



Gender Pay Gap Review Panel

Gender Pay Gap

Witness: Jersey Appointments Commission

Tuesday, 22nd January 2019

Panel:

Deputy L.M.C. Doublet of St. Saviour (Chairman)

Senator K.L. Moore

Deputy J.H. Perchard of St. Saviour

Witness:

Chair, Jersey Appointments Commission

[14:58]

Deputy L.M.C. Doublet of St. Saviour (Chairman):

Good afternoon, everybody. This is a public hearing with the Gender Pay Gap Review Panel. We have the Jersey Appointments Commission here with us today. Welcome to everybody in the public gallery. Could you make sure that you turn your phones off, please, before we begin? I am Deputy Louise Doublet. I am chairing the panel. I will let the rest of my panel introduce themselves.

Deputy J.H. Perchard of St. Saviour:

Deputy Jess Perchard, a member of the panel.

Senator K.L. Moore:

I am Senator Kristina Moore. I am a member of the panel also.

Deputy L.M.C. Doublet:

Welcome to the Jersey Appointments Commission. Would you mind introducing yourself and let us know what your role is, please, within the Commission?

Chair, Jersey Appointments Commission:

I chair the Jersey Appointments Commission, which as you will know, is the body that regulates the appointments across Jersey, in the States of Jersey itself and the independent sector, all of those organisations that the States Employment Board agree should be regulated in that way. What that means ...

Deputy L.M.C. Doublet:

Can I just pause you, sorry? Just your name, for the record.

Chair, Jersey Appointments Commission:

Janet Paraskeva.

Deputy L.M.C. Doublet:

Brilliant, thank you. We are aiming for a 4.00 p.m. finish.

Chair, Jersey Appointments Commission:

That is great, because I am on a 5.00 p.m. flight.

Deputy L.M.C. Doublet:

So we will have to try and keep things brief and to the point. We do have quite a lot of questions for you.

Chair, Jersey Appointments Commission:

That is okay. Fire away. I will try and keep the answers succinct.

Deputy L.M.C. Doublet:

You were starting then to talk about the Jersey Appointments Commission. Could you explain how the Appointments Commission works, but specifically how do they ensure fairness and equality from a gender perspective?

Chair, Jersey Appointments Commission:

Our role, as I said, is to oversee the process itself, not to make the decisions about who gets appointed. One of the things that we do right from the start is to make sure that in the first instance the job descriptions, the person's specifications are open, are clear and - if we can - are gender neutral, so that there is not a slant in one particular way or another or indeed involve any discriminatory language. I think some of us would take that almost as read, but it is important to say that that is one of the filters that you do need to give any information that is prepared for recruitment.

We also then look at the composition of the appointments panel and we have been at great lengths to try to ensure that there is a mixed gender on the panel. That has taken some doing, I have to say. Quite often people say: "The Jersey Appointments Commission, there is a woman on the panel, that is good enough" and we say: "No, it is not because we do not vote." We are there to oversee the process and therefore there must be a balance of people who are able to, if it came to a vote, vote on the candidate to be appointed. The constitution of the panel is very important. The process itself, we have tried to make sure that there are no elements of the process which would inadvertently discriminate in any way. Then when we chair the long-listing and the short-listing process, as well as the interview process itself, and we chair it. That is the easiest way to make sure there is fair play. If somebody speaks in a way that is unusually discriminatory, and I do say that it is an unusual event, but obviously one of our roles is to make sure that that is taken off the record. If there is any process chatter that looks as if it is discriminatory, that is again something that because our purpose is to make sure that there is a fair and open process and that the person appointed is appointed on merit, that is something that we would address.

Deputy L.M.C. Doublet:

How often does that happen that you pick up on that? Would you say it is quite rare?

Chair, Jersey Appointments Commission:

It is quite rare. I have to say when I came to Jersey first, I encountered more than I encounter now.

Deputy L.M.C. Doublet:

What year was that?

Chair, Jersey Appointments Commission:

I have been working here for 4 years. Some of it was I think people not quite understanding that in saying: "Such-and-such a person has been doing the deputy job, therefore he should have the main role", not understanding if there has not been a succession plan, that is not the case. If it is a proper succession process, then while there still should be competition, you may easily find that the sitting tenant, as it were, as the deputy, gets the main job. So there was a bit of work to do, I think, to help people understand that an open process, if there has not been any succession plan, does mean that anyone can apply and everybody has an equal right to have their curriculum vitae looked at.

Deputy L.M.C. Doublet:

You mentioned, I think it was, step 2 where you assist with the panel, that it was difficult to achieve a gender balance on these panels. Can you give some examples of any recent appointments where perhaps this has not been achieved?

Chair, Jersey Appointments Commission:

That would be quite tricky and I might get it inaccurate, but there will be on record, again more historic than current, because we have just toughened up and not allowed ourselves to be used to bring about gender balance. But I could get you, I am sure, that information.

Deputy L.M.C. Doublet:

That would be helpful if that could be forwarded, thank you.

Chair, Jersey Appointments Commission:

It is something that we ourselves have really toughened up on because it was all too easy to say: "J.A.C. (Jersey Appointments Commission) produced the woman because we cannot find one." Yes, you can. Half this Island is made up of women that can be involved.

Deputy L.M.C. Doublet:

Why is that something that is important and what are the impacts if that gender balance is not achieved?

Chair, Jersey Appointments Commission:

The importance is that you get the different perspectives. You get proper listening of a different kind, I think. We all listen in different ways. Different women around this table will listen in different ways. Men and women hear different things. It is not uncommon knowledge that we all appoint in our own likeness. Therefore if you have 4 white men on a panel, the likelihood of 4 white men appointing another white man is probably quite high. The understanding perhaps of some of the issues that can sometimes get in the way of women applying for the job in the first place or finding it difficult when they come forward is greater, I think, from other women, who may themselves have been in that situation.

Senator K.L. Moore:

It is an interesting point that you raise there about the process and inhibiting factors that prevent women from applying for jobs in the first place. Has the Appointments Commission had any opportunity to influence those processes and change the rules that we have here in Jersey?

Chair, Jersey Appointments Commission:

Our guidance in that sense is quite tight. We have to try to interpret it in relation to making sure we get the best person for the job. Of course some of that is making sure that not just gender but all aspects of diversity are properly considered. We can do that by making sure, if there is a selection company chosen, that they are charged in their presentation for selection and they are explicit about the need to look at the most of those range of candidates. We can do that in the long listing by

making sure that when C.V.s (curriculum vitae) are compared like with like is not necessarily the only criteria. There may be different aspects of experience that women have had, career breaks, for example. Women taking career breaks is sometimes seen as a negative. They have been out of work for a few years. Our job is to make sure that that is not a discounting factor. It is a factor that has happened and does not necessarily discount somebody from being put forward. So we can play a part there in the way that people interpret the information in front of them, if we believe that interpretation is discriminatory.

Senator K.L. Moore:

You have talked also about the importance of gender neutrality and that appointments are conducted and chosen selected on merit. However, if there is a need to have a gender balance, or a desire rather than a need, is it because of the unconscious bias points that you have raised earlier as well? Is it sometimes difficult to achieve that gender balance in light of preference for meritocracy and the ...

Deputy L.M.C. Doublet:

Positive discrimination, is that what you are ...?

Senator K.L. Moore:

In a way. There was a point that we were going to raise from one of the previous ...

Deputy L.M.C. Doublet:

Yes, when we look at your reports, and what you have just said there about not necessarily comparing like with like, that to me sounds like a type of positive discrimination. I mean, in one of the reports, I think before your tenure, it was stated that positive discrimination was not to be used. What is your perspective on that?

Chair, Jersey Appointments Commission:

If you are behaving properly, you do not need it. If everybody is behaving properly you do not need to even go there because what should happen is the different skills and abilities of the candidates will come to the fore. I suppose what I am talking about when I am saying that people might have different but nonetheless appropriate skills, so you might find a woman with a set of appropriate skills, they might be a different set of skills, or they might have been gained in a different way or at a different time. It does not mean they are less good or indeed more good. I think that is the point I was making really. There is a lot of misunderstanding around the words "positive discrimination" and none of us would want a job for the wrong reasons and nor appointing people for the wrong reasons. We know of too many occasions where people have been appointed and set up to fail because they have not had either the background that they needed or indeed the support when they

get to the job in order to succeed. Nobody wants to put anybody in a job where they are not going to manage, but it does mean that people need to look a little more imaginatively sometimes at the skills and experience set and where and how those skills and experience have come from.

Deputy L.M.C. Doublet:

You mentioned if people are behaving properly - those were the words that you used - and we should not need positive discrimination, but if unconscious bias does exist, and I think we have shown we are not always able to mitigate that, even willingly, then do you feel that we need processes as well as people aiming to behave properly? Do we need processes in place that almost force behaviour?

Chair, Jersey Appointments Commission:

I think we need awareness. One of the things that I hope that we are able to do, almost as an aside to our work, because we are raising these issues when we meet panels, is to raise those issues and if people do make inappropriate comment, challenge it carefully. Nobody is in the business of wanting to chop somebody's head off, metaphorically speaking, but if somebody has made a comment that is not appropriate there are ways of saying: "That is not really very fair" or: "Do you not think you might think slightly differently about the way in which you are understanding that issue?" It should be the responsibility - men and women, I think - to make sure that people's language and people's contribution is as fair and open as possible.

Deputy J.H. Perchard:

How does the Appointments Commission navigate the conflict that can exist between rating merit and aspiring to diversity?

Chair, Jersey Appointments Commission:

I am not sure that there is a real conflict. If you are looking for the most meritorious candidates then diversity is part of that. There will be many jobs where if you are looking at a member of a team, one of the strengths you may well want - even though you cannot say: "I want a woman to have this job" - in that job is a diverse range of experience. If you are looking for the merit that will come with that range of experience, you will automatically look for somebody who can bring that different range of experience to the team.

Deputy J.H. Perchard:

Thinking about our own public sector then, particularly at a senior level, do you think that we have achieved that diversity that we aspire to?

Chair, Jersey Appointments Commission:

I do not think any of us would feel overjoyed at the fact that there is only one woman on the very top team, but I have to say, if you look at the statistics of the people who applied there is a reason for that. One of the jobs of work that I hope will go on in Jersey is that we look at our other statistics we have gathered. We are now gathering those statistics much more systematically and analysing and seeing what it tells us about how we are recruiting and how we are attracting people to come and work in Jersey. We do not have very many hard and fast answers to why very many women did not make the long list, but we do have some anecdotal evidence.

Deputy L.M.C. Doublet:

Please do share.

Chair, Jersey Appointments Commission:

We have 4 examples of very senior women who came forward for jobs who at the 11th hour pulled out because I think the words they used were “following discussions with the family” and the very real difficulty - this does not just apply to Jersey - for senior professional women to persuade their husbands to move with them to somewhere else I think in the end ... we know that we lost some very credible candidates. When you get to the long-list meeting and then you hear they have pulled out, your heart sinks. Not that they may have got the job, but you have not then got the balance of long list that you had hoped for in terms of the search. Where partners were concerned, for people that were not married, there again we were told: “Hang on, I have not even got the right to apply for a job unless the job is licensed, so why am I going to come with my partner?” So the partner, if the partner was a woman, did not come. We had one case of somebody, and again this is anecdotal, saying that she was married, but she was so shocked to hear that she could not take responsibility for her own tax affairs without her husband’s permission she said: “That is not a place I want to work.” I gather the States is doing something about that. But those are very real blocks: “Where do I want to work? Do I want to work somewhere that has that attitude to women?” There will be some women who will say: “I do not” however ambitious they are for the role. The care of elderly parents, again it is expensive when you come to Jersey, because they would have been here at least 6 months before any support might be there. So again it is another factor that people look at. People with teenage children, their children have no right to apply for jobs. They are factors that we have heard anecdotally from conversations that we have had, but they clearly contributed to the fact that we had fewer women than we had hoped for on the long lists and therefore fewer on the short lists, therefore fewer appointed. It always goes right back to the start. That is where it happens and it often happens in these ways, that nobody has put the picture together and said: “All of these things are getting in the way. Which are the things that we can do something about?”

[15:15]

Childcare: 30 weeks, not 50 weeks. What are you supposed to do when the kids are on holiday? There are some things which when women look at the support available when they get here that have meant: "I could not cope in that environment." Those are, as I say, anecdotal, but anecdotal teaches us things too.

Deputy L.M.C. Doublet:

In terms of the societal factors, you have listed several, including care of elderly parents, our tax law, the right of partners and children to apply for jobs and across the childcare. Which one of these, in an ideal world, would you like to see tackled first in terms of having a positive impact on the outcome of women taking those jobs?

Chair, Jersey Appointments Commission:

I would have thought one of the simple ones was childcare because that will also apply to people in Jersey now who are looking perhaps for a more senior role and just not knowing how on earth they are going to balance that. The ability of your partner ... if you are not married in the 21st century, when some people have civil partnerships or no partnerships, been living together for a long time, do not want to be married but still want to be together, but you cannot come to the same place that your partner works and apply for a job. I know there have to be population controls and so on, but it would be good if Jersey would at least have a look at some of those in relation to what that might be doing to limiting the numbers of women who might want to come and work.

Deputy L.M.C. Doublet:

Is it the case that civil partners have different rights to ...?

Chair, Jersey Appointments Commission:

Apparently. I was surprised by that. You have to be married, apparently. The taxation system, I gather you are doing something about it.

Deputy J.H. Perchard:

May I just ask about risks posed to the organisation, i.e. the States, by not achieving diversity throughout the organisation?

Chair, Jersey Appointments Commission:

You are not getting the best value you could. The Island is made up of men and women. Some of the things I am saying about women of course apply to some men too. I think some of the men find it even more difficult than women to ask for help around childcare because of all the blokey conversations that go on. There is work for both men and women to be done here. I was thinking as you were saying what else could be done, one of the other things that we have not picked up is

any very positive attitude to things like flexible working, part-time working, job-sharing, things which when you look around really quite senior positions in other jurisdictions, not just in the U.K. (United Kingdom), have become much more commonplace and allowed much greater flexibility for women with young children to still be involved. Frankly, it is good value if the Island has paid for the training of a woman to retain her in the marketplace rather than lose all of the skills and expertise that they have invested in. It makes good business sense to bring somebody back. We heard again anecdotally, but I think it was private sector, not States, where somebody was given the option of coming back fulltime or resigning. What a waste. Why not come back part-time? The person wanted to come back after the birth of their children on some kind of flexible basis. You lose all of that resource instead of finding a way of bringing that resource back for the benefit of Jersey. I think there is a bit of a blinkered vision that needs to change.

Deputy L.M.C. Doublet:

Does the Appointments Commission oversee those kinds of cases? I understand you oversee appointments but ...

Chair, Jersey Appointments Commission:

We do not have a remit there and we pick up this information simply because we are around and we talk to people, which is, as I say, why it is anecdotal. I am not sure who does, who could, who should. What we do know is that Jersey is much, much better now at collecting the data. What we now need to do is to see what that data is telling us and then in committees, boards like this, you can ask the question you asked me: where is the low-hanging fruit? Where are the things we might be able to do quite quickly at very low cost? But remembering that some of these costs are just investment to continue the reward that these women will pay back to the Island in employment.

Deputy J.H. Perchard:

Thank you. In your opinion, what contribution does a board of an entity make to the ongoing blinkered vision that you describe?

Chair, Jersey Appointments Commission:

Do you mean in the independent sector?

Deputy J.H. Perchard:

I mean in the public sector. So boards of States-owned entities, what contribution do they play in the culture of their specific entity?

Chair, Jersey Appointments Commission:

Given that a board's responsibility is usually setting the strategy and making sure that the environment for the people who work in that organisation is one where they can deliver the strategy, you would hope that they would have a great say in the range of work that was involved in that strategy. Appointments to boards, where we see fewer women, I think, in Jersey than elsewhere - it is still a struggle to get women on to boards - is quite a key issue. The culture of an organisation changes depending on the strategy that is set by the board, the values that are set by the board, the behaviours that are set by the board. Getting more women on boards changes things just by the very nature of the fact that they are there and expect different behaviour.

Deputy J.H. Perchard:

I know of one board in particular that is 100 per cent of one demographic; in this case, it is male. How urgent is it that that is addressed by that particular board?

Chair, Jersey Appointments Commission:

I would say it was very urgent. I would have thought that no board should want that to be the case. We have words with some boards, certainly since I have been here, where they have said: "Look, we are all male, we want to appoint a woman, but we cannot say we want to appoint a woman. What do we do?" I said: "You should say something welcoming." One of the things that Jersey does not do very often is to say that you are a welcoming organisation in relation to diversity. So we asked this board to say ... you cannot say: "We want to appoint a woman" but you can say: "This is an area where the board has a deficit so we particularly encourage applications from women." Women need the messages that they would be welcome. Do we not all?

Deputy L.M.C. Doublet:

Just on that, can I refer to your guideline document, which you have got 10 standards here on page 3, and the third one, I think, speaks to addressing this issue that we have been talking about. It says that: "Each role will be advertised in such a way to encourage applicants from all sectors and groups, especially those who are under-represented at senior levels within the public service." I was wondering, do you elaborate on that advice and give more specifics as to where boards should be advertised and how they can target these groups?

Chair, Jersey Appointments Commission:

Of course the whole business of how you get people to apply for jobs is changing. The use of selection, head-hunters as they are called, is much more common now, although even that is beginning to change because that is becoming something which is much more e-driven. If you have got a selection company contracted to find your applicants, it is very straightforward to say to them: "Come on, get your act together. We want some good strong women here. We want to make sure that you look at the ethnic minority contribution." We want to make sure that people with different

abilities also get the message. You can ask for evidence that they are searching in those areas. Putting an advertisement in the newspaper is not, by and large, the way you get applicants for jobs, but obviously you have to be careful that somebody does not place an advert in an inappropriate journal. I do not think we have seen that at all. It is something you just keep an eye on. But it is the briefing of the selection company that is crucial, then they continue to pressure to make sure that the work is followed through.

Deputy L.M.C. Doublet:

How, for example, would young women be reached either by the board themselves or by a company?

Chair, Jersey Appointments Commission:

There are 2 different things. Boards may not use and particularly smaller organisations may not have the kind of finance to use a recruitment agency. But I give you an example of one independent sector organisation: they ran a lunchtime meeting to say to people: "Come and learn about the organisation", an open meeting. They wanted local people to come as trustees and they ran an open lunchtime meeting and targeted a whole range of age groups right across the Island and got a very good turnout. Trying then to convert those people into board members is another task, but if you do not get the people in the first instance interested in the organisation, you do not have much of a chance of getting them interested in putting themselves forward. So I think we could encourage some of our boards, particularly in the larger voluntary sector organisations, to be doing much more of that. That does not cost a lot either in money or time to get people interested, but to give the message really clearly: "We are really looking for some younger people, people of all ages, some men, some women, people of different ethnic groups and abilities to come forward." There are issues of course if you have younger people and they are at work when you hold the meetings. Holding the meetings at a time that people can make the meetings, otherwise what you are doing is effectively limiting it to only people of retirement or people who are rich enough not to have to go to work. So there are some things like that, that you have to help boards look at it if they are saying, as they sometimes do to us informally: "What do we do? We want to change. What do we do? We do not know." I think within Jersey there are people who know how to change things and I think a little bit more of that. I do not know whether in Jersey there is a senior women's group of senior staff who talk to each other. That became very commonplace in the civil service in the U.K., just groups of aspiring women meeting with women in senior positions and hearing from the women in senior positions that it was not that easy and offering that kind of mutual support and encouragement.

Deputy L.M.C. Doublet:

Is that something you would recommend within the States as an organisation?

Chair, Jersey Appointments Commission:

I would have thought, yes. Some meetings for women across the States, some of us longer in the tooth, have been around the block a few times, spending a lunchtime with some younger women listening to the difficulties they are having and saying: "There are ways to get around this." There are ways of just, frankly, doing ... what the men do is put a face on it. There are some things we know. Internationally it is known that if you produce a C.V. and a job specification that a man will read the job specification and if he thinks he can match half of it he will apply. If a woman looks at it, if she cannot make it at least 90-odd per cent she will not apply. We have to get the message out to women: "Have the confidence to apply if you can meet half of it, otherwise you are not chasing in the race in the same way." Those are messages that can be given in a different way. You cannot structure that anywhere, but you can have those conversations with women who are aspiring. You can also have conversations with panels to say: "Just have a look here. You are prepared to short list this chap and he has only ticked 4 of the boxes. You are not prepared to short list this younger woman and she can hit 8 of the boxes. Why is that?" That is our role.

Deputy L.M.C. Doublet:

Is that something that could be there in the processes? Would you maybe recommend that as part of a job advertisement, that it could be stated: "Please apply if you hit 50 per cent or more of these"?

Chair, Jersey Appointments Commission:

You would need to be very careful that you were not bringing forward people who could not do the job that needed to be done. Quite often what you find is that you have some essential criteria and some desirable criteria. That is one way of saying: "Look, whoever you are, you really have got to be able to do these things." You may not have to have had 10 years' experience at it. Some people can do it after 2 years' experience, so sometimes things like the length of experience can get in the way, particularly of younger men and women. It is the appropriateness of the experience and what you gain from that experience and how you were able to transfer that experience into the next job that one is looking for in the recruitment process.

Deputy L.M.C. Doublet:

In terms of States departments, what kind of level of assistance do you provide to States departments and is it consistent across the departments in terms of how often they are requesting your assistance?

Chair, Jersey Appointments Commission:

We only are personally involved in the most senior appointments, where people are paid £100,000-ish or more, and we only get involved in the chairs and the chief execs in the independent sector, where in those organisations they are in receipt of at least £250,000 a year.

[15:30]

Or, in either case, where the post or the organisation is such that it holds a very high profile across the Island or a position of importance. We can of course suddenly say: "We are going to look over here" and do a little bit of a dipstick a bit further down, but we are increasingly trying to hold to account the ... and it will be the directors general in future of each area to say that they are following the guidelines throughout their department. We have said that we will try to begin to audit that and to RAG rate the reports that departments have to make to try to make sure that the departments are carrying out the guidelines that apply to all jobs. Our guidelines apply throughout, but we can only get involved in the most senior, otherwise it would be a very expensive exercise.

Deputy L.M.C. Doublet:

Do you feel that your powers need to be extended further under the law to allow you to do more?

Chair, Jersey Appointments Commission:

I do not think they need to be extended, they just need to be followed. Quite often people say: "Oh, extend, extend, grow them." No, just follow the ones we have got. That would be a really good start. Things would happen differently if you just follow what is there now.

Deputy L.M.C. Doublet:

In your 2017 annual report, you highlighted that there had been 2 transgressions that year that you had observed from arm's length organisations. That was reported to the States Employment Board, as your annual report is, but what happened following your highlighting of those transgressions?

Chair, Jersey Appointments Commission:

I think letters were written to the organisations. Interestingly, as you know, I have just come from the States Employment Board, where I have just presented our annual report, so that will be published shortly through the States. One of the things that we are looking at with the States Employment Board is what powers does the States have when people do not follow the guidelines? Because clearly the States is funding in the independent sector. It is very expensive and there is a lot of States money going into the independent sector, which sometimes does not get the same scrutiny as the public sector. I think it is very important that there is proper oversight of that. The States Employment Board I know want to get to grips with that. We had the conversation again this afternoon: it is how can we and they, in our roles together, try to bring about improved practice in the independent sector?

Deputy L.M.C. Doublet:

There is a lack of teeth, clearly. Perhaps it is early days following your discussions today, but what would you like to have in your toolbox in order to properly take action against transgressors of policy?

Chair, Jersey Appointments Commission:

I do not think it is for our toolbox. I think it is for the S.E.B. (States Employment Board). Our role is an oversight regulator. We cannot go around closing down organisations. That would be highly inappropriate, but we can bring it to the attention of the States for the States to determine whether or not it wants to go on funding an organisation at that level, whether it would require organisations that it funds to properly publish their financial statements. Not all of them do. Some of them only publish their finances within their own board. That cannot be right if it is public money. As I say, more is not required; what is required is that that which exists needs to be effective and carried out.

Deputy L.M.C. Doublet:

It is a year since that last annual report was published and nothing has changed in the boards that you highlight.

Chair, Jersey Appointments Commission:

As you will see from this year, some things have changed. It was good to be able to say that there are some things which are improving and the independent sector is getting used to the fact that we are there now. If you have been in post 9 years, best practice on a committee says that that is it. They are beginning to understand that you do not get involved in the appointment of your successor. They do not like it necessarily, because everybody would like to appoint their successor - of course we would, it is only natural - but that is not appropriate. There are things like that which are changing, which are improving. We do not always get as early notice as we could get, as the J.A.C., that we need to be involved, so sometimes there is quite a shuffle to get the processes in and agreed and appropriate. But yes, it was good to be able to say that things are beginning to improve. People are beginning to say: "Hang on, we do not have a woman on the panel, better do something about it" and not just saying: "There are not any women out there" because they know that we always say: "Oh yes, there are. Go look a little harder."

Deputy L.M.C. Doublet:

Just to go back to the Senator's question, what actions do you feel should be taken by S.E.B. or the States Assembly when there are transgressions?

Chair, Jersey Appointments Commission:

I think one of the actions that they are taking, because they have set up the shareholder executive, is that the shareholder executive is where the teeth are needed, in a sense, because they are there working on behalf of the States to try to stop these mistakes before they are made. I think far better

to get involved with the board when they are in the process of thinking about their succession and make sure that that board behaves then. That can happen through the shareholder executive. Closing the door after the horse has bolted can make you look very powerful, but it does not change very much. It is much better to get involved in that way and get the practice changed from inside. If there was anywhere that needed to muscle up, I would say it is at that stage, so that when we have oversight we can say: "We can see the results of that work." That is one of the ways in which I hope things will begin to change. We are beginning to see the start of that. I do not want to completely say that is not happening. It is beginning to happen, but I think the States needs to pay attention there, to stop the rot.

Deputy L.M.C. Doublet:

Yes, a prevention rather than a cure, really.

Chair, Jersey Appointments Commission:

Prevention, that is right, absolutely. That is the way you change things, get in among it and change it. Saying how terrible it is after it has happened ...

Deputy J.H. Perchard:

Thinking of the board that has that 100 per cent male membership at the moment then, that has already happened, so how would you suggest the States approach tackling that? Obviously you cannot get rid of board members once they are in post just because they are not a male or a female, but how would you then approach that in a way that is amicable and helpful?

Chair, Jersey Appointments Commission:

I think it may be possible for people to co-opt people, have a look at the constitution, look at the memoranda. Are there other ways in which, in the short term, a different balance could be brought about? There are sometimes going to be interim measures that you can take. Each of the organisations will have their written word that they need to follow. Then as soon as you have got a vacancy, not just continuing people - people usually have a term of office which is 3, 4, 5 years - making sure that there is mobility, that not everybody does the whole 9 years. Some people come in and make a contribution of 3 or 4 years: "Great contribution. Thanks, Jack. We now need to open up and encourage diversity. You are not going because there is anything wrong with you, but we are not renewing your contract because we need to open up the diversity of the board" and giving people the courage to be able to say that and people on boards the understanding that make room for other folk; other folk have something different to bring and maybe that board needs that diversity.

Deputy L.M.C. Doublet:

In terms of boards and senior posts, we are seeing large sections of the States becoming arm's length bodies. Is that arrangement better for diversity or worse?

Chair, Jersey Appointments Commission:

I do not think you can say one or the other. If we get it right, we will get it right across, I think. It sometimes feels easier if you are in direct control, but if you put the guidelines down and then the people who manage and who are the accounting officers for the arm's length bodies make sure that practice is properly carried out and they themselves are accountable for it, then you should get the same practice right across.

Deputy L.M.C. Doublet:

Your guideline document states that: "The Commission does not have oversight of Crown appointments and the judiciary."

Chair, Jersey Appointments Commission:

That is right.

Deputy L.M.C. Doublet:

What effect does this lack of oversight have on the gender balance of these posts?

Chair, Jersey Appointments Commission:

We are, I have to say, invited to be involved in those appointments, but we are there by invitation, so you have to play that role slightly differently. I know there are conversations about the possibility of a judicial appointment commission here in Jersey, where that would be an issue then that would be quite properly and appropriately taken up in that Commission. But when we are invited, we try to bring to the role exactly the same sets of questions, the skills that we do if we are there as of right. It is simply that you are invited rather than you are there by right of the States of Jersey.

Deputy L.M.C. Doublet:

In recent years, have you been invited to all of those?

Chair, Jersey Appointments Commission:

Certainly I think all the senior ones that I know of, absolutely, and I am shortly to be involved in the appointment of the next Deputy Bailiff, which is out to advertisement at the moment, and we hope that we will get a wide range of applications from qualified men and women. We all very much hope that that will be widely publicised - I think the closing date is 15th February - and that we will be looking at a diverse long list.

Deputy L.M.C. Doublet:

In your submission you mentioned that there is no comprehensive evidence on gender pay gaps in the Island. Do you think, in your experience, that it is useful to have statutory measures to encourage that gathering of information?

Chair, Jersey Appointments Commission:

I do think we have to gather the information. Some of the information might be there and we just do not draw it out. It is much better if you know, if you are going to make the arguments for things to change, if you can absolutely demonstrate what the difference is, and to make sure it does not become a blame game. This is a universal issue and it is not a stick issue, it is about much more than the pay, though the pay is a very important part of it. I think it is important to get the stats out, as I say, not to blame, but to say: "Something needs to be done, so what can be done and what can be done without people failing?" so that those that have been earning more can understand what is happening as well.

Deputy L.M.C. Doublet:

In your submission - thank you for that - you stated that in terms of the question of whether there is a gender pay gap in Jersey, the Commission has stated that they have no reason to believe that the situation is any different in Jersey than in other jurisdictions where a pay gap exists. Is there anything that you would like to add to that or elaborate on that general question of whether there is a pay gap?

Chair, Jersey Appointments Commission:

I think it is the same point really. We would guess there is. You hear anecdotally that there is, but we do not know, so let us get that information. I think it probably is quite urgent, if you are trying to do something, to get the information. I think it is collected; there is systematic collection. But as is not uncommon, not just in Jersey, people collect all the information on the forms in recruitment and then what happens to it? Who has had a look at it? Who has said: "Oh, I wonder why that was the case? I wonder what we can do differently next time to make sure that is not the case next time." That is the piece of work, I think, the analysis. Collect the stats, great, but analyse them and then look at what actions need to be taken because of what you find out from the analysis.

Deputy L.M.C. Doublet:

The Commission collect those stats. I have seen the form on the website. Is that information being taken into account by Statistics Jersey, do you know, on the project they are doing?

Chair, Jersey Appointments Commission:

I do not know. I am afraid I do not know.

Deputy L.M.C. Doublet:

Have they asked you for any data at all?

Chair, Jersey Appointments Commission:

The data would be in the H.R. (human resources) files of the people appointed. There is a systematic collection of those now.

Deputy J.H. Perchard:

That systematic collection, is that separate from the diversity monitoring forms that are issued to employees?

Chair, Jersey Appointments Commission:

The diversity monitoring forms I assume were ... I mean, we certainly look at them, but they are collected I think as part of the H.R. records rather than necessarily our records.

Senator K.L. Moore:

You talked about the earlier processes, going back to the creation of job descriptions and how they are put together. Sometimes there is anecdotal feedback that job descriptions are written with particular people in mind. In what way is the Appointments Commission able to involve themselves in that process to ensure that good practice occurs?

Chair, Jersey Appointments Commission:

Without naming names, I can go back to a particular example where it was absolutely obvious that the tasks that were being given - because you do not just necessarily have interviews, of course - were shaped so that one of the candidates could answer them. It was obvious, so we went back and had to say: "Sorry, could we have a different set of tasks that all of the candidates can equally apply themselves to?" You cannot have somebody writing a set of tasks that are particular to somebody with the inside knowledge of the organisation if what you are trying to do is to have an open competition and appoint the best person, wherever they come from.

[15:45]

That was something that if you are doing this all the time, you can spot it.

Deputy L.M.C. Doublet:

Is it easy to detect?

Chair, Jersey Appointments Commission:

Sadly, it is very easy to detect, yes.

Senator K.L. Moore:

In that case, it appears that the people concerned responded to your request.

Chair, Jersey Appointments Commission:

They did not have any option in the end, because we will not let the process go on unless ... you say we do not have teeth. We can say: "That is not appropriate. We will not agree to that set of tasks. Back to the drawing board." We can, in that way, make sure that the process is done properly. That is our job. It is about process. It might sound boring, but if you do not get the process right, if you do not regulate the process, you will not deliver the objective that are trying for, which is a meritorious candidate, irrespective of gender, race, disability et cetera.

Deputy J.H. Perchard:

How does the Appointments Commission tackle or prevent affinity bias and how does it plan to do that going forward, given the fact that we do have a very uniform or a single demographic at the top of the public sector at the moment?

Chair, Jersey Appointments Commission:

Our only way of working is the way that I have described, but I have to say that you can get a group of men who are committed to try to appoint an equal balance of men and women and I think it is by them. That senior team is very aware that it is very male-dominated, only one woman in that senior team. I am sure that they will work very hard to make sure that in succession planning, for example, support is given to women coming up through the system. I think that is something that we have only seen a little bit of in Jersey, where you might find a very able woman, or indeed, a very able man, but nobody is saying - rather than: "Oh, that is the next person for the job" which you cannot say - "Let us do some succession planning. Let us make sure that the person is getting the support they need, the challenge they need, the opportunities they need to be able to present themselves well for the next role." I think it is incumbent on that senior team to make sure that in their directorates that that kind of activity goes on. It is a management issue. One would hope that it is led from the top and that people are then asked to look very carefully at how they are going to make sure that there is a much fairer diversity contribution, shall we say, within that. Not just gender. I know this about gender, but it is a much broader issue.

Deputy J.H. Perchard:

You are absolutely right. Thank you.

Deputy L.M.C. Doublet:

One final general question. In terms of the gender pay gap and gender diversity in general, can you sum up how important you think the Appointments Commission is in tackling that and improving the situation?

Chair, Jersey Appointments Commission:

Because we do not have an absolute clear remit does not mean to say we cannot play an important role. We are absolutely committed to using the tools that we have in our tool bag to try to make sure that people behave. Our job is to make sure that the process delivers the best person for the job, so we cannot afford to allow discrimination to get in in any way. It is a regular conversation that we have at our meetings. If people have an experience of it, that is shared and we talk to each other and listen to each other about the ways in which you can go back, if it is a difficult situation, and address that. We are about guidelines. We do not have a hammer, but it is about absolutely making sure that the appointment is made on merit without discrimination. If the appointments are done properly, women will rise to the senior jobs in the same way that men do.

Deputy J.H. Perchard:

Sorry, I know that was supposed to be your final question, but when you say “without discrimination”, is it your view that in a world where there was no affinity bias or discrimination of any kind, we would naturally end up with about 50:50 balance of gender?

Chair, Jersey Appointments Commission:

Would we not all love to be able to say that? None of us know. Of course that is the aim, to get a really good mix so that you get the best strengths and different experiences of men and women contributing to the future of the organisation and the future of the Island, so eliminating discrimination in all of the different ways in which we all work has got to be our goal. That is what we want. We want the best people to be in those positions. That is the commitment I think that everybody needs to look for and strive towards.

Deputy J.H. Perchard:

It is not the belief of the Commission that the best people need necessarily be of the same demographic or cultural background, if anything?

Chair, Jersey Appointments Commission:

The greater the diversity, the richer the outcome.

Deputy L.M.C. Doublet:

Thank you very much, Dame Janet. That was hugely informative, an excellent hearing, thank you.
Thank you to all members of the public that attended. I will draw the hearing to a close now.

[15:50]