

# THE JERSEY APPOINTMENTS COMMISSION

Annual Report  
2022

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## Chair's Report

The former Chair of the Jersey Appointments Commission, Dame Janet Paraskeva, completed her term of office on 30<sup>th</sup> September 2022.

Prior to her departure, a 2022 JAC Interim report was produced (covering the period from 1 January 2022 to 30 September 2022). This period included a period of purdah (11 May – 12 July). The report contained a legacy review reflecting the whole period of her stewardship (Appendix IV). The report, together with a personal briefing, greatly assisted with my handover and provided helpful context setting and historical information.

I took up my appointment as Chair of the JAC on [1st October 2022](#) with a very clear mission to build upon the positive work of my predecessor and to continue to lead the evolution of the Commission. I also wish to ensure that the best appointments are made within a positive culture of inclusion and diversity, with an emphasis on giving communities in the island the opportunity to compete and be selected for senior roles within the civil and wider public service.

At the same time as the recruitment of a replacement Chair of JAC took place, recruitment has also taken place during the year for the appointment of two Commissioners to replace two retiring Commissioners. Two successful candidates were put forward and a report was drafted for the States Assembly on [21<sup>st</sup> September 2022](#) to seek agreement to proceed with both appointments. Officers prepared a Proposition for lodging in the States Assembly to this effect. Both Commissioners started in post on the 11<sup>th</sup> of November.

I look forward to the new Commissioners working with their experienced colleagues to develop the agenda of the Commission. I would also like to thank the hard work and support provided by the Government of Jersey in easing my entry into the role.

Thanks are especially due to the current Governance team led by Lucy Mumford and ably supported by Natalie Williams, Edmond Webbe and Kirsten Le Cornu. Without the steadfast administrative support and guidance of the team, our work could not have taken place. The JAC also has the continued support of Mark Grimley, Chief People & Transformation Officer and we welcome Andrea Robinson to the HR team as a resourcing specialist.

Finally, as I said in my interview for the role, my ambition will be to ensure that the island and its various communities will have increased opportunity to ensure fair and open competition for all roles within the public service and associated organisations.



**Mr Chris Stephenson**

Chair

Date: 26 April 2023

# Performance Report

## 1.1 Statement of Purpose

The Jersey Appointments Commission will, in 2023, be seen and accountable for the delivery of the following key accountabilities:

1. To support and advise in the recruitment of key roles within the Public Service and associated organisations. To ensure equity, equality, transparency and effectiveness in the recruitment and selection process and outcomes.
2. We will conduct audits of recruitment practice in the civil service and within associated organisations as requested by the Shareholder Executive. We will endeavour to conduct up to 6 audits in the reporting period.
3. The Commission will develop and implement an outreach programme over 2023/24 to engage with all communities on the island to enhance inclusion, diversity and the opportunity for new talent to participate in our island's growth and development.
4. The Commission will review and revise its guidelines with a view to consulting with its stakeholders to ensure that they reflect modern recruitment practice.
5. The Commission will support the Delivery & Improvement teams in their recruiting work as required.

### Key Performance Indicators

The Commission is in the process of developing Key Performance metrics against which the Commission can quantify its own performance. You can find below a brief outline of the proposed metrics as well as a baseline figure which will act as the target for 2023. The Annual Report going forwards will include details of the Commission's performance against these metrics and analysis of the factors impacting against the Commission's ability to meet these targets.

| Metric                               | Description  | Baseline             |
|--------------------------------------|--|----------------------|
| Average hours per Commissioner       | The average number of hours spent per Commissioner on recruitment assignments during the reporting period. | 105 hrs              |
| Average Assignments per Commissioner | The average number of assignments each individual Commissioner will undertake during the reporting period. | 5 per comm'r         |
| Assignments Completed                | The number of recruitment assignments completed by the Commission during the reporting period.             | GoJ – 16<br>ALO – 16 |
| Audits Completed                     | The number of recruitments audited by the Commission during the reporting period.                          | TBC*                 |

\*Baseline to be reviewed during 2023.

## 1.2 Activity Report

During the reporting period, the Commission assisted in the completion of 35 recruitment assignments. This was spread across 16 recruitments within the Government of Jersey with a further 19 assignments within Arm's Length Organisations. This represented a 25% increase on 2021.

The activity seen was also centred around the first and last quarters of the year with the elections held mid-year and associated Purdah period limiting the number of recruitment cases referred to the Commission whilst Government appointments were unable to be confirmed.

A full list of recruitment cases can be found in Appendix II and III.

### Chief Executive Officer

A key case of recruitment involving the Commission related to the Chief Executive Officer of the Government of Jersey. Two Commissioners assisted as members of the recruitment panel to ensure proper processes were followed. As part of the recruitment, an article was written and published in the Jersey Evening Post by the then Chair, Dame Janet Paraskeva, providing further context on the role of the Commission in the process. This was in an effort to address significant public interest on social media (including misunderstandings) in respect of the Commission's role and power in the recruitment process.

## **1.3 Delivery Performance**

It has been noted in this report that the individual Commissioners are working over and above the 12-15 days which they are contracted for. This reflects the heavy workload of work that has been carried out during the year. In 2022 in particular the Commission saw a large number of requests come in during the latter stages of the year, likely as a result of the inability to progress with Government appointments during the Purdah and elections periods where there was a reduction in the level of Government appointments.

Ongoing administrative support continues to be provided by the Governance & Strategy team within People & Corporate Services. This includes:

- Secretariat support in the running of the Commission's regular meetings,
- Management of correspondence relating to new assignments;
- Liaising with the Commission to ensure that items are assigned to a Commissioner in a timely manner; and
- Ad-hoc requests for admin support from the Chair of the Commission and its members.

This relationship has worked well over the reporting period and we expect this arrangement to continue for the foreseeable future. The Commission is comfortable with the level of support being provided and maintains a strong working relationship with those key stakeholders within P&CS to ensure that any changes to the arrangement or new areas of required assistance are discussed openly and the needs of the Commission are met in a way that does not place undue pressure on the supporting resources.

At the end of 2022, the process was begun to provide official Jersey Appointment Commission IT accounts and associated email addresses. This is supported by a central Jersey Appointments Commission mailbox which is currently overseen by the GoJ support team within People & Corporate Services who provide administrative resource to the Commission. This will allow the Commission to make better use of IT functionality within the Microsoft Office suite of software for improved collaboration on documentation. It will also ensure a more robust archiving process for documentation produced during the fulfilment of the Commission's activities, in order to fulfill the obligations within applicable Data Protection legislation and ensure data integrity. This work will be completed in Q1 and Q2 2023.

The Commission remains keen to ensure that modern recruitment methods are used by the organisations it regulates and in 2023, via the revision of the guidelines, will be encouraging improvements in this area, for example “blind” CVs to encourage inclusion and diversity.

## 1.4 Risk Log

This section provides details of the JAC Risk Log for areas which may impact the ability for the Commission to carry out its designated activities. During 2023 the Commission will consider how to develop the log to be more informative and effective, for example, using a RAG rating.

| Risk Title   | Risk Status | Risk Description   | Mitigating Actions  |
|--|-------------|--|---|
| Gender Representation of Panels and Protected Characteristics of Panel | Active      | The Risk that a lack of gender equality and representation on recruiting panels may impact on the ability of the panels to ensure a balanced outcome for candidates.   | Recruitment training to be provided to those individuals within organisations who are participating in the recruitment process and those on the recruiting panel.   |
| Panel Stacking   | Active      | The risk that the composition of the panel may lead to a predetermined outcome by stacking the panel with individuals in favour of a single candidate or class of candidates.  | Active Commission guidance on panel composition.  |
| Late Notification of Recruitment                                       | Active      | The risk that the Commission will be notified of the recruitment too close to the expected completion date of the recruitment to allow for the Commission to provide the level of guidance necessary (to allow for the Commission to be fully comfortable that the outcome is the best available in the circumstances) | Improved succession planning activity by organisations to ensure that they understand their workforce, the potential forces impacting on their organisation and staff and the potential recruiting requirements. The Commission to remind constituent organisations when board members terms of office are due to finish (to be considered within the JAC guidelines) and for an appropriate period of training/shadowing/takeover to be factored into any new appointment process. |
| Data Management  | Active      | Ensuring appropriate data security, integrity and availability.  | Engagement is ongoing with the GoJ IT department to ensure the Commission is provided with their own IT accounts on a ringfenced domain. Regular reminders to Commissioners to cleanse their email accounts of Commission documents and to place  |



|                         |        |   |  |
|-------------------------|--------|---|--|
|                         |        |   | them in a central administrative hub where documents are accessible to all Commissioners (including templates/styles as appropriate)   |
| Statistical Information | Active | The risk that the lack of validated statistical data available to inform key decisions will negatively impact recruitment approach and outcomes             | The Commission will develop during 2023 a statistical data set which it will require all recruitment projects to meet.   |
| Commissioner Resources  | Active | The risk that the Commission will not be able to manage all of the activities within its remit due to the level of resources required to provide oversight. | Discussions are ongoing with key stakeholders regarding the level of commitment required based on current workloads and anticipated activities going into 2023 including remuneration of Commissioners.  |
| Legislative Changes     | Active | The risk that legislative changes made to the Employment of States of Jersey Employees (Jersey) Law 2005 may impact on the Commissions remit and functions. | The Chair has engaged with relevant stakeholders both within the Government's Policy Drafting teams, States Employment Board and Council of Ministers in order to ensure the views of the Commission are considered when future law drafting occurs. |
| Political interference  | Active | The risk that political interference may lead to individuals trying to influence the recruitment process towards a particular outcome.                      | Greater engagement with the political bodies regarding the work of the Commission and its role in the recruitment process.   |
| Localisation            | Active | The risk that the encouragement of local people to put themselves forward for public roles does not take place.   | The Commission is planning an outreach programme for 2023/24 with key local stakeholders to ensure the widest participation in developing recruitment pools for public roles.  |

## 1.5 Engagement Activities

Since joining the Commission at the start of the October 2022, the Chair has engaged with a number of key stakeholders. Engagement meetings have been held with the following individuals and bodies to provide an introduction to the Chair and allow for discussions on how the Commission can best continue to engage with those bodies.

- Chief Executive Officer – Suzanne Wylie
- Chief Minister – Deputy Kristina Moore
- Comptroller & Auditor General – Lynn Pamment
- Head of Delivery & Improvement – Joanna Spybey
- Chair of the Corporate Services Scrutiny Panel – Deputy Sam Mézec
- Deputy Chair of States Employment Board – Connétable Andy Jehan
- Shareholder Executive – Simon Hayward
- Deputy Louise Doublet and Deputy Hilary Jeune – States Diversity Forum

It is the plan of the Commission as part of its statement of work for 2023 to continue to expand the engagement that it carries out, not only with key stakeholders within the Government of Jersey and States Assembly but also in the wider island community, to ensure that the Commission can continue to provide guidance on the recruitment matters that are important to the island. Meetings have taken place with the Chamber of Commerce and IoD as part of this process.

## 1.6 FOI Requests

List of the FOI requests that have been received and responded to on behalf of the JAC.  
<https://www.gov.je/government/freedomofinformation/pages/foi.aspx?ReportID=5582>

## 1.7 Diversity & Inclusion

It is core to the Commission's purpose to support and ensure that all recruitment to bodies within its scope make certain that their recruitment covers all the protected characteristics enshrined in the [Discrimination \(Jersey\) Law 2013](#). As part of this process the Commission guidelines are regularly reviewed and updated to reflect modern recruitment practice. Areas which the Commission are increasingly focussed on are shown below as examples of how improvements might be made.

- Whilst it is key for the anonymisation of applicant data to ensure a fair process and avoid the potential for biases to be introduced into the decision-making process, the Commission feels that the collection of data by recruiting bodies on the protected characteristics of candidates is key in understanding the true scope of recruitment outreach and targeting of their roles.
- Some panels remain gender imbalanced. To avoid the potential for biases or prejudices to be introduced into the recruitment process, a balanced and representative recruiting panel can ensure the fairest outcome for all candidates. The

Commission has also encountered behaviours unbecoming of members of a recruitment panel including insensitive remarks or questions being asked of a personal nature unrelated to the candidate's competencies. All panel members should ensure they are provided the proper training on how to act as a panel member.

- Recent data from the Statistics Unit supports the Commission's view that actively addressing under-representation of local ethnic minority communities should be a priority for the public sector in its diversity and inclusion strategies, especially given the significant skills shortages and focus on the inclusion of local talent in recruitment and selection processes.

## 1.8 Succession Planning

It is key to the Commission's work that effective succession planning underpins recruitment in the public service and its associated organisations. The Commission will continue to encourage and influence its stakeholders to that effect.

- Concerns remain around the high numbers of recruitment requests received at late notice and requiring short turnaround times. This puts undue strain on the resources available to the JAC.
- Whilst the Commission has seen a drop in the number of interim appointments being made, 18 active interim roles down from 25 at the end of 2021, the Commission stresses that the controls and processes currently in place need to be maintained.
- Under-representation of suitable local candidates in the applications process remain a concern. However, the JAC notes the steps the Government of Jersey is taking regarding succession planning with several senior positions being considered as "acting up" and other development opportunities being provided for existing staff. However, the organisation could do more to attract private sector workers to public service.

## 1.9 Concerns of the Commission

The Commission, through its work in 2022, identified areas of concern which it highlights below:

- The Commission would encourage public service recruitment processes to be aligned with modern recruitment practices. In particular, the Commission encourages utilisation of software applications for reviewing CVs, psychometric testing and panel interviewing the purpose of which would be to reduce the risk of bias contaminating the selection process.
- The Commission notes that significant challenges remain in the attraction and securing of candidates who are required to relocate to the island. Caring responsibilities, which disproportionately affect women candidates, is often a key factor. The cost and availability of accommodation and property in Jersey is also a significant barrier for many overseas candidates. The Government of Jersey has in place a substantial support and relocation package in place for all off-island appointments, but evidence

is being shared to suggest that some candidates see the cost of living in Jersey as a negative factor which outweighs the increased remuneration and quality of life.

## 1.10 Recommendations

| Reference | Title                           | Rec' Target       | Recommendation Detail   |
|-----------|---------------------------------|-------------------|---|
| 22/1      | Use of Interims                 | SEB/GOJ/ALO etc   | Recommendation that greater review of interim roles is conducted to ensure that their usage and length of usage can be reduced.   |
| 22/2      | Modernised Recruiting Practices | GOJ & ALOs        | Recommendation that a review of current recruitment practices in Government bodies is undertaken to identify areas where new and emerging recruitment practices can be embedded within existing processes. We also recommend the use of technology and better data gathering to assist in the decision making process.  |
| 22/3      | Panel Training                  | All organisations | Recommendation that a training requirement for members of recruitment panels is instituted to ensure that members have undergone appropriate interview and recruitment training.  |
| 22/4      | Early Notification              | All organisations | Recommendation that efforts are made by recruiting bodies to ensure that the Commission is notified in a timely manner ahead of a recruitment process to ensure that the Commission can be involved from the earliest stages of the process.  |
| 22/5      | Attraction                      | All organisations | Recommendation that organisations ensure their attraction approach for recruitment is reviewed to meet the need for greater localisation and diversity & inclusion.   |
| 22/6      | Political Interference          | States Assembly   | Politicians to be reminded that it is inappropriate to be part of the selection process except where specifically defined.  |
| 22/7      | P59.2011                        | GOJ               | The Commission reminds GoJ that it will not commence work on any request until formal P59 approval has been granted by the States Employment Board. The Commission notes that some recruiting stakeholders believe the P59 process may not apply to their roles, the Commission remains committed to fulfilling the expectations of the States Assembly as defined in P59.2011. |

# **Accountability Report**

## 2.1 Governance structure of the Commission

The Jersey Appointments Commission is constituted by the Employment of States of Jersey Employees (Jersey) Law 2005 and consists of up to 6 members, a designated Chair and no more than 5 further Commissioners. All appointments to the Commission are subject to confirmation by the States Employment Board and Chief Minister with final appointments confirmed by the States Assembly in line with the States of Jersey (Appointment Procedures) (Jersey) Law 2018.

Meetings are to be held at least 4 times each year. In 2022 8 meetings of the Commission were held. In 2023, it is envisaging that 9 meetings will be held on a 6-week schedule.

## 2.2 Statement of Responsibility

As the independent regulator of recruitment for Government employees, appointees and senior members of independent bodies, the Commission's role is to ensure that recruitment is conducted in accordance with the requirements of legislation. The Employment of States of Jersey Employees (Jersey) Law 2005 outlines the following functions and duties of the Commission:

- Ensure recruitment of persons as States employees is fair, efficient and conducted in accordance with best practice.
- Advise on the preparation of codes of practice for recruitment of states employees.
- Provide guidelines for the recruitment of states appointees.
- Audit recruitment practices of government bodies.
- Oversee the recruitment of senior states officers.
- Provision of annual reporting/reporting to SEB

Commissioners are appointed as Chair of the recruitment panel to oversee the recruitment process from start to finish and certify the outcome.

As well as its statutory responsibilities, the Commission will also provide oversight of recruitment for roles where there is public interest in ensuring a fair and proper recruitment process is carried out.

## 2.3 Composition of the Commission

As at the publication of this report the composition of the Jersey Appointments Commission is as shown below:

| Name             | Role         | Current Term Start | Current Term End | Original Start Date |
|------------------|--------------|--------------------|------------------|---------------------|
| Chris Stephenson | Chair        | 01/10/22           | 30/09/26         |                     |
| Helen Ruelle     | Commissioner | 29/04/22           | 20/04/25         | 30/04/19            |
| Simon Nash       |              | 30/09/22           | 30/09/25         | 01/10/19            |

|                 |  |          |          |  |
|-----------------|--|----------|----------|--|
| Kate Wright     |  | 15/10/21 | 13/09/24 |  |
| Julia Therezien |  | 11/11/22 | 11/11/25 |  |
| Bilal Shabbir   |  | 11/11/22 | 11/11/25 |  |

During the reporting period three further individuals held roles within the Commission but have left the organisation as at the date of publication.

| Name                                | Role         | Final Term Start | Final Term End | Original Start Date |
|-------------------------------------|--------------|------------------|----------------|---------------------|
| Rt. Hon. Dame Janet Paraskeva D.B.E | Chair        | 31/03/22         | 30/09/22       | 24/09/14            |
| Peter Charalambous                  | Commissioner | 18/01/22         | 31/03/22       | 18/01/18            |
| Jo Waring-Hockley                   |              | 01/11/19         | 31/03/22       |                     |

## 2.4 Jersey Appointments Commission Recruitment

Two recruitment processes have been completed during the reporting period.

### Chair Recruitment:

The recruitment process was managed by the McLean Partnership, who conducted a search for suitable high calibre candidates both on and off Island, in the private and public sector. The position was advertised locally in the Jersey Evening Post and Bailiwick Express, as well as nationally in the Sunday Times, and on McLean's own website. Applications were received from Jersey and the UK. The Panel shortlisted 5 candidates for interview, which were undertaken on the 28 June and 13 July 2022.

The Panel were unanimous in their recommendation to the Chief Minister of 2 appointable candidates. The Chief Minister received independent endorsement from the Panel Chair, Mr Richard Stevens, that the process had been undertaken in line with the highest standards. The final decision was made by the Chief Minister, having first consulted the States Employment Board.

The recruitment panel consisted of the following persons:

- Richard Stevens – Chair and non-voting member (The Resolution Centre)
- Jennifer Carnegie – Director of Amicus Ltd, Chair of Jersey Business and President of Jersey Chamber of Commerce
- Julie Coward – Former Chair of Jersey Hospice (independent)
- Richard McCarthy – Chair of Andium Homes.

The report presented to the States Assembly under R.125/2022 can be found here:

<https://statesassembly.gov.je/assemblyreports/2022/r.125-2022.pdf>

### Commissioner Recruitment:

Following the decision by two Commissioners to leave the Commission, the Jersey Appointments Commission undertook an open recruitment process to fill the two vacant positions. The role was advertised in the job sections of gov.je, the Bailiwick Express and the Jersey Evening Post. An introductory video featuring a current Commissioner was also produced as part of the campaign. 7 applications were received, and 3 candidates were shortlisted and interviewed by the recruitment panel.



Following the interviews, the unanimous decision of the panel was to offer the role to Julia Therezien and Bilaal Shabbir.

The Recruitment panel consisted of the following persons:

- Dame Janet Paraskeva – JAC Chair
- Helen Ruelle – JAC Commissioner
- David Crossland – Talent Manager, Jersey Electricity

The report presented to the States Assembly under R.125/2022 can be found at the following address.

<https://statesassembly.gov.je/assemblyreports/2022/r.149-2022.pdf>

## **2.5 Staff Remuneration**

A review of the remuneration of Commissioners will take place during 2023.

## **2.6 Conflicts of Interest Declaration**

As part of the regular meetings of the Commission a standing item is in place to allow Commissioners to announce any potential conflicts of interest in relation to recruitment cases being handled by the Commission. Any conflicts noted would be taken into account when assigning a Commissioner to a recruitment case.

## **2.7 Data Protection Concerns**

The Jersey Appointments Commission can confirm that there have been no data protection concerns or incidents requiring reporting to the Jersey Office of the Information Commissioner. The Commission is currently in the process of applying for the status of Data Controller with the Jersey Office of the Information Commissioner.

# Appendices

### **3.1 Appendix I - Commissioner biographies**

#### **Christopher Stephenson**

Chris Stephenson is an experienced Human Resources professional, with several years at a senior management and Director level in both the private and public sector in the UK and Jersey. His career has spanned several business industries, including manufacturing, financial and professional services, the tech sector and start-ups.

He has previously been a non-executive director, and also owned and managed his own management and consultancy business. His most recent appointment was working for Sensyne Health as CPO, an AIM listed public company, reporting directly to the CEO/founder, as part of the senior leadership team.

He has extensive experience in the public sector, having worked for the Ministry of Justice at senior civil service level, Local Government, working for the London Borough of Tower Hamlets, and also the NHS in the acute and primary care sectors.

He has also spent 7 years with the Government of Jersey as Director of Employment Relations and Organisational Development and was also advisor to the States Employment Board.

#### **Helen Ruelle**

Helen is a highly regarded, high profile Jersey Advocate with extensive experience gained predominantly in Jersey but prior to that, in the UK. She is currently Director of Local Legal Services at Ogier, and she has held senior positions at Mourant Ozannes. She also holds the role of Chair of Jersey Employment Trust and trustee of Jersey Community Foundation. She was previously Chair of the Employment Forum, and Chair of Jersey Community Relations Trust. Helen was re-appointed to the JAC on 29<sup>th</sup> April 2022 for a term that runs until 29<sup>th</sup> April 2025.

#### **Simon Nash**

Simon has a breadth of senior HR experience in both banking and law, including the positions of HR Director at Carey Olsen and Crestbridge. He is now the Founder and Chairman of the Insight Group which is a collection of complementary businesses built around the proposition of "great ideas about people that work". He is a Chartered Fellow of the CIPD and author of 'Effective Selection Interviewing (2010)'. Simon was the winner of an Innovation in Technology HR Law award in 2015 and he is also member of the Jersey Employment and Discrimination Tribunal. Simon was re-appointed on 30<sup>th</sup> September 2022 for a term that runs until 30<sup>th</sup> September 2025.

#### **Katherine (Kate) Wright**

Kate has extensive experience as an HR practitioner and consultant in the UK and Jersey. Progressing through the HR and Learning and Development functions at Ernst & Young, she became the UK firm's first diversity manager before moving to Lloyds of London and taking up a position as Head of Human Resources Business Partnering. She also chaired the Corporation's Diversity Steering Group. Kate is founding Director at HR Consultancy Arbre Coaching & Consulting Ltd, which she established in 2008 in Jersey, and Co-Founder of The Diversity Network, Kate is Chair of the Board of Trustees for the Jersey Community Relations Trust and sits on the Adult Advisory Board of the Office of the Children's Commissioner.

#### **Julia Therezien**

Ms. Therezien has a record of significant achievement in her varied and interesting career history, and a wide range of skills. She has experience of working in both the

Education and Health spheres through her dual careers as teacher and physiotherapist. Her most recent role being the Head of English, Media and Film at Beaulieu Convent School.

Julia's strengths include a high standard of written and verbal communication, significant experience in high quality classroom teaching, and strategic thinking by applying a solutions focused approach to any obstacles that are unavoidably encountered in the running of any large and multi-faceted department. The criteria she feels most passionate about are those of integrity, impartiality and commitment to fairness.

### **Bilal Shabbir**

Bilal is currently a Devil (Scottish equivalent of a Pupil Barrister) at the Faculty of Advocates in Scotland. He is a consultant with Dickinson Gleeson, a boutique litigation firm in Jersey and a Panel Member of the FA National Serious Case Panel where he adjudicates on football disciplinary disputes. In his prior career as a Scottish solicitor, Bilal primarily practised in the fields of public law and commercial dispute resolution.

Bilal has won several awards including Paralegal of the Year at the Scottish Legal Awards 2018 where he was selected for delivering "a complexity of work beyond expectation", the Highly Commended Winner of 'Young Achiever of the Year' at the Scottish Asian and Business Awards 2019 and "Immigration Lawyer of the Year" at the Acquisition International awards in 2020.

Bilal is an active member of the Scottish Ethnic Minorities Lawyers Association, an organisation which has the aim of increasing access into and progression within the legal profession for all talented lawyers and students, regardless of background.

## 3.2 Appendix II Government of Jersey Senior Tier 0,1, 2 and 3 appointments overseen by JAC

| Role   | Status   | Gender split of applications |               | No of Jersey applications | Final Interview gender split |               | Gender of appointee | Jersey/Int'l Appointee | Type of contract |
|--|----------|------------------------------|---------------|---------------------------|------------------------------|---------------|---------------------|------------------------|------------------|
|  |          | Male                         | Female        |                           | Male                         | Female        |                     |                        |                  |
| Lieutenant Governor*                                 | Complete | 5                            | 0             | 0                         | 4                            | 0             | Male                | International          | 5 years          |
| Viscount   | Complete | 2                            | 0             | 2                         | 2                            | 0             | Male                | Jersey                 | Permanent        |
| States Greffier                                      | Complete | 2                            | 2             | 4                         | 0                            | 2             | Female              | Jersey                 | Permanent        |
| Director - Finance Hub**                             | Complete | 1                            | 0             | 1                         | 1                            | 0             | Male                | Jersey                 | Permanent        |
| Director - Finance Business Partnering & Analytics** | Complete | 0                            | 1             | 1                         | 0                            | 1             | Female              | Jersey                 | Permanent        |
| Director - Strategic Finance**                       | Complete | 1                            | 0             | 1                         | 1                            | 0             | Male                | Jersey                 | Permanent        |
| Group Director - Regulation                          | Complete | 1                            | 2             | 3                         | 1                            | 2             | Female              | Jersey                 | Permanent        |
| Headteacher – Victoria College                       | Complete | 15                           | 0             | 1                         | 3                            | 0             | Male                | Jersey                 | Permanent        |
| Deputy Chief of Police                               | Complete | 5                            | 0             | 0                         | 2                            | 0             | Male                | International          | FTC              |
| Deputy Greffier                                      | Complete | 3                            | 0             | 3                         | 2                            | 0             | Male                | Jersey                 | Permanent        |
| Director - Delivery & Innovation Hub**               | Complete | 0                            | 1             | 1                         | 0                            | 1             | Female              | Jersey                 | Permanent        |
| Director - Mental Health                             | Complete | 2                            | 1             | 2                         | 1                            | 1             | Male                | Jersey                 | Permanent        |
| Director General – CYPES**                           | Complete | 1                            | 0             | 1                         | 1                            | 0             | Male                | Jersey                 | Permanent        |
| Director General – JHA**                             | Complete | 0                            | 1             | 1                         | 0                            | 1             | Female              | Jersey                 | Permanent        |
| Director General – External Relations**              | Complete | 0                            | 1             | 1                         | 0                            | 1             | Female              | Jersey                 | Permanent        |
| Director – Financial Intelligence Unit               | Complete | 12                           | 4             | 2                         | 4                            | 1             | Male                | International          | Permanent        |
| <b>Total</b>   |          | <b>79.36%</b>                | <b>20.63%</b> | <b>38.10%</b>             | <b>68.75%</b>                | <b>31.25%</b> |                     |                        |                  |

\*Note that there were a number of restrictions imposed in law which negated some Jersey candidates from applying: (a) he or she is or, during the period of 5 years preceding the date of the proposition recommending his or her appointment, has been, a States' employee; (b) he or she is a member of the States; or (c) he or she is an officer of, employed by, or engaged under a contract for services by, any States funded body (including any non-Ministerial States funded body) or independently audited States body.

\*\*Note that an internal only recruitment process was carried out in order to substantiate an individual already in the role in an "acting up" or "interim" capacity into a permanent arrangement as part of organisational succession planning.

### 3.3 Appendix III Other recruitment overseen by the JAC

| Organisation                                  | Role                            |
|---|---------------------------------|
| Jersey Covid Review                           | Chair & Board                   |
| Jersey Childcare Trust                        | Chair                           |
| Jersey Financial Services Commission          | Director General                |
| JT  | Chair                           |
| JT  | Chief Executive Officer         |
| Records Advisory Panel                        | Chair & Panel                   |
| Jersey Employment Trust                       | Chief Executive Officer         |
| Jersey Electoral Authority                    | Chair                           |
| Jersey Post                                   | Chief Executive Officer         |
| Pharmaceutical Benefit Advisory Board         | Chair                           |
| Visit Jersey                                  | Chair                           |
| Rent Control Tribunal                         | Chair & Members                 |
| Jersey Office of the Information Commissioner | Director of Regulatory Strategy |
| Jersey Heritage                               | Chair                           |
| Jersey Appointments Commission                | Chair                           |
| Jersey Appointments Commission                | Commissioners                   |
| Channel Islands Financial Ombudsman Service   | Board Director (Guernsey)       |
| Arthouse Jersey                               | Chair & Members                 |
| Treasury Advisory Panel                       | Chair                           |
| Bank Resolution Authority                     | Chair                           |
| Parish of St Helier                           | Chief Executive Officer         |

The Commission will develop a data set for non-governmental appointments which will allow it to monitor more effectively the localisation and diversity objectives it is setting itself.

### **3.4 Appendix IV JAC Legacy Report and H1 2022 Interim Report**

Attached below you will find a copy of the combined JAC Legacy and Interim report produced by the previous Chair Dame Janet Paraskeva as part of the transitional process at the end of her tenure.

The first part of the report (the “Legacy Report”) provides insights and an overview of the key areas of focus from the Chairs time leading the Appointments Commission.

The second part of the report provides an operational report for the first half of 2022 and provides additional information on the work carried out prior to the current Chairs appointment.

**JAC**

THE JERSEY  
APPOINTMENTS  
COMMISSION

# THE JERSEY APPOINTMENTS COMMISSION

Legacy Report  
(2014-2022)

(Including Interim report 2022)



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## Legacy Report : 2014 - 2022

### 1. Introduction

The Jersey Appointments Commission (JAC) was established by the Employment of the States of Jersey Employees (Jersey) Law 2005 (the Law), to oversee the recruitment of States Employees, appointees, and senior members of independent bodies.

As the independent regulator of process, our role is to ensure that recruitment is conducted in accordance with the requirements of local legislation including (but not limited to) Discrimination (Jersey) Law 2013, and to ensure that:

- (a) The recruitment of persons as States employees, appointees or members of independent bodies is fair, efficient conducted in accordance with best practice principles and procedures.
- (b) States employees, appointees and members of independent bodies are appointed on merit; and
- (c) Members of the States are only involved in the recruitment of States employees, appointees, and members of independent bodies in accordance with guidelines made under Article 24 of the Law, or other circumstances where in the opinion of the Commission it is appropriate that they are involved.

The JAC does this with a team of Commissioners, each assigned to a number of recruitment assignments. The appointed Commissioner chairs and oversees recruitment from the start through to the final interview. The Commissioner does not vote or take a view on the person selected, where the process has been followed correctly.

The JAC publishes guidelines for departments and for the independent sector which we expect to be followed. We undertake spot check audits on compliance to ensure robust practice and procedures. Adherence to legislation has led to appointments on merit throughout the service.

Under the Law the JAC is also required to make a report to the States Assembly by the end of the first quarter of each year, and this report has been presented to the States Employment Board (SEB) before presenting to the Assembly. More recently the Chair of the JAC has also reported at the half year.

I took up my appointment as Chair of the JAC in October 2014 with a view to establishing a more formal regulatory role for the JAC, and to ensure the integrity and independence of the JAC.

It has been a very interesting and challenging 8 years, and I have very much enjoyed my time as Chair of the JAC. I am pleased to report that there have been significant improvements during my tenure on which I will be reflecting within this report, as well as commenting on some remaining areas for development. I hope that the foundations we have put in place will allow the new Chair to maintain momentum and focus on shaping the future development of the JAC.

As I step down as Chair I want to acknowledge the support the JAC has received from both civil service colleagues, members of the Crown service and politicians which has enabled our work to be conducted efficiently and positively. Leadership continuity in this role is important, and I wish my successor all the very best in their endeavours.

## **2. Role of the Jersey Appointments Commission**

### **2.1 Clarification on the role of the JAC**

The JAC is an independent body that oversees the recruitment of States' employees and appointees to States supported or related bodies. We ensure that the selection is fair, efficient, and conducted in accordance with best practice and procedures. The JAC is not a voting member on the selection panel.

Although the JAC is not part of the People and Corporate Services department of the Government of Jersey (GoJ), it remains located in that department for all administrative support. The recommendations of the Comptroller and Auditor General (C&AG 2019) highlighting the need for independence have not yet been fulfilled. The JAC was established by the States of Jersey to oversee the recruitment processes and to report on our findings, but to act independently of them. There has sometimes been confusion about the role of the JAC resulting in areas where the JAC is asked to comment which are outside of its remit. The JAC does offer help where it has information that can add to the process and where its independence is not compromised.

The JAC does not take part in setting salary levels except to ensure that no salary is offered to a candidate which is outside the salary range published when the post was advertised. The JAC is not responsible for the collection or analysis of recruitment data generally. However, it can, and does, comment on its experience and what the JAC has learned from its involvement. Although it is not the role of the JAC to monitor succession planning, it is worth noting that a planned programme of mentoring and succession planning is now in place and, although it is sometimes difficult for staff to take the necessary time to be involved, there is nonetheless active involvement in the programme.

## **3. Definitions and Terminology**

I thought it might be useful to offer definitions of some of the terms that have been used throughout the year, for example:

- Consultant, interim, by exception, succession planning
- Head-hunter or search consultant
- Short-term contract, substantive, fixed term contract
- Recruitment, selection

Some of these terms are often misused or used interchangeably which can make the identification of a breach more difficult. During the year we encouraged the change of

nomenclature to more appropriately describe the roles undertaken by members of staff in non-permanent contracts. (We have provided a summary of definitions in *Appendix II.*)

#### **4. Jersey Appointments Committee Annual Reports**

The JAC is required to publish a report by the end of May each year. In more recent years the JAC has sought to provide a more narrative style to the reports describe the work of the JAC in more detail, what has worked well, highlight areas of concern and make recommendations.

- [2015 Annual Report](#)
- [2016 Annual Report](#)
- [2017 Annual Report](#)
- [2018 Annual Report](#)
- [2019 Annual Report \(re-issued\)](#)
- [2020 Annual Report](#)
- [2021 Annual Report](#)
- 2022 Interim Report (attached to this Legacy report)

We have been pleased to engage and explain the work of the JAC through the media and engagement with States Members.

As Chair, I have provided regular briefings to Members of SEB which has allowed them to question any aspects of our reports; and to make suggestions for further work for our attention.

#### **5. An Overview: 2014-2022**

I inherited a Commission (the JAC) which was facing the possibility of legislative change to the way in which the JAC had carried out its functions and activities. The independence and the integrity of the JAC was not at that stage enshrined in law. This was achieved during my first full year in post with direct access, should the need arise, to report to the SEB. The appointment of a new team of Commissioners followed shortly afterwards. (Employment of States of Jersey Employees (Amendment No.7) (Jersey) Regulations 2015)

The role of the JAC also needed attention. Commissioners had become involved in the process of recruitment itself, rather than standing back as the regulator and guarantor of due process. In some cases, this help had been welcomed as departments and some Arms Length Organisations did not have HR professionals to assist them with recruitment. But Commissioners had sometimes become too immersed in the work of departments resulting in confused accountabilities and capacity issues. It was one of the first things I addressed as I moved the JAC to its new regulatory role.

Another early problem related to the number and range of Arms Length Organisations (ALOs) where JAC had a role. There was no consolidated list of this mixture of ALOs, then called Quangos, despite their receipt of sometimes considerable grants from the States. A significant piece of work was necessary to classify them according to size, status and level of state funding.

Some ALOs resisted the intervention of the JAC despite its backing from the SEB. In some their preferred method of selection had included repeat extensions and the highlighting of likely candidates with little or no recourse to transparent process.

Engagement with ALOs has increased exponentially over the years and the majority now fully understand and embrace the work of the JAC, often seeking advice well ahead of beginning a recruitment process. Although it was difficult for some organisations to adapt to the formalities of good recruitment practice, all ALOs now adopt the Code of Practice and this change signalled an important step for their relationship with the States as their funder or shareholder.

In 2015 approximately 70% of the JAC's workload was with ALOs reflecting the need for independent oversight and a significant resource investment.

By October 2015, the new team of Commissioners was involved in the oversight of both senior appointments in the civil service and those in autonomous and quasi -autonomous public bodies. The Commissioner's role included:

- Development of the person specification criteria
- Development of advertising and executive search strategy
- Selection panel membership
- Participation in long and shortlisting of candidates
- Development of context of interviews and assessment material
- Participation in the appointment panel as Chair

It is important to note why I felt it inappropriate for Commissioners to be involved in the final selection and so with agreement of the then SEB, the Commissioners role was clearly defined as the regulator for each step of the process and therefore should not vote in the final decision. The exception to this is for the recruitment of the Chief Executive Officer of the Government of Jersey as laid down in the Employment of States Of Jersey Employees (Jersey) Law 2005 and in the appointment of The Bailiff, Deputy Bailiff and senior Court Officers and the Lieutenant Governor where the JAC's involvement is separate from the States and by consent.

One of the major concerns early on in my tenure was the lack of past Commissioner involvement in recruitment to senior posts in Health and Community Services (HCS) which had been treated differently to other departments of the States. This was particularly important for the most senior posts where moves had been made to set up the health department as an independent organisation and where the realignment of that department required the intervention of the new CEO in January 2018. Having identified the need for the regulation of recruitment practices in HCS, I ensured that the JAC role was applied in the short term and by exception for all senior appointments over £75k until the JAC was satisfied that HCS had appropriate procedures in place when the normal level of intervention at £100k and above would apply. The Annual Report one year later in 2017 reflected a marked improvement in this area and commented that recruitment in HCS was being successfully undertaken in line with best practice.

During 2016, I raised a number of concerns with the SEB. These included the inexperience of some recruitment panel members, the expectation of extended length of service of board members and historical convention in some organisations where appointment procedure did not meet best practice. I was particularly concerned at the appointment of a close family member as an intern without any competitive process and the reluctance of some Boards of ALOs to follow best practice in their recruitment of new members which fell below the threshold of Commissioner involvement as Chair. These concerns remained in 2017.

I noted in my annual reports for 2016 and 2017 that I had a continuing concern that some wholly owned independent bodies identified by the SEB, had no wish to be regulated by the JAC. (JAC oversight being a policy requirement of their shareholder, the States of Jersey). The JAC worked closely with the Shareholder Executive on this matter and we were pleased to be contacted by the Ports of Jersey to oversee the recruitment of the CEO. Productive discussions with Jersey Post and JT Group Ltd took place in 2017 and this relationship has developed over the years in recognition of the value that the JAC adds in senior appointments.

That said, the JAC still has no way of measuring overall compliance throughout departments in roles where Commissioners are not personally involved. Although there is now mention of the matter in the annual governance statements for each department within the civil service this gap in direct oversight also remains a concern.

The appointment of the new Chief Executive Officer of the civil service in 2016 had involved the JAC in the appointment of an international selection company, appropriate testing at the highest level, informal meetings with politicians and a final panel interview in which JAC members were involved as voting selection panel members, overseen by the UK Civil Service Commission to ensure due process. With this appointment, significant public sector transformation took place during 2017 and 2018 and was further developed through 2019 and 2020.

A new Target Operating Model (TOM) for the civil service was established and appropriate posts identified. The JAC was involved with the process for selection of a recruitment/resourcing partner and in designing a full end to end process for all senior posts. The inclusion of Jersey resident business and community leaders as independent members on the appointment panels for the senior posts as part of the civil service transformation programme was important to ensure that the talents of Jersey applicants were considered fully and that local perspectives were taken into account throughout the appointments process.

Almost all parts of the recruitment process during 2020 were handled remotely because of the Covid-19 pandemic, but this did not in any way hamper the delivery of the main objective; to determine, on merit, through open competition, the best and most appropriate person to fulfil the role advertised.

Over my eight years I have seen a steady increase in Jersey resident candidates applying for the senior roles, and my hope would be that numbers will increase further. The succession planning process introduced in 2020 is beginning to produce positive results.

All roles which have our oversight are advertised and promoted on island through gov.je, local media and social media channels as well as a variety of search partners. The Government's central resourcing team is also working to enhance the promotion and identification of suitably qualified Jersey resident candidates.

It has also been heartening to observe the establishment of stakeholder panels, in some cases panels of young people (which were supported by the Youth Service) to offer helpful

commentary and ideas for further exploration by the recruitment panel. These stakeholder panels have also been used to great effect in the recruitment of Director of Safeguarding, the Director General in Children's Services and the Chief of Police.

I have been acutely aware of the perception that "open competition" always leads to appointments from the UK. Statistics show that this is clearly not the case. The JAC has worked with the SEB to publish an explanation on "open market competition" – what it means and its results and to demonstrate the work that is going on to prepare Jersey employees with the skills and experience necessary to compete successfully. There are recent examples of significant efforts to recruit Jersey resident candidates where no potential applicants have been forthcoming; this is particularly notable in technology roles.

To this this end, the JAC has been careful to ensure that throughout all processes Jersey resident candidates are considered fully and treated fairly and that their local knowledge and experience is given due regard. Nonetheless, at times, Jersey has needed candidates with broader experience in some of the more senior roles and appointments have been made accordingly. In many cases, during the process potentially good candidates from Jersey civil service have been identified for roles in the future and succession plans encouraged alongside plans for developing local talent agreed as reflected in the Government Plan 2020 and beyond.

I have been encouraged over more recent years to see that a number of women have been appointed into senior roles in the independent sector and across Government. As a result of open competition the Government appointed its first female Prison Governor. We also welcomed the appointment of the Superintendent, Head of Uniformed Services – the first female officer to hold this position in the force. And, most recently Jersey has recruited its first female Chief Executive Officer of the Government. Again the JAC was directly involved in the selection which followed a similar pattern to the process undertaken for the previous two post holders including as before, meetings with a number of politicians before and ahead of the final panel. This was again overseen by the UK Civil Service Commission.

Hand in hand with these developments we have seen the introduction of targeted networks in Jersey including the "I WILL" program which the Commission has commended as it sets out to actively encourage and support initiatives for gender balance and equality not just in senior positions but across the whole organisation.

I remain firm in my opinion that all selection panel members should be properly trained in recruitment. Sometimes previous experience is used as a substitute, but this is unreliable. There have been occasions, as recently as 2021, where Commissioners have had to intervene to prevent the use of inappropriate comments or questions asked of some candidates. Regular refresher programmes should be encouraged, which also take account of new legislation and case law.

The JAC reviews the use of interim appointments at their monthly board meetings together with a detailed analysis from the Government Resourcing Team. This does not, however, include any oversight of consultants whose contracts are secured through the procurement department.

In 2020 I reported a continued improvement in the oversight of interim appointments, and clarification of the role that had resulted. The Government was consistent in their requirement for specialist Interim Resource which fell into two categories.

1. An interim to temporarily cover a substantive post where a permanent recruitment exercise was being undertaken.

2. An interim to cover a specific project or programme where specialist expertise was required for a defined period of time.

The JAC can confirm that this resourcing approach has been used flexibly and only when required. I would also like to note that the number of complex programmes and projects launched in 2020. (e.g., the infrastructure programmes across Growth Housing and Environment, Brexit, Our Hospital, and the Integrated Technology Solution), all requiring specialist resource support. I also welcomed the steps being taken by the Government on the introduction of Workforce Planning strategies which will support staffing requirements and forecasts for the next 3- 5 years.

### **Other key appointments**

In 2015 and in 2019 as Chair of the JAC and with the Bailiff I was involved in the appointment of the Lieutenant Governor taking part in the panel as well as ensuring best practice in the recruitment process.

In 2015 and 2019 having worked closely with the then Bailiff Sir William Bailhache, I was invited by him to assist in the appointments of Deputy Bailiff, Attorney General, Solicitor General and Viscount of Jersey. On his retirement I was then involved in the appointment of his successor and successive senior roles and continued to be invited to assist in senior Crown Appointments.

Throughout my term, there have been key themes which I will highlight in turn, providing an up-to-date position:

- Legislative framework
- Political involvement
- CAG recommendations
- Operations and recruitment

### **6. Legislative framework**

The Employment of States of Jersey Employees (Jersey) Law 2005 (the Law) is one of the core pieces of legislation underpinning the public sector. Specifically, it established the JAC, providing for its membership and functions including oversight of recruitment and audits of recruitment practice.

The Comptroller and Auditor General (C&AG) recommended changes to the position of the JAC. These changes were to be included in the amendment to the Law planned for 2020. However, largely due to the effect of COVID-19, changes to the Law were put back to 2021 when drafting instructions were discussed with the Commission. The changes include;

- Establish the JAC as an independent public services commission
- A clarification of the functions of the JAC as a public services commission, including oversight and regulation of employment processes for all public bodies as well as for States employees.

In 2021, the JAC was advised that there would be a further delay in the proposed amendments to the Law as other work was prioritised due to the more urgent demands of responses to COVID 19.



The draft legislation addresses some of the weaknesses set out in the C&AG Report 2019, when it was proposed that the JAC would be replaced by a new body corporate, to be known as the Jersey Public Appointments Commission.

While progress was made in redrafting the legislation, this draft legislation did not progress and was not proposed to the States Assembly prior to the election. It will therefore be for the new SEB to consider how they wish to take this forward.

## **7. Political Involvement**

There is inevitably political interest in the most senior appointments either directly or indirectly. There has, over the years, appeared to be an increase in the interest shown by politicians in senior appointments, which has on occasion led to some concerns but in most cases appropriate involvement has been agreed which did not jeopardise the independence of the decision-making panel. Should inappropriate political involvement occur or be threatened, a solution must be found to the satisfaction of all parties, that does not jeopardise the JAC's principles.

There was one notable exception and the Commission recorded its concerns in the 2021 Annual Report regarding the inappropriate interference in due process during the appointment of the new Chief Executive. In summary, the selected candidate was offered the post and accepted. However, before the contract had been signed by the candidate a member of the States Assembly laid before the States a proposition to delay the recruitment of the new Chief Executive Officer and to extend the position of the interim CEO who had not applied for the post and whose contract was due to end in February 2022. (P73). This was despite the fact that the process had been carried out and overseen following the exact terms of the legislation and with the full endorsement of the SEB. After some time, the legal implications of not proceeding with the appointment of the new Chief Executive Officer were outlined to the States Assembly, and proposition P73 was withdrawn, and the appointment of the new Chief Executive Officer confirmed.

However, in the vast majority of cases, the JAC receives nothing but co-operation and understanding from politicians.

In 2021 the JAC met with the SEB on 3 occasions. During these meetings we discussed the recruitment process for the appointment of Director General roles, matters related to the appointment of a new Chief Executive, and we were involved with them in discussions on the law drafting instructions for changes to the Law. In 2022, I have since met with SEB on two occasions in 2022 to present my 2021 Annual Report and to discuss the drafting of the proposed legislation. The final report of my last period as Chair of the JAC follows this report.

## **8. C&AG Recommendations**

At the time of writing this report, the C&AG had published her follow up review of States Employment Board (2022)

[Report-States-Employment-Board-Follow-up.pdf \(jerseyauditoffice.ie\)](https://www.jerseyauditoffice.ie/Report-States-Employment-Board-Follow-up.pdf)

I have been encouraged by comments in relation to the JAC. Notably the report commented that

*“the JAC has built a strong reputation in terms of its role in recruitment. It has developed excellent good practice guides which have been adopted, voluntarily in some cases. The JAC has also been invited to participate, in a number of recruitment panels in situations where the organisation is not required to include the JAC.”*

It goes on to say that much of the JAC’s extended work and adoption of its policies have been achieved through influence.

The JAC made 6 recommendations within the 2021 Annual report including:

- the recommendation in 2021 for flexibility in the appointment of at least one additional Commissioner to support the JAC when workload fluctuates. This remains a recommendation for 2022;
- that the JAC guidelines should be consistently applied across ALOs and States funded bodies;
- that greater review is required of interim roles to ensure that duration is minimised;
- a requirement for panellists to attend appropriate interview selection training following the comments made in the Diversity and Inclusion section of the Annual Report;
- that the JAC should be involved as soon as a new job statement is being formulated; and
- that more work collectively is needed to focus on how to attract a greater diversity of candidates to roles.

Previously there has been no requirement to make a formal response to the JAC recommendations. However, the C&AG in her report requested that a published formal Executive Response to is provided to the six recommendations made by the JAC in its 2021 Annual Report.

As a footnote, the C&AG also recommended that the JAC publish their accounts in the Annual Report and Accounts. However, the JAC has never had a delegated budget nor the designated responsibility to set or accountability to report on a budget. Resources for the JAC have remained within the People and Corporate Services budget. The establishment of a budget and responsibility for it will again need to be addressed in future changes to the Employment of States of Jersey Employees (Jersey) Law 2005.

## **9. Operations and Recruitment**

Between October 2014 and September 2022 JAC has completed 147 assignments for executive roles within GoJ and are content that due process was followed and appointments were based on merit. The JAC also completed 120 assignments for ALOs and other bodies. It should be noted that each assignment may involve the recruitment of one or more individuals.

In the context of the TOM and significant public sector transformation in the subsequent years, it is fair to say that a number of short term roles were identified to support the process. Some were to fill new roles necessary for the future development of the service. Because of the number, duration and rapidity of renewal approvals required, the JAC sought a generic process for recruitment to these roles but did not chair individual procedures. A number of interim roles were also extended with the authorisation of the SEB and notification to the JAC.

## Interim Report/ Final Report

### 10. Introduction

This is my final report as Chair of the JAC and will cover the period 1 January 2022 to 30 September 2022.

The terms of reference for the JAC and the role of the JAC in the appointment process is covered in the afore mentioned Legacy report, so will not be repeated here.

It is relevant to note that this period included a period of purdah (11 May – 12 July). During this pre-election period the Government conducts its public affairs differently to maintain an impartial election. This will therefore have a direct impact on recruitment activity as the SEB is bound by the rules that relate to election in the same way as the Council of Ministers and individual Ministers.

### 11. Commissioners

11.1 The JAC consists of a Chairman and up to 5 Commissioners, appointed for a period of up to 9 years. The membership during my tenure included:

| Name                                 | Role            | Appointed                       | Re-appointed                    | Term Expires                    |
|--------------------------------------|-----------------|---------------------------------|---------------------------------|---------------------------------|
| Rt. Hon. Dame Janet Paraskeva, D.B.E | Chairman        | 24 <sup>th</sup> September 2014 | 24 <sup>th</sup> September 2018 | 30 <sup>th</sup> September 2021 |
| Mr. Simon Nash                       | Commissioner    | 1 <sup>st</sup> October 2019    | -                               | 30 <sup>th</sup> September 2022 |
| Ms Helen Ruelle                      | Commissioner    | 30 <sup>th</sup> April 2019     | 29 <sup>th</sup> April 2022     | 20 <sup>th</sup> April 2025     |
| Kate Wright                          | Commissioner    | 13 <sup>th</sup> September 2021 | -                               | 13 <sup>th</sup> September 2024 |
| Mr Peter Charalambous                | Ex-Commissioner | 18 <sup>th</sup> January 2018   | 18th January 2022               | 31st March 2022                 |
| Ms Jo Waring-Hockley                 | Ex-Commissioner | 1 <sup>st</sup> November 2019   |                                 | 31 <sup>st</sup> March 2022     |
| Ms Jennifer Carnegie                 | Ex-Commissioner | 18 <sup>th</sup> January 2018   |                                 | 31 <sup>st</sup> January 2022   |
| Professor Edward Sallis, O.B.E       | Ex-Commissioner | 16 <sup>th</sup> January 2013   | 5 <sup>th</sup> October 2017    | 31 <sup>st</sup> October 2019   |
| Ms Louise Read                       | Ex-Commissioner | 1 <sup>st</sup> May 2015        | 29 <sup>th</sup> April 2019     | 31 <sup>st</sup> July 2019      |

|                 |                 |                               |  |                               |
|-----------------|-----------------|-------------------------------|--|-------------------------------|
| Ms Gailina Liew | Ex-Commissioner | 1 <sup>st</sup> December 2015 |  | 1 <sup>st</sup> December 2018 |
|-----------------|-----------------|-------------------------------|--|-------------------------------|

11.2 Recruitment took place during the year for the appointment of a replacement Chair of JAC. Recruitment has been successfully completed with a recommended candidate being put forward to the Chief Minister . A press release will follow in the coming weeks.

11.3 Similarly, recruitment has also taken place during the year for the appointment of two Commissioners to replace two retiring Commissioners. Two successful candidates have been put forward and a report was drafted for the SEB on 21<sup>st</sup> September 2022 to seek agreement to proceed with both appointments. The paper requests for Officers to prepare a Proposition for lodging in the States Assembly to this effect. However the circumstances surrounding the death of Her Majesty Queen Elizabeth II has meant that formal approvals have been delayed.

The additional new Commissioners will be most welcome and will ease the burden on current Commissioners.

11.4 Separately a paper was drafted to seek agreement to proceed with the extension of Simon Nash as a member of the Jersey Appointments Commission for a further three years. At the time of writing this report, a report has been drafted for review at the States Assembly to approve the extension.

Significant time pressures on the team have in part been due to the number of senior appointments in GoJ and non-States bodies, but also the time needed to handle several complex appointments requiring a significant amount of Commissioner time. This situation is increasingly common and will require the new Chair to undertake a review on the establishment of existing Commissioners to future proof demands on workload.

## **12. Interim assignments**

There are currently 17 live assignments across the Government of Jersey, which has reduced by 7 from the last JAC report in July 2022 (24). There are currently 2 assignments covering substantive roles and 15 assignments that are project based. There has been a significant reduction in assignments over the last few months predominately due to the completion of permanent recruitment for a number of roles previously covered by temporary/interim resource. The remaining substantive positions covered by an interim have a recruitment timeline and strategy linked to them and in all cases are planned to complete by the end of 2022.

It is worth noting that many of the remaining assignments are project based focusing on the delivery of GoJs ITS/Connect platform which is due to be released in early 2023.

### **13. Progress**

The JAC has noted the decrease in the number of interim appointments as permanent posts are filled. This needs to be separately identified from the consistently high use of Consultants by Government departments which are outside the oversight of the JAC

Work with ALOs is now well established with early involvement sought of the Commission enabling effective forward planning.

Integration of virtual recruitment and selection procedures in whole or in part has been a success, often saving the states time and resource without detriment to the end result.

### **14. Ongoing concerns**

1. The lack of analysis of data collected during the application process continues. HR Departments are not supported by IT systems that make this an easy task. There appears to be no systematic way of easily assessing the gender balance, sexual orientation, Black, Asian or Minority Ethnic (BAME) candidates or those with any disability. The effective use of good statistics can facilitate learning and improvement as well as compliance with discrimination laws and robust defence when warranted, to claims of discrimination in the Jersey Employment and Discrimination Tribunal. The JAC appreciate that the organisation will be mitigating this by way of introducing an Integrated Technology Solution which will be going live in January 2023.
2. Some panels are still unbalanced in terms of gender. All panel members should also be properly trained in recruitment.
3. There remains the practice of late notice of forthcoming recruitment needs in some government departments which puts unnecessary strain of the resources available to the JAC.
4. JAC continues to have concerns that there appears to be no central oversight of all the ALOs and States funded bodies and no single point of contact for the JAC to contact if the JAC wish to report concerns.
5. In reviewing the previous years' concern of the significant rise in the number of interim appointments while the most recent interim reports demonstrate a drop in the number of interim appointments, it is important that the JAC continues to be content that appropriate controls are in place in the approval and recruitment of interim staff where short-term additional or specialist expertise is needed.

### **15. New concerns**

1. Challenges still exist to attract and secure candidates to relocate to the island from other jurisdictions with predominant factors including responsibility for caring for children or elderly relatives which disproportionately affects women candidates.

There is also a new theme emerging on the cost of accommodation and property in Jersey. The GoJ has in place a substantial support and relocation package in place for all off-island appointments, but evidence is being shared to suggest that some candidates are beginning to consider the cost of living in Jersey as a negative factor.

2. Applications from local candidates remains relatively low although slowly increasing. However, the JAC notes the steps the GoJ is asking in terms of succession planning with several senior positions being considered as “acting up” and development opportunities for existing staff.
3. Evidence has been shared to suggest that there is a sense that some candidates are not coming forward to apply for positions as they believe they are “closed book” appointments. It is important that development areas are supported through internal and external coaching and professional development to support into the promotion of roles. For internal candidates who are not successful there needs to be support for their ongoing career development with GoJ.
4. There are also some examples of inappropriate behaviour of some search companies acting outside their brief and this matter has been escalated to the Head of Resourcing.

## **16. Concluding remarks and recommendations**

The JAC has also been invited to participate in a number of recruitment panels in situations where the organisation is not required to include the JAC.

The JAC made 6 recommendations within the 2021 Annual report which remain open and we look forward to as positive response in regard to the implementation of these recommendations.

- the recommendation in 2021 for flexibility in the appointment of at least one additional commissioner to support the JAC when workload fluctuates. This remains a recommendation for 2022;
- that the JAC guidelines should be consistently applied across ALOs and States funded bodies;
- that greater review is required of interim roles to ensure that duration is minimised;
- a requirement for panellists to attend appropriate interview selection training following the comments made in the Diversity and Inclusion section of the Annual Report;
- that the JAC should be involved as soon as a new job statement is being formulated; and
- that more work collectively is needed to focus on how to attract a greater diversity of candidates to roles.

## **Thanks from the Chair of the Jersey Appointments Commission**

It gives me great pleasure to express my sincere thanks to my team of Commissioners both past and present for their attention to detail and rigorous application of the assignments in which they were involved, some of which were particularly challenging.

Thanks are especially due to the current Governance team led by Lucy Mumford and ably supported by Natalie Williams, Edmond Webbe and Kirsten Le Cornu as well as to Louise Ferns, Jane Pollard, Sue Cumming and Sam Duffy who worked with us in previous years. Without the steadfast administrative support and guidance of the team, our work could not have taken place. The JAC also have the continued support of Mark Grimley, Group Director of HR and Neil Wiseman, Head of Resourcing, to whom we offer our thanks and best wishes as Neil too leaves his role in Jersey; and we welcome Andrea Robinson to the HR team.

## **Appendix II – Definitions**

### Substantiated

This term is used to describe a role or person that is established within an organisation's structure. Expressions sometimes used include 'recruit into a substantiated role/position'

### Interim

The term Interim or Interim worker describes a person that is engaged on a contract to provide professional/subject matter expertise on a project or programme or would temporarily cover a 'Substantiated post' while a recruitment exercise is completed. It is normal that the contract between the interim worker and the organisation has a 'statement of work' which include specific outputs and outcomes that the Interim is contractually committed to deliver.

The Government of Jersey does not class interim workers as employees and they are not paid through the organisation's payroll. They are responsible for managing their own tax affairs and have no employment rights with the organisation they are contracted to.

### Consultant

The term consultant is used to describe an organisation or company that are engaged to provide professional consulting services. The company is normally engaged for a specific service or to provide advice or consultancy to a client and are normally engaged on a total fee or number of days to complete the consultancy. Examples would include engaging consultancy services from a professional services firm or specialist consultancy who may for example provide consulting services on a new flood defence project. The term consultant should not be confused with the term Interim/Interim worker.

### Contract for Service

Contracts for services are predominately used for the contractual arrangements of Interim/Interim workers where the Interim is contracting with the end client (for example GoJ). This is a direct contract between the organisation and the Interim's limited company.

Additionally, contracts for services are used where an Interim is engaged through a third-party recruitment agency. In these instances, the Interim is contracted to the agency and the agency is contracted to the end client or organisation.

In all instances Professional indemnity and Employer Liability insurance are required.

### Professional Services contract

A professional services contract is used where an organisation is procuring consultancy or goods from an organisation. Examples would include services from a professional services firm



### Short-term/Fixed Term appointment/Acting up

Short-term, Fixed Term and Acting up appointments occurs when the role is occupied on a temporary basis pending an appointment to the substantive position. Employees engaged on one of these contracts are employed on an organisations payroll. In some fixed term appointments, the substantive role may be time limited for a period of 12- 24 months where the initial recruitment process would have full oversight by the JAC. All requests for senior roles in these three categories are considered by the JAC.

### Recruitment

Recruitment refers to the overall process of attracting, shortlisting, selecting and appointing suitable candidates for jobs (either permanent or temporary) within an organisation. Recruitment can also refer to processes involved in choosing individuals for unpaid roles. Managers, human resource generalists and recruitment specialists may be tasked with carrying out recruitment, but in some cases public-sector employment agencies, commercial recruitment agencies, or specialist search consultancies are used to undertake parts of the process.

### Selection

The term selection describes the process that is undertaken to assess an initial set of candidates for a role

### Longlist

A long-list is a formal report of all candidates that have applied for a role which are then reviewed by a panel using an evaluation criterion to select which candidates should be rejected and which should be added to a shortlist

### Technical Assessment

Usually a stage after long listing where a technical interview will take place to explore a candidate's technical capability for the role they are applying for

### Shortlist

Following the technical assessment of all long-listed candidates, a formal report is produced and reviewed by a panel using an evaluation criterion to select which candidates should be rejected and which should be taken forward for final interview.

### Assessment Centre

An assessment centre is used for shortlisted candidates to undertake a number of technical assessments on their suitability for a role and also their individual attributes and behaviours. These may include Psychometric tests, Leadership scenarios, media interviews/assessments, role plays and strategic written exercises. The outputs of an assessment centre are provided to the Interview panel as part of the selection of a suitable candidate for the role being recruited into.

### Independent Panel Member

Independent panel members are independent of the organisation recruiting and are normally subject matter experts in the discipline being recruited into.

### Specialist/Technical Assessor

Technical assessors are subject matter experts (usually in a role more senior to that being recruited for) that can assess the technical expertise and competence of candidates.

### P59

The P59 (GoJ only) is used as a business case to the States Employment Board seeking approval for the provision of interim resource and for roles which carry a salary of over £100,000 or report directly to a director general. The process is also used for extensions to interim assignments and authority to recruit on a fixed term contract (within Tiers 1,2 or 3) where the salary is over £100,000 or reporting to a director general.

### P59/2019 Proposition

This is a proposition from the States Assembly which requires the Government to report on all consultant expenditure. The report has to be lodged twice a year covering a six-month period.

Please see: <https://statesassembly.gov.je/assemblypropositions/2019/p.59-2019amd.pdf>

### Headhunter/Search Consultant

A headhunter/search consultant is a company or individual that provides employment recruiting services. Headhunters are hired by organisations to find talent and to locate individuals who meet specific job requirements. The term headhunter may also be referred to as an "executive recruiter," and the function they perform is often called "executive search."