



The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

24 June, 2019

Dear Sir,

**Scrutiny Management Committee - Commentary on the Policy & Resource Plan 2018 Review and 2019 Update**

**Introduction**

The Rules of Procedure of the States of Deliberation requires that the Policy & Resource Plan (the 'Plan') is submitted to the States Assembly annually in June, together with commentary from the Policy & Resources Committee on overall progress; annual performance reports from the Principal Committees; and, any proposals to amend the Policy & Resource Plan as considered necessary.

This letter of commentary from the Scrutiny Management Committee regarding the Policy & Resource Plan 2018 Review and 2019 Update is submitted in accordance with Section 3 (19) of the Rules of Procedure.

**The Progress of Government**

The Scrutiny Management Committee welcomes the consideration given by the Policy & Resources Committee regarding suggested improvements to the policy planning process outlined in the Plan which were made by the Scrutiny Management Committee in its 2018 letter of comment. However, the Scrutiny Management Committee continues to believe that the future planning process remains too cumbersome with too many priorities or 'areas of focus', the term now seemingly adopted in the Plan. The Policy & Resources Committee is undoubtedly best placed to control the planning process and develop means of properly prioritising those areas of focus with clarity and transparency which should then be strategically led by that Committee.

One of the main concerns identified was the time taken for the Plan to be produced. The Scrutiny Management Committee continues to believe that the process should be significantly quicker in terms of agreeing the areas of focus for the States of Guernsey. The Scrutiny Management Committee believes that within 12 months of the election it should be possible to agree the fiscal rules, produce a four-year fiscal plan, identify Committee priorities and then produce a consolidated 'Future Guernsey Plan'.

We have noted the acknowledgement of the current problems affecting the existing process but believe it is essential that the current process is radically streamlined as a matter of urgency if the States Assembly wishes to work effectively and efficiently in the future.

The Policy & Resources Committee agrees in principle and has therefore reflected on the Rules of Procedure to propose a timetable of progress on the 'Future Guernsey Plan' centred on the 2020 General Election but appears to have largely ignored the Scrutiny Management Committee's previous suggestion for remedial action.

The question remains as to whether Committees will be confident they can dedicate sufficient time and resource to priorities inherited at the General Election throughout the transition period through to the proposed debate in June 2021 as well as plan for the 2022 Budget and beyond.

The Scrutiny Management Committee has noted that the Policy & Resources Committee's Plan Update for 2019 recognises it will be important to ensure a seamless transition from one Assembly to the next. In order to achieve this it has been suggested the States Assembly and Constitution Committee offer new States Members an induction to include clear guidance on the policy planning process within the States and how the embedded future Guernsey Plan is central to this. The Scrutiny Management Committee considers it is an explicit expectation of our community that elected members and elected Non-States Members attend induction sessions. The Scrutiny Management Committee also believes consideration should be given to including a requirement for mandatory attendance at induction sessions in the code of conduct, with proportionate sanctions, if Members consistently fail to attend.

Additionally, the Scrutiny Management Committee believes specific training to ensure better understanding and guidance to Members regarding scrutiny and the mandate of the Scrutiny Management Committee should be introduced. We have realised from the many interactions and submissions received during this political term that currently such understanding is limited and improving it will only serve to enhance good government.

Additionally, the Scrutiny Management Committee has been frustrated in fulfilling its mandated duty to 'appoint scrutiny panels (whether task and finish or standing panels)' which we believe can be attributed to a lack of understanding of the scrutiny process.

### **Policy Supervisory Boards**

The Scrutiny Management Committee notes that the Policy & Resources Committee has recognised that effective prioritisation is "challenging for the States of Guernsey" but has significant doubts whether Political Supervisory Boards will lead to any improvement in the speed and effectiveness of policy coordination and implementation.

Detail surrounding the workings of these Boards is scarce and we believe additional clarity should be provided; regarding who will be responsible for determining that such a Board is established; chairmanship; and, whether the Policy & Resources Committee intends to secure majority representation.

The Scrutiny Management Committee is therefore not supportive of this initiative on the present evidence but will examine carefully any progress made by these new 'creatures of government' if they are adopted moving forward.

### **Good Governance**

An important concern for all those within government must be to ensure that the highest standards of governance are maintained. The review and reporting process established by the States of Deliberation in 2016 should enable the Assembly to assess where progress is being made, what can be done to improve progress, and whether or not the States needs to re-prioritise.

Reporting in this manner should demonstrate how the States is addressing cross-Committee themes of importance to the community and inform debate. This process should be further assisted by the governance reviews which have taken place in the Committees *for* Health & Social Care and Home Affairs.

The Scrutiny Management Committee believes that the various work-streams outlined in the Plan should be reported on in sufficient detail to allow Elected Members and the public an opportunity to understand the progress being made. Most importantly Elected Members must have the information available to understand the implications of stopping, speeding up or delaying individual work-streams. The costs and implications on likely implementation dates must be provided routinely to allow informed political decision making. In addition, as part of the 'handover' process being proposed the

specific costs and timing implications associated with changing policy need to be clearly identified to Members of the new Assembly.

### **Poverty in Guernsey**

The Scrutiny Management Committee notes the Policy & Resources Committee has taken the time to meaningfully examine the data relating to poverty in Guernsey with specific focus on 'in-work poverty' (Appendix 2) which was the subject of the recent Scrutiny Management Committee Policy Letter<sup>1</sup>. The additional research undertaken clearly emphasises the significant scale of the problems now facing Guernsey and reinforces the need to take decisive action. In Appendix 2 of the Plan the Policy & Resources Committee helpfully outline some of the work-streams that may in the future attempt to address the problems identified. However, it appears that the Policy & Resources Committee has taken a different approach, at variance with its own Proposition introduced by the amendment to the Scrutiny Management Committee Policy Letter on in-work poverty, by concentrating on what is termed the 'generational pattern' of poverty rather than in-work poverty itself.

The Scrutiny Management Committee after considering propositions h) and i) outlined within this Policy Letter remain unconvinced that the Policy & Resources Committee have effectively discharged its own Resolution relating to its successful amendment to the In-work Poverty Review Policy Letter as agreed by the Assembly in January 2019<sup>2</sup>.

The Scrutiny Management Committee does welcome the announcement that the Guernsey Community Foundation intends to commission research on poverty in Guernsey (section 3.18). However, we wish to point out the Scrutiny Management Committee's In-work Poverty Review Panel membership included Mr Wayne Bulpitt CBE, Chair of the Guernsey Community Foundation, who provided valuable insight to the Review.

It remains clear that additional work in this area is needed to inform future government action and that this needs to be undertaken as a priority. However, given that the Scrutiny Management Committee's In-work Poverty Review was in progress for over two years and represented an enormous amount of effort from the Review Panel, the Scrutiny Management Committee, numerous civil servants and, most importantly, the hundreds of members of the public who contributed (in relation to both the Interim Report and the final Policy Letter), we are extremely disappointed that the Policy & Resources Committee, whilst producing data which highlights the significant scale of the

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<sup>1</sup> [In-work Poverty Review](#)

<sup>2</sup> [Proposition No. P.2018/140 Amendment](#)

problem, has made such limited progress in seeking to address this issue which is of vital importance for so many Islanders. We wish to emphasise the urgency of this issue and respectfully suggest that delay is unacceptable. We also note that no specific commitment has been provided by the Policy & Resources Committee regarding when specific proposals will be brought before the Assembly for debate.

The Scrutiny Management Committee also wishes to point out that the comments made in section 3.14 of the Plan which describe “*areas not addressed within the Review*” are factually incorrect. The areas are detailed as:

- I. The ‘disregard’ within the Island’s benefit system (already subject of work by the Committee for Employment & Social Security);
- II. The rent induced poverty factor – fear of losing social housing if income or savings exceed threshold values and impact of private rental costs
- III. Utilisation of the medical assistance scheme available to those not receiving benefits on a means tested basis.

In fact, these issues were considered within the Scrutiny Management Committee’s In-work Poverty Review process and are referenced in the Interim Report (published November 2017) on pages 24, 29 & 35. These were not repeated in the final Policy Letter, partly because we considered remedial work was already being undertaken in these areas and because the evidence contained within the Interim Report was appended to the Policy Letter. The Scrutiny Management Committee and its Review Panel were always clear that the Review had been undertaken in two parts with the evidence contained in both the Interim Report and concluding Policy Letter being equally relevant to decisions regarding future action required to address the issues.

### **Criminal Justice**

Sections 3.44 through to 3.50 of the Plan consider the completion of Phase One of the Justice Review and state that:

*“...four out of the eight justice outcomes that are the focus of Phase Two of the Review support the ambition of the revision of the Children Law highlighted as necessary by the Committee of Health & Social Care and further commented on by the Policy & Resources Committee in this policy letter at section 3: one community”.*

The Scrutiny Management Committee wishes to remind the Assembly of the previous Scrutiny Committee’s 2015 authoritative independent review on the Implementation of the Children Law (the ‘Marshall Report’), conducted by Professor Kathleen Marshall

(former Children and Young People's Commissioner for Scotland). The Marshall Report<sup>3</sup> was the catalyst for a number of the initiatives mentioned in this section which were then subsequently handed over to Principal Committees to progress and implement. In fact the concerns expressed in this iteration of the Plan regarding removing delay in proceedings involving children were explored in detail in the Marshall Report.

### **Transparency**

The Scrutiny Management Committee has noted in certain areas the Plan references information which is not currently in the public domain. The Plan refers to the Justice Review, and the review of the relationship between the States of Guernsey and St James's Chamber commissioned by the Committee *for* Home Affairs and the Policy & Resources Committee respectively. These reports have not been released into the public domain which clearly does not support a policy of openness and transparency.

### **Economic Policy**

The Scrutiny Management Committee has concerns regarding how the senior Committee can demonstrate it is able to properly monitor "our economic environment" given the absence of a States Economist and the proposal that the Policy & Resources Committee is to consider setting aside the annual fiscal reviews.

The Scrutiny Management Committee believes that high quality economic advice should be central to informing future government policy and that any significant policy developments intended to stimulate the local economy should include robust economic analysis. It remains unclear whether the newly established 'Economy & Productivity Advisory Panel' will provide any professional economic input and as yet no clarity exists on the exact composition of this Panel.

### **Capital Portfolio**

In section 3.109 the Plan outlines that a total investment of £47m "*has been approved for the continued development and delivery of 20 major capital projects*". However, within that total £31.7m relates to the Waste Strategy that originated through Resolution of the States Assembly in 2011. The information presented in the Plan raises concern regarding the excessive length of time that it has taken to bring forward the majority of the capital investment projects and casts doubt on the appropriateness of the current capital investment process. The Scrutiny Management Committee has limited confidence that the introduction of a "*small team of Capital Business Partners*" will help to accelerate this process and has concerns regarding whether staff with sufficient skills to fulfil this role will be recruited.

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<sup>3</sup> [The Marshall Report](#)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'CJ Green', with a long horizontal flourish extending to the right.

Deputy Christopher Green  
President of the Scrutiny Management Committee