



Scrutiny Management Committee

Statement given by Deputy Christopher Green, President of the Scrutiny Management Committee to the States of Deliberation on Wednesday 7th June 2017.

Thank you Mr Bailiff for giving me this opportunity to update the States on the activities of the Scrutiny Management Committee.

As a result of the States Review Committee's reforms, the former duties of the Public Accounts Committee, together with those of the Scrutiny Committee and those of the Legislation Select Committee were all brought together under the new mandate of the Scrutiny Management Committee.

All five members of the SMC are full voting members of the Committee. The three political members are myself, Deputy Peter Roffey and Deputy Laurie Queripel, and we are joined by non-States members Mrs Gill Morris and Advocate Peter Harwood.

In addition, the Committee appointed the Legislative Review Panel to conduct the vital duty of legislative scrutiny with a panel comprised of Deputies De Lisle, Gollop, Tindall, Laurie Queripel and myself, together with Guernsey Advocates Simon Howitt and Mark Dunster.

At the beginning of this political term, the Scrutiny Management Committee determined that there would be much merit in a primarily two-pronged approach to the scrutiny of significant matters of policy and finances across the public sector.

Firstly, we wished to continue to do a programme of major, evidence-led reviews of substantial policy issues and financial matters. These major reviews, by their very nature, tend to be conducted over a number of months and are longer term, granular deep dives into policy, finances and other matters.

Secondly, and in contrast, we also felt it important and appropriate to conduct a series of regular public hearings with Committee Presidents to help the SMC track what progress committees are making within their mandated policy areas, and with their management of resources, in order to help us to hold them to account publicly and also to help indicate any significant areas that might justify major reviews that I mentioned a moment ago.

This two pronged approach was and still is considered entirely appropriate in order to get a good balance of short term and longer term public scrutiny of matters of substantial importance, value and interest. That does not mean that there are no other means by which Scrutiny will be conducted, but these two features are the principal ways in which the SMC has and will continue to seek to discharge its duties under the new mandate.

Bond review

The first major review that we commenced this term was on the States of Guernsey's bond issue. For that review, the Committee engaged KPMG to do an independent review of the bond issue and their report was published on the 26th of May.

A Scrutiny Panel comprising myself, Mrs Gill Morris, Deputy Mark Dorey, Advocate Peter Harwood, and Mrs Jody Newark was formed to oversee the work of that review. It is the intention of the panel to conduct a public hearing with the President of the Policy and Resources Committee and the States' Treasurer on Wednesday the 5th of July and I don't propose to say much more on the substance of that review pending the outcome of that public hearing. It is important for the Scrutiny panel to be led by the evidence on major reviews and, notwithstanding the findings that have been set out by KPMG, it would not be appropriate for me or for anyone from the Bond scrutiny panel to form final judgments on matters pertaining to the issuance of the bond until we have concluded our public hearings.

In work poverty

We have also made substantial progress with our second major evidence-based review, which is a review of policy and financial matters surrounding the concept what is referred to as in work poverty. The call for evidence has been

concluded and work is continuing on this review. It is likely that public hearings will be conducted on this matter. A panel chaired by the Vice President of the SMC Deputy Roffey and featuring Deputy Rhian Tooley, Deputy Laurie Queripel, Dr Sue Fleming, Mr Wayne Bulpitt and Mr Paul Ingrouille has been set up to oversee this review process.

The Committee will shortly be launching our next major review, which will be an evidence-based inquiry into the island's economic policy, with special attention being paid to the Skills Strategy, the Economic Diversification agenda and, more fundamentally, to the future of work in the Bailiwick. The Committee will also be looking at whether GDP per capita provides an accurate measure of the economic health of Guernsey, and whether alternative measures might be more suitable.

We will also set out our future Scrutiny work programme in the next few weeks that will include future reviews on matters such as: the access to public information regime, the island's waste strategy, the management of capital projects and an independent review of Children's Services.

We also will be studying very carefully the results of the post implementation review of the Electronic Health and Social Care Records programme that the Committee for Health and Social Care have promised to publish, an indication that the SMC warmly welcomes. We do expressly reserve the right to commence our own review of the Electronic Health and Social Care Records programme depending on the outcome of the PIR by Health and Social Care.

It is important to put on record that, with regards to major reviews, the SMC will be led exclusively by the nature and quality of the evidence on any particular matter.

On the other hand, with regards to the routine public hearings, whilst the need to be evidence led is of course important in this regard, it should also be clearly understood that the purpose of such hearings is to get a snapshot of progress at a given time as well as an indication of where there might be performance issues with a certain policy or financial area. The intention with the regular public hearings is therefore not to produce an evidence based report at its conclusion and therefore a slightly different approach is required here in the view of the SMC.

Public hearings

The general approach to scrutiny within the new States term is one that is committed to the work of scrutiny being done - and being seen to be done - in public. To that end, we have already conducted a total of seven routine public hearings with local political leaders.

These hearings have a number of advantages in that they enable the Committee to find out more information about States' affairs than was known before the hearing began and they help to channel more information into the public domain. It is also an opportunity to gain information from senior officials in a public setting, something which is not available in a States meeting. These public hearings in themselves are deliberately not intended to be full or major reviews or indeed public inquiries; but they do offer a real opportunity for the public to not only see their political leaders being held to account in the public domain, they also offer an opportunity for much greater transparency in terms of the activities and progress being made by States committees in Guernsey.

We consider that these routine hearings are - and must continue to be - a vital part of the transparency and communication agenda for the States and we have been generally pleased with the level of cooperation that we have received from the States Committees.

To date, Scrutiny public hearings have taken place as follows:-

- on the implementation of the solid waste strategy;
- on the work and mandate of Policy and Resources with the President of Policy and Resources;
- on Education policy with the President of Education, Sport and Culture;
- on social welfare reform and allied issues with the President and Vice President of the Committee for Employment and Social Security;
- on transport connectivity and economic policy with the President for Economic Development;

- on the transformation of health and social care and the new MSG contract with the President of Health and Social Care,
- and, finally, most recently, with the President of the Home Affairs Committee, on the 1st of June this year.

A Hansard transcript of each public hearing is always published on the States' website, and after more recent hearings, I have placed on the Scrutiny web page some of my own personal reflections following the exchanges with witnesses to give the public and States Members the Chair's impressions of the hearing and the responses to the Panel's questioning.

In future, the Committee will look to complete the first cycle of routine hearings with invitations pending to the Environment and Infrastructure Committee and also to the States Trading Supervisory Board with hearings potentially in September and October.

We believe that there is merit in a creative tension between Scrutiny, on the one hand, and the major Committees of the States, on the other, that should be of mutual benefit to us all and is, moreover, advantageous to government generally and to the community we all serve.

Moreover, the SMC believes that the public hearings should involve an inquisitorial approach to Committee heads as well as a level of appropriate challenge that is neither discourteous nor timid. We maintain that in a mature democracy like Guernsey's system of government, Scrutiny should be allowed to pursue its role of appropriately challenging government policy and financial matters in a constructive way without fear or favour; remembering that we want government in Guernsey to be as good as it can be and reminding States members that critical analysis is to be welcomed as being entirely consistent with, as well as in, the public interest.

The SMC will always keep a watching brief on significant political matters on an ongoing basis and we reserve the right to hold so called "urgent business reviews" on matters of substantial political or financial interest from time to time. It is nevertheless important for the SMC to be judicious in this regard as public confidence in the scrutiny process will not be improved by tackling issues that are of limited, passing or peripheral interest. We do however invite

States members or members of the community at any time to write to us formally if there are particular matters that cause concern and we will consider them.

Our general approach to deciding on whether to assess an issue for a major review or for an urgent business matter is essentially: does it concern a major issue of political and public interest; does it involve significant public finances; and should the matter be a genuine priority for the SMC that would constitute a wise use of our limited public resources?

In addition, the ongoing work of Financial Scrutiny has been overseen by the Financial Scrutiny Panel which is chaired by Mrs Gill Morris, alongside Deputy Roffey, Advocate Harwood and Mr Patrick Firth. The Financial Scrutiny Panel have a key role in actively scrutinizing matters of substantial financial value.

The Legislative Review Panel has, in addition to its regular and important parliamentary duties in examining draft laws and ordinances, has set up its own sub panel, chaired by Deputy John Gollop, to consider the case for review and / or clarification of the local law on election expenses. Alongside Deputy Gollop, the Sub Panel has been assisted by Deputy Laurie Queripel, Deputy David De Lisle and Advocate Mark Dunster. Pending the outcome of the States debate and possible referendum on the local electoral system the sub panel will reconvene once the outcome of the debate and referendum are known.

Looking forwards, the Scrutiny Management Committee still has to face a number of challenges, including a limited budget, limited powers, and limited personnel, whilst also encountering a heavy burden of high expectations from members of the community and from States members.

Scrutiny will work best in Guernsey if we continue to have the full "cultural buy in" of States members and from all levels within the public sector. This requires a real recognition that the work of scrutinising policy, services, financial matters and draft laws is a vital function in our system of government, a system where rational and thoughtful challenge is not always a given.

But to that end, it must be acknowledged that scrutiny - properly so called - is not just the preserve of the Scrutiny Management Committee.

The reality is that each principal committee of the States and each individual States member are or should be public scrutineers. The role and function of the SMC will work best if all committees and all individual States members remember that good scrutiny at all levels is good government.

The SMC is perhaps best described - in my view - as a specialist scrutiny function primarily for concentrating on significant policy and financial matters (Scrutiny with a capital S perhaps) as opposed to - and distinct from - the everyday scrutiny that is the role and duty of every elected member of this government, which could be called Scrutiny with a small s.

Generally, the work of the Scrutiny Management Committee will be retrospective in nature if it is to deal in hard facts and proper evidence.

Whilst we aspire to engage in so called real time scrutiny where and insofar as it is possible, it is difficult for SMC to be second guessing every single decision of every States' Committee in real time within our current system. Our mandate makes it abundantly clear that the SMC is, in principle, not supposed to act like the official opposition would in an executive system of government; that is not our system; and neither can we or should we react to every single development or issue that crops up in Government or in island life. Scrutiny does not take up individual cases. The work of the SMC is not a substitute for the ombudsman that the island perhaps needs. Any specific case has to raise a wider concern about policy or administration.

We would also like to continue to foster good relations with all other States Committees. Ideally, we would like States committees to have the confidence to self-refer matters of concern about financial and other matters to us in order for us all to work together to identify issues and find solutions that will help move the States and our community forward. I will be writing to the Principal Committees in the next few days to ensure progress in this regard. We will also be exploring the case in the near future for creating an expectation or perhaps an obligation for government bodies to respond to formal recommendations flowing from major Scrutiny reviews within a period of three months to create more of a useful dynamic following the publication of our reports.

In summary, the SMC feels that it has made real progress with its new approach to public scrutiny and we look forward to continuing to work with States members in enhancing our activities. We do wish to utilise the talents of any Deputies or members of the public who feel that they have the right skills and the right mind-set to add value to our activities in future.

That said, the challenges that we face, including the possibility of further budget reductions, plus potential further delays in the Committee getting the powers, standard in most parliaments, to call for witnesses and documents should not be underestimated; further, the expectations from some that are placed on Scrutiny within the new system of government must be recognised as being essentially unrealistic without any further reforms or budget adjustments and can only ever result in disappointment, even if we are, in actuality, charting a steady course that is developing gradual results as well as momentum and transforming the scrutiny function in this States term.