

JERSEY APPOINTMENTS COMMISSION

DRAFT

Guidelines for the recruitment of Senior States
Employees, appointees and members of
independent bodies.

1. Principles

- 1.1 Under the terms of reference set by down in the Employment of States of Jersey Employees (Jersey) Law 2005, (The “Law”) it is the duty of the Jersey Appointments Commission (the “Commission”) to oversee the recruitment of certain States employees, appointees and members of independent bodies to ensure that as far as practicable:
- (a) the recruitment of persons as States employees, appointees or members of independent bodies is fair, efficient and conducted in accordance with best practice principles and procedures;
 - (b) States employees, appointees and members of independent bodies are appointed on merit;
 - (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 be involved.

2. Responsibilities

- 2.1 The Law requires that the Commission shall from time to time, produce and review guidelines that are to apply in relation to the recruitment of States appointees, and to take all reasonable steps to ensure that the guidelines are followed.
- 2.2 Under those same terms, the Commission was also directed by the States to oversee the recruitment of senior officers to the public service and to independent bodies. It is for the Commission and the States Employment Board (“SEB”) to determine, those offices or classes of offices of independent bodies to include. The offices or classes of offices so determined are set out separately and attached to these Guidelines. (Appendix 1)
- 2.3 Accordingly, the Commission publishes its recruitment guidelines (the “Guidelines”), setting out the principles to be applied in recruitment and selection activities. The Guidelines apply to all recruitment within the public service. While these principles may be used as guidance they do not apply where an appointment is made directly by the Crown or to a post referred to in the Departments of the Judiciary and the Legislature (Jersey) Law, 1965, or one subject to general medical appointment procedures applied within the health service.
- 2.4 In addition, but separately, the Commission will advise the SEB regarding the preparation of codes of practice (the “Code”) concerning the procedures for recruitment of States employees.
- 2.5 These Guidelines define the basis upon which appointments of senior officers to the public service, States appointees, and those appointed to independent bodies should be made. In this latter case, unless other legislation so determines, these would normally include the Chair and its chief executive officer.
- 2.6 The Commission is required to report annually to the States of Jersey on compliance with acceptable recruitment practices and recommend any remedies where any actions should be taken as a result of specific incidents where the Commission’s Code has not been applied in an appropriate manner. In addition the Commission is required to undertake audits of recruitment practices in relation to States employees and States appointees.

2.7 The Commission has been charged specifically to:

1. Ensure that selection processes for senior appointments follow approved guidelines and are, at all times, properly undertaken;
2. Participate actively in the selection process for senior appointments;
3. Authorise the making of such appointments on the basis that it is wholly satisfied that they have been properly made.

2.8 The Commission has published these guidelines for all States departments and independent bodies. They apply to all recruitment within the public service other than those exceptions identified within these guidelines.

3. The Standards

3.1 The Guidelines outline the standards against which all appointments should be made. These standards are:

1. Appointment on merit must be the overriding principle governing the appointments process. Applicants must be considered equally on merit at each stage of the selection process;
2. The principles of equal opportunity and diversity must be inherent within the process;
3. 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 public service;
4. Every prospective applicant must be given equal and reasonable access to adequate information about the job and its requirements and about the selection process;
5. Selection techniques must be reliable and guard against bias and be in line with discrimination legislation;
6. Selection must be based on robust objective criteria applied consistently to all candidates;
7. The application of the appointment process must be transparent. All stages of the process should be documented and the information be readily available for audit.
8. Personal information about applicants and panel members must remain confidential, unless the individual concerned gives permission for its release; and
9. Data protection legislation must be considered in relation to all recorded information.

3.2 There are three reasons for the application of these standards:

1. To appoint the most appropriate person for the job on the basis of individual merit regardless of race, gender, age or any other personal factor;
2. To put all appointments above suspicion of patronage or prejudice; and

3. To ensure that recruitment procedures uphold the political impartiality of the public service.

4. Conflict of Interest

- 4.1 Procedures should be applied to ensure that the candidates for appointment are committed to the values of public service. The problem most likely to arise is that of conflict of interest, either actual or one which could reasonably be perceived e.g. Financial interests or share ownership of the applicant or close family member, candidates who are actively sought from within a field of expertise in which the public body works, and membership of societies.

5. INVOLVEMENT OF THE APPOINTMENTS COMMISSION

5.1 Senior Appointments

- 5.1.1 Accountability for senior appointments must rest with the senior officer in the Department or at the highest level of governance within the organisation making the appointment.

- 5.1.2 The Commission must be consulted at the earliest possible opportunity of the intention of a department to recruit to a senior position and no later than 14 days before a recruitment process commences. Should a position fall within one of the exemptions within the Code, consent for the use of an exemption shall be sought from the Commission prior to appointment.

- 5.1.3 In this context, 'senior position' means all posts, including interim appointments, which fall within the following definition:

- a) All posts where the post holder reports directly to a Minister;
- b) All posts where the post holder reports directly to the Chief Officer; **provided that c applies;** and
- c) All posts which command a salary that requires approval by the States Employment Board.

5.2 Independent bodies

- 5.2.1 Independent bodies required to follow these Guidelines will be notified by the SEB, and may also be listed in Appendix 1 of these guidelines. All independent bodies, as with all States departments, are required to follow this Code and apply the principles. Their adherence to the Code will normally be regulated through an ongoing audit process.

- 5.2.2 An independent body is likely to fall within the direct remit of the Commission if it meets at least one of the following criteria:

1. It exercises statutory powers on behalf of the States of Jersey; or
2. It receives government funding through its sponsoring Department of £250,000 per annum or more; or
3. It has a significant public profile because of the nature of its responsibilities.

- 5.2.3 Where a body falls within the remit of the Commission all appointments to the position of Chair and Chief Executive (or equivalent) of that body will require the involvement of a member of the Commission. Other key Board roles e.g. Finance Director may require the involvement of the Commission and this should be determined by Commission as early as

possible in order to arrange for the nomination of a Commissioner to oversee the recruitment and selection processes.

- 5.3.4 Notwithstanding the above, the Commission reserves the right to become involved in any recruitment and selection processes where, because of the nature of the position (for example, its public profile or its significant contact with politicians), it is deemed appropriate by the Commission so to do. Where a department or independent body is uncertain whether a vacant post warrants the involvement of the Commission it should contact the most senior HR official in the relevant department and where doubt might still remain, the link Commissioner for that Department.

6. REGULATION OF THE APPOINTMENT PROCESS

- 6.1 The Commissioner who is appointed to oversee any appointment must have oversight of the following:

- agreement of the timescales associated with the competition;
- production of the role and person specifications;
- advertisement and support material such as the recruitment pack;
- choice of any search consultants;
- shortlisting of the applicants, which the Commissioner would normally chair;
- selection of any assessment processes to be used; and
- assessment and selection processes, including interviews which the Commissioner would normally chair.

7. NOTIFICATION TO THE COMMISSION

- 7.1 In all of the above instances, departments and independent bodies are responsible for notifying the Commission of the requirement to become involved at the earliest possibility and normally no later than 14 days before a recruitment process commences, through the secretary to the Commission.

8. SELECTION PANELS

- 8.1 The Commissioner will ordinarily chair the selection panel (the “panel”), while the constitution of the panel will vary according to the particular post that is being filled.

Membership will normally be as follows for the appointment of senior States officers;

8.1.1 Chief Executive to the Council of Ministers (5 panel members)

- the Chair of the Appointments Commission (panel Chair);
- two other members of the Commission;
- a Chief Executive of a UK Local Authority or an individual of equivalent standing; and
- the Chief Minister of the States of Jersey.

8.1.2 Chief Officers reporting to the Chief Executive and / or Minister (5 panel members)

- a member of the Commission (panel Chair);
- the Minister of the relevant Department or delegate;
- the Chief Executive to the Council of Ministers or delegate;
- the Director of Human Resources or delegate; and
- a leading expert on the services for which the Chief Officer will be responsible.

8.1.3 Where from time to time the Commission is to be directly involved in posts below Chief Officer level (4 panel members)

- a member of the Commission (panel Chair);
- the Chief Executive to the Council of Ministers or the Chief Officer of the Department in which the senior manager will be employed or delegate;
- the Director of Human Resources or delegate; and
- an expert on the services for which the senior manager will be responsible.

8.1.4 Independent bodies

For those Independent bodies that fall within the direct remit of the Commission a panel should be constituted which must be responsible for all decisions in respect of long and short-listing and the final selection decisions.

The panel membership shall normally be as follows:

- a member of the Commission as chair;
- the Chief Officer or delegate of the relevant department ;
- the Chair of the independent body (for the CEO post) or an appropriate Board member;
- a representative of the independent body or other interested group.

Where a panel is convened for a particular appointment, it should comprise the same members throughout.

9. Involvement of politicians in the recruitment and selection processes

9.1 Politicians may have a particular interest in the kind of person who is appointed to certain senior posts because the role may be of considerable importance in the setting and delivery of their policies. However, that interest must be accommodated within a system which selects on merit, makes appointments which can last and which is free from personal or political bias.

9.2 Only in the case of filling the vacancy of the post of Chief Executive to the Council of Ministers and Chief Officers of departments should a politician be involved directly in the interviewing of applicants. They must in these instances be involved fully at every stage.

9.3 In all other cases, politicians would not normally be included as members of a panel. It is, however, considered appropriate that where a post will be of interest to a Minister, they may request to take an active interest in the recruitment and selection processes associated with filling that post. In this connection, the politician should be invited to participate in the following areas:

- the period of the contract which will apply to the post;
- the job and person specification and the criteria for selection;
- the composition of the Panel;
- access to the names included on the long and short lists to assist with any relevant questions that might be asked by the Panel

9.4 The candidate recommended for appointment must be the person deemed to be the most appropriate based on merit against the agreed criteria by the panel. The politician may be invited to meet the selected candidate once the panel has confirmed its decision to appoint, but he or she may not influence the decision of the panel.

9.5 If, in the opinion of the appointed Commissioner, it is appropriate that a serving politician is involved in a recruitment, the Commissioner involved will seek specific dispensation from the Chair of the Commission, or in their absence or if the Chair is the appointed Commissioner, then the Deputy Chair.

10. Term of Office

10.1 States appointees and members of independent bodies should not normally be appointed for terms in excess of nine years. The period of nine years includes any term of office and periods of office in a shadow position. The terms of office for Officers of the Crown and other judicial appointments are subject to the normal judicial terms of office.

11. Complaints

11.1 The Commission shall publish procedures enabling candidates for positions who have a complaint to bring a matter to an independent member of the Commission.

12. Compliance

12.1 Chief Officers of Departments, Chairs of Boards/Trustees or the Chair of the appointment board will be expected to certify on an annual basis that they have complied with these Guidelines. Ratings will be published for the Department and for the organisations that they sponsor and reported to the SEB

13. Power of Intervention in recruitment of States employees.

13.1 The Commission may intervene in the recruitment, on behalf of the SEB, of a States employee, if the Commission believes that the Code is not being complied with.

14. Report to be made to SEB in certain circumstances.

14.1 The Commission shall produce a report to the SEB if the Commission is not satisfied that any recruitment was in accordance with the Principles set out in the guidelines.

15. Audit

15.1 The Commission shall carry out, or order to be carried out, audits of recruitment practice in relation to States employees and appointees and members of independent bodies.

16. Further information

16.1 Further information on the work of the Commission and its procedures is available on www.gov.ie

Regulated Bodies

An independent body is likely to fall within the direct remit of the Commission if it meets at least one of the following criteria:

- It exercises statutory powers on behalf of the States of Jersey, or
- It receives government funding through its sponsoring Department of £250,000 per annum or more, or
- It has a significant public profile because of the nature of its responsibilities.

The list of these independent bodies will change from time to time but at present includes the following:

A. Organisations exercising statutory powers on behalf of the States and/or with a significant public profile

	Sponsoring Department
Andium Homes	Independent body
Data Protection Tribunal	Chief Minister's
Depositor's Compensation Scheme	Economic Development, Tourism, Sport and Culture
Early Years and Childcare Partnership	Education
Financial Services Ombudsman	Economic Development, Tourism, Sport and Culture
Fiscal Policy Panel	Treasury and Resources
Jersey Childcare Trust	Education
Jersey Community Relations Trust	Community and Constitutional Affairs
Jersey Consumer Council	Social Security
Jersey Gambling Commission	Economic Development, Tourism, Sport and Culture
Jersey Health and Safety Council	Social Security
Jersey Innovation Fund	Economic Development, Tourism, Sport and Culture
Jersey Safeguarding Partnership Board	Community and Constitutional Affairs
Jersey Police Authority	Community and Constitutional Affairs
Jersey Police Complaints Authority	Community and Constitutional Affairs
Jersey Post	Independent Body
Jersey Safeguarding Partnership Board	Community and Constitutional Affairs
Jersey Telecom/JT	Independent body
Office of the Comptroller and Auditor General	Chief Minister's
Office of the Information Commissioner	Chief Minister's
Ports of Jersey	Independent body
Public Employees Contributory Retirement Scheme/Jersey Teachers Superannuation Fund	Treasury and Resources
Skills Jersey	Education
Social Security Appeal Tribunal	Social Security
Sport Shadow Board (due to become Sport Jersey in 2016)	Economic Development, Tourism, Sport and Culture
States of Jersey Development Company	Independent body
Tourism Development Fund	Economic Development, Tourism, Sport and Culture
Visit Jersey	Economic Development, Tourism, Sport and Culture

B. Bodies receiving statutory funding of £250,000 or more per annum

	Sponsoring Department
Association of Jersey Charities	Economic Development, Tourism, Sport and Culture
Channel Islands Competition Regulatory Authorities	Economic Development, Tourism, Sport and Culture
Digital Jersey	Chief Minister's
Jersey Advisory and Conciliation Service	Social Security
Jersey Arts Centre	Economic Development, Tourism, Sport and Culture
Jersey Arts Trust	Economic Development, Tourism, Sport and Culture
Jersey Business Ltd	Economic Development, Tourism, Sport and Culture
Jersey Employment Trust	Social Security
Jersey Finance Ltd	Treasury and Resources
Jersey Financial Services Commission	Chief Minister's
Jersey Heritage Trust	Economic Development, Tourism, Sport and Culture
Jersey Opera House	Economic Development, Tourism, Sport and Culture
Jersey Overseas Aid Commission	Chief Minister's
Royal Jersey Agricultural and Horticultural Society	Economic Development, Tourism, Sport and Culture