. The meeting that followed later was to ensure that we could ... what we said was: "If that is the case, we do not have enough local candidates in here. We need to go out and redraw to satisfy that requirement." They requested it. To satisfy that requirement we said: "Stop the process at the moment. Go out and get more candidates in. Get more people that are able to do it." What happens with the process in terms of getting candidates, as it were, is it is a two-pronged attack. It is not just about putting out an advertisement in the paper. The recruitment consultant goes to people that he knows who would be the right sort of person for this job. You would not expect somebody like Baroness Ford to respond to an advertisement of ours placed in the *J.E.P. (Jersey Evening Post)*. So he knows her. He goes to her and says: "Look, there is this job coming up in Jersey. Would you be interested?"

Deputy J.A.N. Le Fondré:

There's a head-hunter role.

Mr. K. Soar:

A head-hunter role that goes on. So there is what we call a search routine that goes on as well as an advertisement role that goes out as well. We did not advertise in the U.K. except on a website and we used pure searching in the U.K. and the website to give us candidates in the U.K. We advertised in Jersey. What we decided was that we could do a bit more search in Jersey as well to see if we can trawl some more candidates because of the request to get more local candidates. Hence that second meeting which is about discussing how that was going forward and to give feedback on to that.

Deputy J.A.N. Le Fondré:

That was when you advertised; I think, 27th January or something.

Mr. K. Soar:

Something like that, yes.

Deputy J.A.N. Le Fondré:

Okay. Can I just follow that line? The meetings for 21st and 22nd were scheduled on 25th January. That was when they were notified, I understand, or that is the latest they were notified to States Members.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

However, on 17th February the date was changed: "Date to be confirmed," and then on 23rd February they were notified that the next date for interviews was going to be the 28th.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

That was 5 days' notice basically, which I think is either 2 or 3 working days.

Mr. K. Soar:

What happened was the candidates who had been chosen on the shortlist could not make the given interview dates. What turned out, I think it was half-term or something and there were 2 ladies and they had booked holidays with their children to go away or something. We just thought they were such strong candidates that we wanted to interview them and the only way that we were going to be able to do that was to create a second interview date. I could not make the second date. That is why James had to stand in for me.

Deputy J.A.N. Le Fondré:

Obviously half term has been in some of these diaries for a long time.

Mr. K. Soar:

Correct, yes.

Deputy J.A.N. Le Fondré:

I know from personal experience as well, quite often as States Members you operate your diaries 3 to 4 weeks in advance. To get a change and then get notified that in 3 days' time or 5 days' time you have got an appointment meeting coming up, do you think that is something that, if the excuse is half term ...

Mr. K. Soar:

The excuse is not that it is half term but we ended up with a position where the candidates could not make it. You have got to balance between an expediency in getting the people in from the shortlist stage into the interview stage, because you cannot have too big a gap there, and also this ... so where do you hit off? It is a compromise and the compromise is some of the States Members could not make it, some of the interviewees could not make and you are juggling these balls in the air saying: "What is the remedy."

Deputy J.A.N. Le Fondré:

Yes. So from your point of view shall we say it is not ideal but it is an acceptable process?

Mr. K. Soar:

Well, it is life. It is just the way it is, I am afraid.

Deputy R.G. Le Hérissier:

Sorry we are jumping a bit, Ken and James, but the issue of the use of the outside consultancy drawing more people in, I wondered to what extent you took an interest and perhaps exercised an oversight over that process. For example, we had the rather colourful suggestion from a witness the other day that all the U.K. candidates were virtually victims of the great Government cull of the Q.U.A.N.G.O.s and they were a Labour Party Bellatrix. How do you respond to that?

Mr. K. Soar:

It is quite interesting because we asked that question ourselves.

Deputy R.G. Le Hérissier:

Did you? Yes.

Mr. K. Soar:

Example: we were seeing some incredibly high-calibre people. What is the calibre of that person doing wanting to come to Jersey? I do not mean that derogatorily but, "You have built London. Why would you want to go and built a housing development in Jersey? What is it?" So we did raise the question with the recruitment agency and we got quite an interesting answer back. They said that in almost aspect of Government work in the U.K. at the moment people are compromised because of the Olympic build. So whatever they are doing, there is so much work going on in the Olympic build at the moment and so many companies and individuals involved in it that really they cannot work on anything else because they are compromised. Hence there is nothing out there for them to do, as it were, and you have got this lull in there. So, therefore, we are lucky to have leapt in at that particular time. Now, we asked the question. That is the answer that we got. If you want to describe it as: "These have been thrown on the heap by whatever," I do not see it that way. It is just because of the development work that was going on in the Olympics.

Senator F. du H. Le Gresley:

Can I jump in here? You mentioned Odgers in a way head-hunted some of the candidates for chairman and maybe for N.E.D. Do you know if any of the local candidates which were for N.E.D.s were asked to apply by anybody, as opposed to responding to the advertisement?

Mr. K. Soar:

The answer is I know that specifically because one of them that did not make it to shortlist I recommended. I went to Odgers and said: "I know somebody I think will give you a good job here. I will give you the name. Go and do what you need to do with it." That individual did not make it past the shortlist stage. There is an example of one, for instance. I would have to go back on those that did make it on to shortlist ... we did ask this question. We have the statistics. We do know with each individual whether they came from the advertisement or were head-hunted and I would have to go back and have a look at the files to make sure. So it would be unfair of me to answer that at the moment.

Senator F. du H. Le Gresley:

One point that I picked up when you were talking, Ken, because I understood at the beginning of these discussions that you had chaired the recruitment panel all the way through, but you were not chairing the recruitment panel at the last selection. It was James?

Mr. K. Soar:

Yes. But I took the whole process right the way through until the last bit.

Deputy R.G. Le Hérissier:

This is more a general question, but one of the big issues obviously with succession planning, if you do open up a position invariably the U.K.-based candidates have much more experience and on paper it is very hard often for a local candidate. So, at that point you had decided the ratio of local to external. Is that correct?

Mr. K. Soar:

We had a feeling that it would be either 3 and 2 or 2 and 3 and we decided to leave it in abeyance. When the concern was raised by what effectively was the T.A.P. (Transition Advisory Panel), that there were not enough local candidates, we said: "Okay, we will go and make sure we get more on board to take care of that." But in the generality of your question, which is about using local people to do the job, there is a much, much wider debate and a much wider question that does need to be asked and certainly the Appointments Commission has a view; one which we have expressed on many occasions on our annual report and one which will be expressed again in the Annual Report that is due out very shortly.

Deputy R.G. Le Hérissier:

Were the politicians on T.A.P., the Advisory Panel, were they told: "Look, we are going to bring in candidates from as wide an environment as possible and when you judge the candidates they will all be judged on their own merits, you cannot give bias to local candidates in your marking"? That was made absolutely clear?

Mr. K. Soar:

Absolutely crystal clear. What the process was, was crystal clear. There are emails that have been out saying to everybody: "This is what your role is in it, this is what goes on, this is how you do your thing." Could it have been better? Could we have sat everybody down and gone through a Janet and John version of it? Maybe. But I have found that politicians do not take particularly well to being told what to do.

Deputy R.G. Le Hérissier:

Just one final question on that point, there was an allegation made in the States and it is in Hansard by Deputy Noel that one of the people on T.A.P., particularly representatives, had had some kind of failed business relationship with a candidate. Was that issue discussed at all during the process of recruitment?

Mr. K. Soar:

No. And nor previously, nor subsequently.

Deputy R.G. Le Hérissier:

Nor subsequently. Okay.

Senator J.L. Perchard:

Just to reiterate something that you implied. I am not sure if you confirmed it, Ken, did you ask, or were all the political representatives on the Transitional Advisory Panel, asked categorically if they were conflicted in any way when interviewing any of these candidates?

Mr. K. Soar:

It is a good question and I would have to say I probably do not think we asked that question specifically. I think we would have just expected people of this calibre to understand that if you are conflicted you say so.

Deputy J.A.N. Le Fondré:

That would apply to all of the panels.

Mr. K. Soar:

Absolutely. I declared a conflict at one stage through it as well. So, there were examples of conflicts being declared. I mean, I did one. It is back to the Janet and John, is it not? I would expect people of that calibre to be able to understand it.

Deputy J.A.N. Le Fondré:

Just to use that example that you declared a conflict, presumably because it was the individual you had suggested.

Mr. K. Soar:

I knew the individual, yes.

Deputy J.A.N. Le Fondré:

What did you do at that point? Did you stand back?

Mr. K. Soar:

I stepped back. I still chaired the debate because it was at shortlisting stage. I declared my interest and stepped back, let them have the debate. They came to whatever conclusions that they came to, which was that they did not want to take the individual through to shortlist. I think they were wrong because I know the individual, but that is different, but it was not my position to argue with it. I was conflicted and then I came back into the debate.

Deputy J.A.N. Le Fondré:

So, you stepped back and presumably if anybody else had been in that position they should have done the same thing, depending on the degree of ...

Mr. K. Soar:

It is Janet and John, is it not?

Deputy J.A.N. Le Fondré:

Yes. Can I just ask, in terms of the transition panel then, what would you have said your understand of their role was meant to be?

Mr. K. Soar:

Transition Advisory Panel?

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

Actually I can read that email that I sent you, a copy of the email verbatim. Very clearly they were there as a subsidiary panel to advise the main panel whose role it was to make the final selection. They were mandated with that. To give them their opinion. They were specifically there to ask questions and what we do by the way with the questions is we allocate each question to an individual and what does not

happen is it does not go: "Oh, let me ask you this question. Did you ..." You do not read the question, you bring it into a conversation and as it develops in the conversation that individual has the responsibility for moulding that question and then bringing it out during the discussions. It could be at any point in the discussion as long as you cover it. So, each individual member of the T.A.P. was given their own questions and they were shown what would look to be a reasonable answer against this.

[16:30]

So, they were given not only the question but in terms of the sort of people that you are talking to, this is the sort of response that you should perhaps be expecting to see from them. You make your own judgments about how it is but this is what the question is designed to elicit from them and you will gauge it from there. Their role was then to form an opinion, score it, discuss it with their chairman and then come to the main panel and deliver their views, of which their views will be taken into account and as part of the process. There was another subsidiary panel, and I do not know if you are aware of this as well.

Deputy J.A.N. Le Fondré:

The technical panel. That was for chairman, was it not?

Mr. K. Soar:

The what, sorry?

Deputy J.A.N. Le Fondré:

The technical panel.

Mr. K. Soar:

The technical panel as well, yes.

Deputy J.A.N. Le Fondré:

For chairman?

Mr. K. Soar:

Peter Cresswell was the chairman.

Deputy J.A.N. Le Fondré:

No, I said for just the chairman, not for ...

Mr. K. Soar:

Just the chairman, sorry. The chairman of it was Peter Cresswell.

Deputy J.A.N. Le Fondré:

How did they interact with the main panel? In the same way?

Mr. K. Soar:

Very well. Very well indeed.

Deputy J.A.N. Le Fondré:

In a similar manner though?

Mr. K. Soar:

Absolutely, yes.

Senator J.L. Perchard:

You mentioned questions. Could you confirm that the different panels asked different questions of the candidates?

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

Can you confirm that the same questions were asked to each of the interviewees?

Mr. K. Soar:

I can. One of the roles of the Appointments Commissioner, and we do it specifically as we are going through, we will tick that question to make sure and if it does not come out we then will either ask the question or steer the conversation towards it so the individual can actually ...

Senator J.L. Perchard:

An absolutely standard then?

Mr. K. Soar:

Absolutely standard.

Senator J.L. Perchard:

Can you confirm that all the candidates were given the same list of questions in advance of ...

Mr. K. Soar:

They do not receive the questions.

Senator J.L. Perchard:

They do not receive the questions?

Mr. K. Soar:

No. It is a general discussion. We have a set of things that we are trying to examine so the actual panel themselves will have those questions in mind. The individual will merely come in to have a discussion with the panel itself but the structure of that debate, or that discussion is held within the questions that we want to ask and they are not limiting, by the way, you can take supplementaries.

Senator J.L. Perchard:

Can we just clear this up? You are saying that the candidates that were being interviewed received no questions from the Appointments Commission?

Mr. K. Soar:

Now that is not true because they were given a task to do as part of the process. It would be a 5-minute presentation. I cannot remember the exact task that they were given. They were given a thing when they arrived: "When you go in the first thing you are going to do is have to talk to this subject." As part of the introduction to what they are doing and the introduction to the discussion. Now, that is standard procedure as well. Unfortunately the admin of that did not go particularly well in that some of the candidates that came through did not receive that before they arrived, but what happened was, and Julian is very clear on this because he then said: "We have a problem here. We have to make sure in terms of making the judgments that are going on, you have to understand this chap has not had the ability to do it." But Julian's view was quite interesting he was saying despite that the question was then

posed but the calibre of the individuals was so good that they just launched straight into it and delivered a good response.

Deputy J.A.N. Le Fondré:

Why did they not get the information, or the questions?

Mr. K. Soar:

The admin support for the operation failed to notify them. It was a States employee.

Deputy J.A.N. Le Fondré:

In the Chief Minister's Office?

Mr. K. Soar:

Yes.

Senator J.L. Perchard:

Because they apply through a different mechanism i.e. internet?

Mr. K. Soar:

No, no. When they came for the interview what happened was the guy just forgot to tell them. So, as they were turning up for the interview they are being told that morning: "You are going to have to talk for 5 minutes on this particular subject."

Senator J.L. Perchard:

There was never any written instruction given to the candidates a day in advance, a week in advance?

Mr. K. Soar:

No, not that far in advance. No, not at all. The error happened on the day. In other words, we did not want to give them advance notice we just wanted them to come in. It was a general discussion: "Just talk to us for 5 minutes about this particular topic."

Deputy J.A.N. Le Fondré:

Can I just go back to the T.A.P. and the involvement, and the interaction essentially. Very quickly, you have talked about obviously the various briefings and things like that that happened in January. Were they ever given any sort of written, for want of a better of expression, terms of reference in terms of what they were expected to do, what their role was?

Mr. K. Soar:

I sent you an email showing this is what their role would be. There was a round robin by email going around saying: "These are the sort of questions. What would you like to ask?" So, it was not: "Here are your questions. Get on with it." They were involved in creating and the development of this style of approach that was required and which questions would they like to deal with.

Deputy J.A.N. Le Fondré:

I think the questions is whether it was clear to them from the beginning that they were ...

Mr. K. Soar:

Subsidiary to the main panel.

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

Yes.

Deputy J.A.N. Le Fondré:

Whether they were part of the selection process, as it were. In other words, their votes counted equally, or whether they were advisory.

Mr. K. Soar:

You have received the email. It is in black and white. It is absolutely black and white.

Deputy J.A.N. Le Fondré:

Right. The second question then, on the shortlisting, you said obviously you signed off on the process and things like that. Was it clear that as far as you are concerned the shortlisting was to be just the recruitment panel?

Mr. K. Soar:

Yes. It is not ever normal to have a subsidiary panel doing a shortlisting process.

Deputy J.A.N. Le Fondré:

The reason I ask that is because on the chart that I have in front of me it seems to relate to sign-off of the shortlisting including the Transition Advisory Panel.

Mr. K. Soar:

It did not include the Transition Advisory Panel.

Deputy J.A.N. Le Fondré:

It does actually say it.

Mr. K. Soar:

Well, it should not.

Deputy J.A.N. Le Fondré:

Okay, so that is an error on that part. The other query is that in relation to the existence of the panel the pack that went out to the candidates ...

Mr. K. Soar:

Sorry, can I just refer you to my timeline, Item 10 where it shows you the shortlisting. Oh, it is the Chair. Sorry. No, you are right. When you come to Item 14 it does say Technical ... no, that is the interviews. T.A.P. was not involved in the shortlisting. That is new to me, I am afraid.

Deputy J.A.N. Le Fondré:

That is from the pack that obviously the officer produced. Actually, when you say it is new to you I would have thought you would have seen this. This is part of the States of Jersey Development Company implementation timeline information that was given to us. Okay, going on from that then you talked about ...

Senator J.L. Perchard:

Paragraph 14.

Mr. K. Soar:

That is the recruitment interviews. If you look at Item 10.

Deputy J.A.N. Le Fondré:

That is not the shortlisting.

Mr. K. Soar:

Item 10 is the shortlisting.

Deputy J.A.N. Le Fondré:

Yes. All I am saying is that on the information we have it says that the T.A.P. should be involved in the sign-off of the shortlisting and actually there was some correspondence around from certain individuals saying: "Are we going to get sight of the long list?"

Mr. K. Soar:

They asked if they were going to be seeing sight of the shortlist and they were told no. Not sight of the shortlist, sorry, whether they would be involved in the shortlist process and the answer was no: "You will be given the shortlist candidates and their C.V.s (Curriculum Vitae) in a pack with all the shortlists ready for your interview process that you are going to be going into."

Deputy J.A.N. Le Fondré:

Okay. Going back to the main panel, essentially the creation of the T.A.P. was done fairly early on but the actual package that seems to have gone out, or at least the copy we have, that went out to the potential candidates only makes reference to one interview panel.

Senator F.D.H. Le Gresley:

For the N.E.D.s.

Deputy J.A.N. Le Fondré:

For the N.E.D.s.

Mr. K. Soar:

One interview day?

Deputy J.A.N. Le Fondré:

No. One interview panel.

Senator F.D.H. Le Gresley:

It says there will be a single panel interview for the N.E.D.s.

Senator J.L. Perchard:

Is that the candidate briefing pack?

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

That is not correct. There were 2 panels. What had happened is we dropped from 3 to 2 so I do not know if they got that wrong in terms of ...

Deputy J.A.N. Le Fondré:

I can read this to you, if you like. It says: "The recruitment process ..." it is the last page ...

Mr. K. Soar:

That is right at the beginning though, is it not? Sorry, that is the candidates' brief. That went out right at the beginning before people had even said they were going to ... so, that that stage we may have said there will be one interview panel dealing with it and we may well have changed our minds later on and gone for 2.

Deputy J.A.N. Le Fondré:

Well, that is why I was asking.

Senator J.L. Perchard:

This is December ...

Mr. K. Soar:

That is right at the beginning of the process. We would have amended that on the way through.

Deputy J.A.N. Le Fondré:

At the moment it says: "There will be 3 interview panels to the chair. On the day of the final interview details will be provided to those shortlisted for the post. There will be a single panel interview for the N.E.D.s and it is anticipated that the new selected chair should be in attendance" which was obviously Baroness Ford on the main panel.

Senator J.L. Perchard:

Ken said that it would have been amended on the way through. How would it have been amended, Ken?

Mr. K. Soar:

The more I think about this the more I ... I remember we had this discussion even with the T.A.P. and they were saying: "Will we be involved in the N.E.D.s?" and at that stage we were saying: "Well, why not? It is a good idea but we do not need the Technical Panel but it is a good idea to bring the T.A.P. along and use them as part of the process as well." So, that would have been not an on-the-hoof type decision but as we were going along; it appeared to us that that was a good way of going forward. They had put good input into the chairman's selection. That had worked very well.

Deputy J.A.N. Le Fondré:

So, in terms of involvement, why was the decision made not to include anybody from that in the shortlisting process?

Mr. K. Soar:

Because you end up with about 17,000 people sitting around a table discussing what the shortlist process is. It is sufficient that the recruitment panel, plus the other individuals that were involved like the recruitment agencies, Baroness Ford et cetera, that is sufficient to be able to make a shortlist to provide sufficient input for the shortlist. There is nothing sinister about not involving the T.A.P. in there it is just cumbersome.

Deputy J.A.N. Le Fondré:

Okay, now did you have, in terms of the structure of creating or introducing the T.A.P., particularly on the N.E.D. side of things, did you have any comments on that proposal, or did you give any advice to the Chairman at any point on that structure?

Mr. K. Soar:

On the structure of the ...?

Deputy J.A.N. Le Fondré:

Did you give any advice to the Chairman on how it should operate?

Mr. K. Soar:

The Chairman of the T.A.P.? Did I give him advice on ...

Deputy J.A.N. Le Fondré:

I will say, the senior politician controlling the process.

Mr. K. Soar:

Okay. Well, he was not controlling the process number one.

Deputy J.A.N. Le Fondré:

Sorry, involved in the process.

Mr. K. Soar:

Let us be absolutely clear about that! Advice on the composition. No. It was more to do with availability than it was about: "This guy would make a fantastic job of doing this." We were given a list of politicians that would be appropriate and had said they were available to do it.

Deputy J.A.N. Le Fondré:

I was not talking about the compensation, I was talking about the structure, role, interaction.

Mr. K. Soar:

No, that is our responsibility. No, absolutely not.

Deputy J.A.N. Le Fondré:

Sorry, what I am trying to say is, were any comments made about having a T.A.P. in the first place? Was it considered advisable? Was any advice given as to how they should interact with the main panel? I am talking about the structure rather than the individual composition of that panel.

Mr. K. Soar:

The answer is no. How the T.A.P. came about is that we have been using in the past, certainly on senior civil servant appointments, an individual politician on the day before who would sit down, have a cup of coffee and just have a discussion and give us a bit of feedback about the interaction in a political environment. This is the first time that got expanded into a panel role itself and it was considered a development of, if you like, the processes that we were using when some of the things that we are doing are very politically sensitive. In other words, what we do not want to get is somebody in there who is just so politically naïve that the system is unworkable. So, the development of the idea of the T.A.P. was very much along the lines ... there were 2 things going on. One is about, yes, we want to develop this idea about the individual sat in the room having a cup of coffee to a much more structured, something that will give us an empirical measurement of what that was because previously it was just: "Oh, he is a nice chap and we got well and everything was okay." So, we wanted some sort of empirical side of that. The other side of it was, and I think this is probably a political view that was taken at the time, which was that given that there is this transition work group that is going on, given that this is a hugely political, sensitive environment, that having that group involved in the selection process will give them some sort of insight into what is going on. They are part of the process. They have seen what has gone on and they are involved and

therefore they know. It is quite interesting really, on the first formation of the T.A.P., on the first meeting of the T.A.P. on 17th January, the Chief Minister chaired it and he said: "Let us understand what we are here for. We are to provide political oversight to the process." At which point we had to explain to him: "No, he was not here to provide political oversight, but to provide political sight." I think that is perhaps the best way of describing it, just so that there was view of what had actually gone on. So, the 2 things came together: (1) we are developing that in terms of our processes, and (2) there is more of an involvement in the political element as well.

Deputy R.G. Le Hérissier:

Okay, so the obvious question, Ken, what lessons have you learned from ...?

Mr. K. Soar:

We do not do Transition Advisory Panels again! No. I mean, there is a whole debate here about political interference in this process. This is probably the most difficult one we have ever had to deal with because it was just littered with politicians. Say there were 6 politicians involved in this we would have received 7 opinions on which was the best candidate and that is just the nature of the beast and it is very difficult to manage. But at the same time I think when you are appointing to this sort of level and doing it at these sort of levels the input from the politician is important but it has to be unbiased and it has to be from a generic political environment, not from: "I have a particular angle that I am coming from." It is not about that. It is about making sure that the individual can work within the political framework of Jersey and as you are probably well aware, one of the things we in the Appointments Commission are acutely aware of, is that if you come from a U.K. environment to the Jersey environment you will not survive and we spend an awful lot of time trying to make sure they understand what they are letting themselves in for. You will see a lot of the senior civil servants stay here for a year or 2, whatever it is, and they are gone, because they cannot make that transition and we are trying to ...

Deputy R.G. Le Hérissier:

Is it because of a degree of political interference?

Mr. K. Soar:

Sorry, say again?

Deputy R.G. Le Hérissier:

Sorry, Ken, another leading point. Is it because of the degree of political interference?

Mr. K. Soar:

With the individuals, the senior civil servants?

Deputy R.G. Le Hérissier:

Yes.

Mr. K. Soar:

Yes, it is a leading question. It is not for me to answer that but we do know that it is a particularly difficult environment for people who come from the U.K. We know that when we are making the appointment and therefore it is really incumbent upon us to make sure they know what they are letting themselves in for as much as we know what they are letting themselves in for and that is why we try to involve the political element as well. Would we do it again, is the question? I think not.

[16:45]

Deputy J.A.N. Le Fondré:

So, just to go back to the point, and maybe you just answered the question, you said you did not give any advice in terms of the structure and from the role of the T.A.P. and the process. Do you consider it was a genuine role of involvement?

Mr. K. Soar:

Absolutely. We are not there to play political games and we have a Commissioner who is ...

Deputy J.A.N. Le Fondré:

I was not inferring you were there to play political games, or anybody else.

Mr. K. Soar:

We are there to stop that happening. So, we are there to make sure that they absolutely do have an involvement and we are at pains to do that. In particular Julian Rogers, who was the Commissioner that was doing this, apart from, if you can imagine just trying to get the panel together to work as a cohesive unit, spent an awful lot of time making copious notes, designing the questions, spent an awful lot of time and effort putting into this and certainly we would not have done that if we thought this was something to do with: "Well, you are only there for no reason." It does not make any sense. It is a waste of everybody's time.

Senator F. du H. Le Gresley:

Could I just ask a question about process. It is a somewhat change of tack but would it surprise you to know that the politicians still have all the paperwork on the candidates and their positions?

Mr. K. Soar:

They were told that this was confidential and that they were to dispose of it. That is always part of the process that we deal with. Am I surprised they have it? Probably not. Did we go around and collect all the information from them? No, they were given those packs just so that they had the information for being able to do the job. I would presume that they are sufficiently, as we are and anybody else involved in this, conscious of the laws that they dispose of what is involved in it. We would not have gone around and said: "Well, give me your pack back please." I can imagine what the response would be.

Senator F. du H. Le Gresley:

As this was the first time really a T.A.P. had been involved ...

Mr. K. Soar:

Well, we had politicians involved before.

Senator F. du H. Le Gresley:

Yes, but do you not think that perhaps as a process in future it would be a good idea, if not to remind them, because we know that some of the information was sent by email, and some in hard copy.

Mr. K. Soar:

Well, that is a debate for you to have about whether that is an acceptable practice and it is really outside the bounds of where I am here. We have given that information to them in confidence so that they can make a decision about who is the best person for this job. If people start to move that around and start showing it I

think even outside of the bounds of the political protection that you have that that is ... well, it must be illegal.

Senator F. du H. Le Gresley:

My other question about process is the record sheets which had the scores on from each panel, are they still in your possession, or somebody's possession?

Mr. K. Soar:

They are in my possession.

Senator F. du H. Le Gresley:

How long would you normally keep those for?

Mr. K. Soar:

We normally keep them for a year and then everything is disposed of.

Senator F. du H. Le Gresley:

And those remain confidential to the Commission?

Mr. K. Soar:

Totally.

Senator F. du H. Le Gresley:

Okay, thank you.

Deputy J.A.N. Le Fondré:

Sorry, I am just running down my list of questions at the moment. Going back to the shortlisting that was done by the recruitment panel, what was the criteria used to shortlist the candidates?

Mr. K. Soar:

You go back then to the personal specification and the job specification. So, we have had a general discussion then about what the individual looks like, we have a pack that has been issued out, we will then go through that pack and look at the individuals concerned and say: "Does this person match this, or not match it?" We tend to create 3 piles, yes, no and maybe. The nos are fairly obvious. We tend to use the maybes more than the nos to begin with and then we have the yes. We go through and sift the maybes again and then we end up with a pile of papers in the yes and we will go through that. The debate is always then: "Well, how many people do we take forward?" and that is a judgment between the quality of the individuals. There tends to be bandings in the qualities of the individuals that you are seeing and if we have 6, 7, even 8 candidates that are of a banding where you draw the line, as it were, if it is at that sort of level and we think they are that sort of calibre then we will do 8 interviews but we will do them over 2 days. If we only had 2 candidates that we thought were in that banding we would probably start the process again. We would say that was an unacceptable trawl in the market and we have done that before, by the way, where there has not been sufficient people of the quality that we want to see at the shortlist stage and we have gone back to the beginning and started again.

Senator J.L. Perchard:

Just a question on your yes, nos and maybes definition. Is the definition "preferred candidate" ever used?

Mr. K. Soar:

No.

Senator J.L. Perchard:
Or preferred candidates?

Mr. K. Soar:

No, but what tends to happen after this stage is that people will look at the paperwork and say: "I quite like the look of that one" and of course that is bound to happen. You are making selections and when you are going through the process and looking at the people you say: "Oh, that looks good. That is an interesting one. Let us put that in the yes pile." So: "I have somebody I want to get the job" is a completely different question to a preferred: "I quite look the look of the individual that I am seeing." Again, it is our job to ensure that nobody skews the interview process but it would be wrong to say that people do not say: "I quite like the look of that individual."

Senator J.L. Perchard:

So, the Transitional Advisory Panel would not on any account have been informed of a preferred candidate, or candidates?

Mr. K. Soar:
By us?

Senator J.L. Perchard:

By anybody? "This is a preferred candidate."

Mr. K. Soar:

Well, this is a leading question because I understand in the press that the comment has been made by one of the politicians that I was told that: "I have a preferred candidate and they are going to get the job." I presume that is where you are leading to. That is what I have heard on the grapevine. I can equate to, and I can see, a situation where somebody would say: "I like that candidate. I think they will do well." What normally follows that is: "Well, let us see how they perform at interview." But I can quite easily see somebody saying: "They look good on paper. I quite like that." But I cannot see anybody saying, and certainly if we ever heard somebody say ... well, I know the specifics that you are talking about and I am going to step out of the bounds here just to put this one to bed completely. The individual I know who was meant to have said it, and I know who it was meant to have been said to, and I only know that by rumours that I hear and I know of the individual. I know the individual that they are talking of. The person that was meant to have said that scored that individual the lowest of the whole of that interview process. Let me just rephrase that so you follow where I am going on that one. Say there are 5 members on the panel that are interviewing that individual that he is meant to want, he did not score her straight 5s, he had the lowest score of all the people on that panel for that particular candidate and that is black and white.

Deputy J.A.N. Le Fondré:

Presumably that means these score sheets are named, are they, with the names of the markers?

Mr. K. Soar:

They have the names of the markers and they have the names of the individuals and the questions. In several cases there are a lot of handwritten notes as well that go with it where comments are made and things like that.

Deputy J.A.N. Le Fondré:

Is that something we can have access to?

Mr. K. Soar:

I think, Deputy Le Fondré, we are back to this question about going into private session.

Deputy J.A.N. Le Fondré:

Oh, okay.

Mr. K. Soar:

Would I be comfortable to demonstrate to you the statement I have just made on both counts, the straight 5s and the question that I have just stated? I think it is important. The only thing I would require is an absolute understanding that this information that is on this sheet does not get into the public domain. It is illegal, number one, and number 2 it blows apart the confidentiality of people applying for a job through the Appointments Commission. If that is what you wish to see then I am perfectly happy to go into a private session and show you.

Deputy J.A.N. Le Fondré:

Shall we carry on questioning?

Deputy R.G. Le Hérisier:

Well, I think we ought to carry on.

Deputy J.A.N. Le Fondré:

Yes, but I would like to see it.

Senator J.L. Perchard:

I would like to see it as well, but perhaps ...

Deputy R.G. Le Hérisier:

No, I do not think we have to see it now.

Deputy J.A.N. Le Fondré:

Okay. I did not know whether it is something you want to talk us through, or whether it is something we can have a copy of.

Mr. K. Soar:

You cannot have a copy, I am afraid.

Deputy J.A.N. Le Fondré:

Alan, I realise you have been very quiet at this stage.

Senator A. Breckon:

No, carry on.

Deputy J.A.N. Le Fondré:

I will just keep going forward then. In essence we have said you are happy with the structure and we have also started to cover some of the more cloudy issues.

Senator J.L. Perchard:

There is something I just wanted to clear up. There were 2 rounds of advertising for these positions. We have copies of the adverts that have been placed. Why was there a second round when there were so many applicants after the first?

Mr. K. Soar:

I think I have answered that. We were asked to do it. The T.A.P. said: "We do not believe there are enough candidates." We said: "We accept your point, so therefore we will re-trawl and we will re-advertise."

Senator J.L. Perchard:

Okay, thank you.

Deputy J.A.N. Le Fondré:

You also said, I think, you wanted to discuss a little bit how it moved into the political environment but is that something you wanted to do in this session, as it were, or if we go to private?

Mr. K. Soar:

I think it is worth bringing out at this stage that our role is about ensuring there is no political interference in these selections. You have made your decisions about what you would like to see. We then come on to the scene to make sure that the best person, and in fact it is not the best person, that is the wrong expression, the most suitable person is found to do the particular job. Now, I use that term guardedly because actually sometimes this question about having a bias towards using local people as opposed to non-local people, you could get a candidate from the U.K. who was better at the job but he is not the most suitable. The most suitable person to use is the local candidate. So, that is why we try to not use the words "best candidate". I think what worries us slightly here is that we have a process that has gone in, we have endorsed it, we have been absolutely scrupulous about making sure that there was no political bias and no political things going on, and there are evidences by the way of emails and interchanges, certainly between myself and Senator Ozouf, as an example, where he said: "I would like to do this" and he has been told: "Thank you very much but no thank you" and if you like I can show you those emails quite clearly where he has been told he cannot do it. He is not asking for anything extraordinary, but it is the mere fact that the Appointments Commission was able to say: "No, you may not do it." How does this process then end up into the political foray? It is this debate that says we have ensured total impartiality, how can this suddenly then end up in a political environment and become a political football? I think that has to be discussed. Effectively what this scrutiny panel has said, and the formation of this scrutiny panel has said, is that it is a vote of no confidence in the Appointments Commission. Now, that is in many ways ...

Senator J.L. Perchard:

That is not so. I think you probably did not mean to say what you just said. The scrutiny panel is this panel.

Mr. K. Soar:

Oh, sorry, no. The formation of the scrutiny panel is what I meant to say. By no means. I mean, I know you all as individuals so by no means would I wish to infer anything like that. What I meant was, by the States saying: "We will form a scrutiny panel to look at this" which they are perfectly entitled to do, and this is absolutely right and proper, but the inference is that they did not trust the Appointments Commission to have done its job properly. There has to be that conclusion from that.

Senator J.L. Perchard:

Well, I would wait until you have read the report, Ken, before concluding that.

Deputy J.A.N. Le Fondré:

I think what you are also saying is ... I have to say this is a personal opinion at this stage is that firstly, in terms of reporting, there was never any inferences placed

against the proposed chairman. That was made very clear in Hansard, and then secondly I would have said that in relation to the Appointments Commission as a whole I do not think there was any doubts cast directly over your role or anything along those lines.

Mr. K. Soar:

I think it has been an unintended consequence of what happened and I do not think there is anything malicious but the net result is we are here justifying a process that we took. You are absolutely right to ask the questions. It is your right to do so but to get us to this position means that you have not trusted what we have done so far.

Deputy J.A.N. Le Fondré:

How do you get past the issue about the balance between effectively the supremacy of the States, in other words it is the States as a decision-making body, and therefore certain appointments come to the States, let us say the States need to approve this, and avoid the States being a rubberstamping exercise?

Mr. K. Soar:

There is a balance and hopefully all the way along we have ... and if we have got it wrong ... there are 2 areas where it goes wrong. Process has gone wrong, or actually the States does not like the candidate, for whatever reason they do not like the appointment being made. I think the States have the absolute right and turn around at any stage and say: "We do not like the individual that you have put up." That is your role in terms of the supremacy of the States. But to question process, which is what we are talking about here, not individuals, but questioning process, says that we have not done our job properly and if you look at the guidelines that you have in front of you, if you look at the back it talks about complaints and the process for dealing with complaints and there is a mechanism for dealing with that. It should not go to the States and say: "We have a problem with the process. We certainly have a problem with the individual." Say, we have selected Donald Duck to be the next chairman or whatever it is, the States have the absolute right to say: "We do not want Donald Duck."

Deputy J.A.N. Le Fondré:

Do you have any complaints at all about the process?

Mr. K. Soar:

Would I do it again differently?

Deputy J.A.N. Le Fondré:

No, did you receive any complaints about process?

Mr. K. Soar:

Yes, we did. Not process, we received ...

Deputy J.A.N. Le Fondré:

Sorry, did you receive any complaints about ...

Mr. K. Soar:

Yes, we received some complaints. Sorry, about process. One was about process and it was most unfortunate. What happened was an individual ... the States put the advertisement out in the paper before Odgers were ready for it. So, they had not got their software in place, they did not have everything ready, their teams ready and in place to receive the phone calls and do whatever was necessary and the advert came out. So, if you like, the States H.R. Department placed the advert and Odgers

were not ready. What happened is an individual rang straight away and effectively was not handled very well by Odgers. That was highlighted, it was dealt with, we have gone back to the individual, Odgers themselves have gone back to the individual and explained. We then reviewed completely his application process to make sure that it in no way affected what happened to him as an individual. We have had some complaints, as you can imagine, people saying: "I do not know why I did not get the job. I am the one that should have got the job." But that is about it really.

[17:00]

Deputy J.A.N. Le Fondré:

Okay.

Senator J.L. Perchard:

So, the H.R. Department made 2 mistakes that you have highlighted. One was the one that you have just mentioned, and the other was they informed some candidates that they were going to be asked an introductory question and not others. Were there any other errors that ...?

Mr. K. Soar:

I did not say the States Department did not give the introduction. I said the Chief Minister's Department.

Senator J.L. Perchard:

Okay, thank you. Are there any other errors that you think should be highlighted, that you would like to highlight?

Mr. K. Soar:

To this scrutiny panel?

Senator J.L. Perchard:

To this scrutiny panel.

Mr. K. Soar:

No.

Deputy J.A.N. Le Fondré:

Are there any other errors that should be highlighted?

Mr. K. Soar:

I am sure on future occasions we may have the opportunity to discuss ways of improving the situation as it is at the moment.

Senator F. du H. Le Gresley:

Could I ask James a specific question, because James chaired the final choosing of the candidate on the last day. Having had a disagreement perhaps with one member of T.A.P. who was there, including Julian Rogers ...

Mr. J. Morris:

There was a divergence of opinions.

Senator F. du H. Le Gresley:

A divergence of opinion, yes. Was anything else said about maybe future vacancies that might be appropriate for other candidates to fill?

Mr. J. Morris:

Was anything else said about ...?

Senator F. du H. Le Gresley:

Well, you were choosing on that day 3 N.E.D.s but I believe that there will in future be other vacancies on the Board, forthcoming vacancies, was there any discussions about that?

Mr. J. Morris:

I am sorry, Senator. Were there other vacancies discussed? I mean, the panel was there to select 3 N.E.D.s. I do not recall other vacancies being discussed in terms of vacancies that might arise. Is that what you are suggesting?

Senator F. du H. Le Gresley:

Yes, vacancies that might arise on the board in future.

Mr. K. Soar:

There was a discussion and what it was about was because there were 2 candidates that were very strong and only one position, bearing in mind that there is another position which is the appointment by the Minister for Treasury and Resources, in other words he has one position that is available, because this other candidate so impressed him he said ...

Mr. J. Morris:

Yes, forgive me, Senator, yes, there was a point at which the Minister for Treasury and Resources, who has the right to choose one candidate, did conjecture whether having made his nomination or formulated his opinion for his nomination, might ask his nomination to step aside in favour of the 2 strong candidates.

Mr. K. Soar:

Or given a certain amount of time involved and then perhaps do the swap out later on.

Deputy J.A.N. Le Fondré:

Did that happen?

Mr. K. Soar:

No.

Senator A. Breckon:

Can I ask if you get any feedback from the candidates about process; if they were not shortlisted, if they felt their applications were given due consideration. Those that were, what did they think about the process? Do the Appointments Commission do any feedback on the consultants?

Mr. K. Soar:

The consultants do and the consultants feed it back to us, and generally by the way most feedback that we get is that they have never been through such a thorough process and particularly at this level, when it is such a high level, they do not normally go through these sort of things, they do not normally have to do interviews. It is quite churlish sometimes to interview a Peer of the Realm for a job. These are the sort of things that normally come their way by default so putting them into an interview process has to be handled delicately as well because they are not used to it either, so we do go to them afterwards and say: "Well, how was it for you?"

Senator A. Breckon:

When you say you went out to tender, do you have a sum of money in mind, or a sum to allocate? How does that actually work, the funding of it?

Mr. K. Soar:

The funding is a budget held by the H.R. Department. Whether this one was because it was not an H.R. Department appointment, I do not know. I do not know where the budget for this one was held. It might have been in Treasury.

Senator A. Breckon:

You do not have any administrative staff yourself, you rely on H.R.?

Mr. K. Soar:

No.

Senator A. Breckon:

So, do you have any premises?

Mr. K. Soar:

No.

Senator A. Breckon:

So, you guys more or less work from home, do you?

Mr. K. Soar:

We do work from home, yes.

Senator A. Breckon:

It is all sort of email and correspondence?

Mr. K. Soar:

Correct, yes, and we have meetings together.

Senator A. Breckon:

Where do you actually meet then?

Mr. K. Soar:

We usually meet at Cyril Le Marquand House.

Senator A. Breckon:

What about the budget? Do you allocate a budget to a certain appointment? How does it actually work?

Mr. K. Soar:

No, we do not. It is quite a contentious issue and if you read the Chairman's Report last year or the year before there is an Appointments Commission budget which is held by the H.R. Department, the central H.R. Department. It is a lined item in their budget. We have said that is inappropriate because it implies that we are in some way reporting to the H.R. Department. It is an administrative thing that is in there but we have been at some pains to point out that is not the case and we would like that taken out and put into a separate budget so it does not look like that.

Senator A. Breckon:

Do you know what the annual budget is, Ken?

Mr. K. Soar:

For the actual Appointments Commission it is only about £25,000.

Senator A. Breckon:

So, what would happen in this case? Because obviously these consultants ...

Mr. K. Soar:

But that is not the actual recruitment process. There must be a specific recruitment budget but because you do not know who is going to be leaving and going through the year that is going to be going up and down all the way.

Senator A. Breckon:

And do you know if that is allocated to a department or H.R.? How does it work?

Mr. K. Soar:

I do not know, I am afraid. I do not know. That is the inner workings of the States H.R. Department.

Deputy J.A.N. Le Fondré:

I have 2 quick questions which I think are procedural probably more than anything else. There is a post assessment document. Has that been signed off?

Mr. K. Soar:

Do we say: "Yes, you may go and appoint this person"?

Deputy J.A.N. Le Fondré:

No. It is that documentation on the back of your recruitment codes.

Mr. K. Soar:

The answer is probably no. Which one do you have there?

Deputy J.A.N. Le Fondré:

This is a recruitment code.

Mr. K. Soar:

Which recruitment code?

Deputy J.A.N. Le Fondré:

The one you gave us.

Mr. K. Soar:

Oh, okay. Caught by my own petard, yes! I think that is the generic guidelines, is it not?

Deputy J.A.N. Le Fondré:

Yes.

Mr. K. Soar:

There is another one which is about quasi autonomous bodies. There are about 3 or 4 different ... that is the generic thing because there are 3 or 4 different types of guidelines.

Deputy J.A.N. Le Fondré:

But the process is normally the same for each body, is it not?

Mr. K. Soar:
Not quite, no.

Deputy J.A.N. Le Fondré:
Oh, right. Okay.

Mr. K. Soar:
So, there will be a different thing for a senior civil servant to a Q.U.A.N.G.O.

Deputy J.A.N. Le Fondré:
This talks about the post assessment. It has the chair written up the interview notes et cetera and then says: "The form is complete," and is signed off by the interview panel chairperson.

Mr. K. Soar:
That is done. Do we sign a form that says we have signed a form? No. We keep all the documentation and it is a matter we know as we are going through. What we tend to do is create a master sheet for the story and then what we tend to do is destroy all the others.

Deputy J.A.N. Le Fondré:
Does the master sheet count as the documentation, discussions and things, to identify how the candidates were finally selected? Because your codes of practice talk about keeping the notes on discussions.

Mr. K. Soar:
Yes, we keep the notes at the moment. There is a debate about whether we should be keeping the notes. We are having this discussion with data protection about at what stage do we get rid of them and how we should be storing them, and for how long we can keep the information that we have. Again, it varies between Commissioners. Some Commissioners, and I am afraid James is fastidious at doing this, and I am not particularly good at paperwork, but James keeps fastidious notes about that as he goes through and we keep those on record. I tend to put bullet points down but we keep those as well.

Deputy J.A.N. Le Fondré:
Right, okay.

Mr. J. Morris:
What then happens is that they are then stored in the Chief Minister's Department. I will put a sealed envelope at the end of the process and send it to Sue Cumming(?): "Would you file that and hold that?"

Deputy J.A.N. Le Fondré:
Okay, I am just bouncing quickly through, as it were. Just another thing which is again quoting the law, 24.4 of the guidelines: "The Commission shall ensure that guidelines produced under paragraph 1 are available for viewing by any person." How do you ensure that?

Mr. K. Soar:
Well, you have an electronic copy of it there. There is a published version. Where it is available, I am not sure. I think it is through States Greffe, is it, that we normally ...

Senator J.L. Perchard:
Yes.

Deputy J.A.N. Le Fondré:

Do you have a website?

Mr. K. Soar:

No.

Deputy J.A.N. Le Fondré:

Is it on the States of Jersey website?

Mr. K. Soar:

I do not know. Oh, sorry, that would be on the States of Jersey website, I would presume. We issue guidelines for recruitment process within the States organisations as well and all managers have a copy of that as well. So, I mean, there are various guidelines for whichever it is that we are dealing with.

Deputy J.A.N. Le Fondré:

Okay. Thank you very much.

Senator J.L. Perchard:

Just as an aside, you produced the ... sorry, what is it called, Ken?

Mr. K. Soar:

The Code of Practice.

Senator J.L. Perchard:

Are you quite satisfied you followed that completely with regard to the appointments of the chair of the S.O.J.D.C. (States of Jersey Development Company) and the non-executive directors?

Mr. K. Soar:

Absolutely.

Deputy J.A.N. Le Fondré:

Very quickly, I have 2 or 3 others, but I will try and do these quick ones quickly. We have talked about how you do sign-off et cetera. In terms of the positions that come to the States, they come to the States in the form of a proposition in a normal report. Do you ever see that before it is sent to the States?

Mr. K. Soar:

No, I think there is an error on the proposition that was put forward about the N.E.D.s as well. I think it talks about the Minister for Treasury chairing the interview process, which is not correct.

Deputy J.A.N. Le Fondré:

Because I know in this one there a statement saying, I think, that you have approved the process or something.

Mr. K. Soar:

Yes, there would be. Yes, but we do not see that.

Deputy J.A.N. Le Fondré:

All right, fine. Going back to conflicts of interest, now you have basically said you declared a conflict of interest; that there were not any others declared, I do not think, from either candidates or panellists, as it were.

Mr. K. Soar:

No.

Deputy J.A.N. Le Fondré:

It is a slightly hypothetical ... well, I hope it is not ...

Mr. K. Soar:

No, that is not fair. No, that is not fair, because people knew people. So they would they say: "Well, I know him." Now, that is a declaration of a conflict of interest. But in most cases, we all knew the individuals that were concerned.

Deputy J.A.N. Le Fondré:

So how many people made declarations that they knew people?

Mr. K. Soar:

There is one individual I am thinking of at the moment, and I can think of 4 that said: "Well, I know him as well." But it was not: "Oh, I have to declare a conflict of interest."

Deputy J.A.N. Le Fondré:

That is on the main panel, or ...?

Mr. K. Soar:

That is on the recruitment panel.

Mr. J. Morris:

Certainly on the recruitment I, as a matter of course, will ask: "Does anyone know this candidate?" There were instances, particularly of the local candidates, where people said: "Yes, I do."

Deputy J.A.N. Le Fondré:

Okay. Is it possible to have a note of who made declarations of interest?

Mr. J. Morris:

Certainly, perhaps in-camera.

Deputy J.A.N. Le Fondré:

Okay, thanks. I do not know if it is a leading question. It is not meant to be, but I am trying to explore conflicts of interest slightly, just to get your definition of what it is. I think there is a specific one, but I am using it as an example. Essentially, how do you define a conflict of interest in terms of if a candidate has had any past or current connection with, say, either a potential tenant or a funder of, let us say, S.O.J.D.C., would that be a conflict of interest?

Mr. K. Soar:

Run that one past me again.

Deputy J.A.N. Le Fondré:

If any individual, whether it is a candidate or a panellist, had any connection with a potential tenant (so past or present connection) or with a potential tenant of an S.O.J.D.C. project, would that in essence be a conflict of interest?

Mr. K. Soar:

No, not unless it materially affected the process of ... it is one step removed almost; somebody in the future who might become involved financially with it. No, there is not a conflict, because it has not occurred. Would we, in terms of our discussions; remember we sit down and we talk. Generally, that sort of thing I would expect to come out in the discussions, but I would not hold it against them if they did not.

Deputy J.A.N. Le Fondré:

No, I was just wondering if that would be something you might expect them to declare or something.

Mr. K. Soar:

No, it is not. No.

Deputy J.A.N. Le Fondré:

Okay. I think really before I move on to my left, as it were, I am not quite sure of the best way of phrasing it, but do you consider that the Deputy of St. John was right to infer concerns over any aspects of the process or over the perception that there were any attempts to influence any part of the process?

Mr. K. Soar:

I am going to try and be as lenient as I can in terms of my thinking. Let me just ...

Deputy J.A.N. Le Fondré:

You can give a yes, no, maybe, if you want to be that short.

Mr. K. Soar:

Okay. The answer is I do not think any grounds for making the comments that he made and the comment if he did have concern ... I think what worried me more slightly was the television interview which said: "I started to be worried right from the beginning." If that was the case, the debates were open, they were inclusive, they were collegiate, to such an extent that when we were asked to go and re-advertise; we have concerns that there are not enough local candidates. Well, we did something about it. If there was a concern right at the beginning, it should have been voiced. If at any stage there was a concern about process, it should have been voiced.

Deputy J.A.N. Le Fondré:

Were any concerns expressed by anybody during that process?

Mr. K. Soar:

Not at all. Not at all.

Deputy J.A.N. Le Fondré:

In terms of process or roles or ...?

Mr. K. Soar:

No, not at all. We are intricately entwined in what is going on. You know, when I was on the main panel, I took time to come out of the main panel and go into the transition advisory panel and the technical panel and just sit down and discuss with them: "Everything okay? Is it going the way that you were expecting it to be? Is there any concerns that you might have or might not have?"

Deputy J.A.N. Le Fondré:

That was mainly around the role of the chairman though, was it not?

Mr. K. Soar:

Yes. No, do not forget; I did the first N.E.D. one as well.

Deputy J.A.N. Le Fondré:

Oh, right.

Mr. K. Soar:

I would come out and I would sit down and I would make a point of going around the other panels. They are all effectively under my domain, as it were, as the main recruitment panel, so while there is another appointments commissioner dealing with it, it is just the way I do it. I would just go and make sure that everybody is happy as well.

[17:15]

Mr. J. Morris:

For my part, perhaps almost in contrast, in answer to the question, I hardly spoke: Deputy Rondel to me or me to him, other than to greet. We had a full-on day and by the time I had called in the panel he had gone off to other business and, therefore, did not get involved in the discussions. So he did not air any concerns with me and, to be fair, no, I did not do what Ken did and go and invite any. But he did not come to me and say: "There is something afoot here."

Deputy J.A.N. Le Fondré:

Okay.

Senator J.L. Perchard:

He did not express any concerns in writing, by email or ...?

Mr. K. Soar:

No.

Deputy R.G. Le Hérissier:

Ditto Senator Ferguson?

Mr. J. Morris:

Absolutely.

Deputy J.A.N. Le Fondré:

Or anybody else?

Mr. K. Soar:

No. We would take that very seriously.

Senator J.L. Perchard:

It is just important to establish these facts.

Deputy J.A.N. Le Fondré:

I will work my way around. Alan, have you got any more questions? Well, I think we will go to private, just to touch on a couple of matters.

Senator A. Breckon:

No, I do not think so.

Deputy J.A.N. Le Fondré:

James?

Senator J.L. Perchard:

No, thank you.

Deputy R.G. Le Hérisier:

Well, just one comment, Ken, if I may, to both of you. I think you got the wrong inference when you said that this is happening and, of course, people have been critical of the Appointments Commission. It is happening because, prima facie, very serious allegations were made and the States made a decision that these had to be looked into. There has been no attribution of blame, of anything; but they are serious allegations and clearly the people who made them have to be held accountable, as indeed does anyone who may be found wanting.

Mr. K. Soar:

It is kind of you to say that, because it certainly has caused us some concerns.

Deputy R.G. Le Hérisier:

No, absolutely not.

Mr. K. Soar:

Okay, thank you.

Senator J.L. Perchard:

Well, there will be the report with certainly scrutiny's position on.

Mr. K. Soar:

You were aware that my position at the beginning was not to resign, but I mooted the fact that this ... you know, I am the lead Commissioner on this. If there is a problem on this, my position is untenable. Wiser counsel said to me: "You know, this is not about you, it is not about the Appointments Commission. Wait until you see what comes out," and that is absolutely the correct course of action.

Deputy J.A.N. Le Fondré:

Roy, anything else?

Deputy R.G. Le Hérisier:

No.

Deputy J.A.N. Le Fondré:

Francis?

Senator F. du H. Le Gresley:

It is only a very small matter, but it has puzzled me: when Senator Ferguson gave evidence to us we were asking her about the schedule that she received with the C.V.s of the first 5 candidates for chair she commented, and I will read it: "We had a summary which made comments about the candidates and graded them."

Mr. K. Soar:

Yes.

Senator F. du H. Le Gresley:

What does that mean, "graded them"?

Mr. K. Soar:

What happens is as part of the shortlisting process, Odgers will give their view. So what they will say is: "We categorise these as a grade A candidate, a grade B candidate and a grade C candidate." So they give us an opinion and they will have already interviewed and there will be interview notes that go with it: "This candidate demonstrated a clear understanding of such and such. They have got a clear [whatever it is]," and they will have little short bullet point notes that go with it to help us in the process. Again, about process, what we are absolutely fastidious about is that we have to see all of the C.V.s. This is not down to Odgers saying: "Right, these are the 5 that go for shortlisting." They give us a recommendation about who their grade A candidates are, but we will look at every single one and go through that process again. Bear in mind they have already gone through a recruitment agent's interview process as well with these notes.

Senator F. du H. Le Gresley:

Exactly the same thing happens with the non-executive directors?

Mr. K. Soar:

Absolutely. Yes, absolutely. In fact, in the pack that I have got in here, they are put into A, B and C candidate grades and that is normal.

Senator A. Breckon:

Just something to add there, in the evidence we have got so far, there is some inconsistencies in how many applicants there was. It said on your timeline, you did reserve judgement on some of this. But on an email we have got different numbers to the number of applicants there were for chairman and for N.E.D.s before and after the advertisement. There are some inconsistencies in that.

Mr. K. Soar:

Yes.

Senator A. Breckon:

If you cannot do it now, I wonder if you could get ...

Mr. K. Soar:

I can pull it together. I can go through and count them up for you but if you have got another source that says, well, we have ... but bear in mind, things come in and go out. Some candidates withdraw. We had one of the guys for the chairman withdrew partially through. I can get the definitive numbers for you, because I have got all the C.V.s and that, but I have taken a stab at what I understood it to be.

Senator A. Breckon:

Yours says 47 applicants, including 17 from Jersey, and the email says 38, 11 of which are local, and then there was another Jersey advertisement.

Mr. K. Soar:

There was another advertisement, which then meant we got more candidates.

Deputy J.A.N. Le Fondré:

Well, I had only understood we had an extra one that came of that. I cannot remember where I have understood that from.

Mr. K. Soar:

I will find out for you.

Deputy J.A.N. Le Fondré:

It would be useful to know.

Mr. K. Soar:

It cannot just be one because I found one and I had put a name forward; so it cannot just be one.

Deputy J.A.N. Le Fondré:

So that was after the advertisement?

Mr. K. Soar:

Yes, that was after the ...

Deputy J.A.N. Le Fondré:

Okay, very quickly, you referred to the recruitment interview process and you referred to Odgers. You referred to their grading. Did the final selection match their grading or were there any discrepancies?

Mr. K. Soar:

It does happen quite often and it is quite an interesting thing. Their grading system is only a guidance and I will give you an example of a very senior appointment that was made within the States not so long ago where the individual who finally got the job very nearly did not make it to the shortlist based upon the gradings that were put forward by the recruitment panel, but when we looked at it, we said: "No, we want to see this individual." So it does not always ... that is why we have the process, yes.

Deputy J.A.N. Le Fondré:

Okay. But the outcome this time around, was it consistent with the grading from Odgers or were there any divergences?

Mr. K. Soar:

I would have to have a look. No, they were all A grade candidates. They were all A grade candidates, yes.

Deputy J.A.N. Le Fondré:

Oh, I see. So Odgers might grade it 15 is A grade and then the shortlist would have then been ...

Mr. K. Soar:

Yes, exactly.

Deputy J.A.N. Le Fondré:

You talked about the recruitment interview process. I presume you mean the recruitment sort of filter process, because I presume the recruitment agency did not interview every candidate?

Mr. K. Soar:

Well, certainly they interviewed all the A list candidates.

Deputy J.A.N. Le Fondré:

Right.

Mr. K. Soar:

So they went through the C.V.s and got...

Deputy J.A.N. Le Fondré:

So there had already been an interview process?

Mr. K. Soar:

Well, a telephone interview or sometimes in some of them they went to either in Jersey or in the U.K..

Deputy J.A.N. Le Fondré:

Just before we are go in-camera, to take you right back to the comments you made about the remit of S.O.J.D.C. and what you envisaged their role was, and you implied it was not just a straight implementation; that it was slightly wider. That was my inference from your ...

Mr. K. Soar:

It is not for us to decide what the role of S.O.J.D.C. is. It started out as in our discussions ...

Deputy J.A.N. Le Fondré:

It was your understanding from those discussions as to what the role was.

Mr. K. Soar:

Our understanding to begin with was that it was an implementation; a development company whose job was to implement the policies that went forward. As we starting talking to the individuals who have been doing this for all their lives, they were saying: "He has not got this right. We have seen this model in Kingston upon Thames, we have seen this in Portsmouth, we have seen this in all various environments," and what typically happens is that the development agency, if you like, the implementer, has some involvement and some discussion. So there is a loop-back mechanism in it that goes to the master plan, as it were, and it has some input at that particular stage as well. They said: "The mechanism or the structure that you have decided within Jersey is not a typical structure," and that was quite an interesting development to come out of the discussions that were going around the table. So the view was: "Well, okay, that is why we take people from the U.K., to give us the views about how it happens elsewhere in the world," and I am sure that as this progresses through that this will develop and nurture into whatever it will be.

Deputy J.A.N. Le Fondré:

How does that go with what the States have approved?

Mr. K. Soar:

It will not change anything. The States are the States and they will decide what they want, but as this starts to develop things mature and develop and it just became clear that, as we were looking at what had been decided to be done, this was an avenue on which it may go down in the future years.

Deputy J.A.N. Le Fondré:

Okay, thanks very much. Right, if we are happy, we need to adjourn and then go private.

[17:22]