

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**REQUÊTE**

**TOWARDS A MORE EFFECTIVE STRUCTURE OF GOVERNMENT**

The States are asked to decide:-

Whether, after consideration of the Requête dated 11<sup>th</sup> December, 2019, they are of the opinion:-

1. To agree that, in order to improve the effective working of Guernsey's structure of government, this States and its immediate successor should consider:
  - a. Whether the dominance of resources over policy within the Policy & Resources Committee should be addressed, either by the creation of a separate Treasury Committee, or the establishment of a Chancellor role within the Policy & Resources Committee, or by another solution;  

**(paragraphs 4.2.3 to 4.2.15)**
  - b. Whether to make further structural changes in order to improve the effectiveness of channels of communication between the Policy & Resources Committee and other States' Committees, either by the creation of a political Strategic Forum, or by another solution;  

**(paragraphs 4.2.16 to 4.2.26)**
  - c. Whether further changes are required to the current political arrangements for oversight of the civil service and/or the role of the States as Employer;  

**(paragraphs 4.2.27 to 4.2.31)**
  - d. Whether the restriction on non-States Members of the Policy & Resources Committee should be lifted;  

**(paragraphs 4.2.32 to 4.2.37)**
  - e. Whether the lack of dedicated political scrutiny of States' finances and fiscal strategy should be addressed, through the creation of a separate Public Accounts Committee or otherwise;  

**(paragraphs 4.3.1 to 4.3.8)**
  - f. Whether the current dispersed political responsibility for air and sea connectivity should be addressed, by the creation of a single Committee responsible for air and sea links and tourism (with consequential changes to the mandates of other States' Committees), or by another solution;  

**(paragraphs 4.4.3 to 4.4.17)**

- g. Whether a visible political commitment to addressing climate change should be reflected in the name of the Committee *for* Environment & Infrastructure;  
**(paragraphs 4.4.18 to 4.4.20)**
  - h. Whether the constitution of the States' Trading Supervisory Board in terms of political membership, and the current lack of clarity about what it means to be a 'policy-taking' committee, should be addressed;  
**(paragraphs 4.4.21 to 4.4.26)**
  - i. Whether the question of Committee size should be revisited;  
**(paragraphs 4.5.2 to 4.5.4)**
  - j. Whether the question of Committee Members being elected together with, and/or resigning alongside, their Committee President should be explored;  
**(paragraphs 4.5.5 to 4.5.12)**
  - k. Whether a lack of subject matter expertise within the policy-making function of the public sector should be addressed;  
**(paragraphs 4.6.2 to 4.6.11)**
  - l. Whether there may be possible alternative models for the relationship between the States and the Law Officers' Chambers, which might improve its effectiveness;  
**(paragraphs 4.6.12 to 4.6.16)**
  - m. Whether there may be opportunities to better integrate States Members' Corporate Parenting responsibilities within their Committee and States' work;  
**(paragraphs 4.6.17 to 4.6.22)**
  - n. Whether to reintroduce the title of 'Minister' in place of 'President'; and  
**(paragraphs 4.7.1 to 4.7.3)**
  - o. Whether to develop alternative titles, or clarify the use of existing titles, in respect of the States and its Committees;  
**(paragraph 4.7.4)**
  - p. Whether to establish a Citizens' Assembly in a form appropriate to Guernsey;  
**(paragraphs 4.8.1 to 4.8.6)**
  - q. Whether to develop a Parish Charter or similar, which might allow for devolution of certain responsibilities to the Douzaines, on condition of meeting minimum standards for democratic accountability and transparency at parish level.  
**(paragraphs 4.8.7 to 4.8.11)**
2. To direct the Policy & Resources Committee to bring a policy letter to the States for consideration no later than the end of February, 2021, which shall include:

- a. A copy of this Requête, together with a proposition inviting Members to agree that the issues set out in Proposition 1 [as amended, as the case may be] and Section 4 of this Requête should be addressed; and
  - b. Propositions enabling the election of Members to the States' Investigation & Advisory Committee required by Propositions 3 – 8 below.
3. To resolve that a States' Investigation & Advisory Committee shall be established no later than March, 2021, to consider the areas where the current structure of government falls short of the aims first set out in the 2014 States Review Committee report (effective leadership, sound coordination of policies and resources, proportionate checks and balances, flexibility to adapt) and the changes that could be made in order to improve it; and to agree that the Committee must consider, as a minimum, the issues set out in this Requête (as amended, if need be) and the solutions proposed alongside them, and determine what changes, if any, it wishes to recommend to the States.
4. To resolve that the membership of the States' Investigation & Advisory Committee shall comprise 6 States Members including:
  - a. At least one Member, elected by the States, who has already served a minimum of two complete terms of government; and
  - b. At least two further Members, elected by the States, who have already served a minimum of one complete term of government; and
  - c. Three further Members, elected by the States.
5. To resolve that the Chair of the Committee shall be the President or a Member of the Policy & Resources Committee and shall be elected by the States on the nomination of the Policy & Resources Committee.
6. To agree that the Policy & Resources Committee may make nominations for the remaining five seats on the Committee, which may also have nominations from the floor of the States; and that, in preparing its nominations, the Policy & Resources Committee must seek to ensure a balance of members who have had current or past experience of Scrutiny roles, of roles on Principal Committees, and of roles on other States' Committees.
7. To direct the Policy & Resources Committee to make arrangements to provide a budget (estimated at a maximum of £150,000 for one year) and administrative support of the States' Investigation & Advisory Committee from March 2021 to February 2022.
8. To direct the States' Investigation & Advisory Committee to present its recommendations to the States for debate no later than the end of February, 2022.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**REQUETE**

**TOWARDS A MORE EFFECTIVE STRUCTURE OF GOVERNMENT**

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH THAT:

**1 EXECUTIVE SUMMARY**

- 1.1 During this term of government (2016 to 2020), the States has operated with a new structure – still based on Guernsey's traditional Committee system of government, but with fewer Committees, a separate senior Committee, a new way of managing trading assets and a new form of scrutiny management.
- 1.2 This structure was designed during the previous (2012 to 2016) States' term, through the work of the States' Review Committee. The proposals for the new structure were debated three times (in stages) during 2014 and 2015, and won ringing endorsement from the States each time. The new structure was intended to – and generally did – correct or improve on many of the weaknesses in Guernsey's former structure of government; providing for effective leadership and coordination, appropriate checks and balances, and a greater degree of flexibility to adapt to changing circumstances.
- 1.3 In practice – inevitably – the new structure has had weaknesses of its own. Some of these were anticipated in last term's debates, and Members at the time knew they would eventually need to be addressed. Others have only emerged through experience. The authors of this Requete believe the most significant weaknesses relate to:
  - Some of the functions of the Policy & Resources Committee
  - The working relationship between P&R and other States' Committees
  - Oversight of the Civil Service
  - Weak arrangements for financial scrutiny
  - The lack of a single Committee responsible for air and sea connectivity
  - Practical difficulties with the concept of 'policy-taking' Committees
  - Committee size and cohesion, and
  - The availability and quality of resources for policy & legislative development.
- 1.4 Other States Members may differ, or have concerns of their own to add to the list.
- 1.5 We should not expect anything to work perfectly first time. But we have a choice. We can leave the structure as it is, until its flaws build to frustrations, and there is another wholesale review of Guernsey's structure of government. This has already happened twice in twenty years (in 2004 and 2014) and we do not believe such large-scale change is good for the island's offer of political and economic stability.

- 1.6 Alternatively, we can take what we, as States Members, have learnt this term and use it to improve the structure of government and address the issues we have found most problematic. This will allow the structure of government to evolve gradually, in response to the needs of the times – blending flexibility with stability.
- 1.7 This Requete sets out the areas which, its authors believe, most need to be addressed. It also outlines potential solutions. By creating the opportunity for a debate on this subject, the Requete effectively allows all States Members to share their "lessons learnt" from this term of government, and to add them to the list for consideration (via amendments, if appropriate).
- 1.8 However, we do not think this States should force its preferences on its successors, without first giving the incoming (2020 to 2024) States Members the opportunity to consider whether such changes are needed and right. Further, based on our own experience, we think it is better, from a governance perspective, to avoid big changes to the structure of government at the same time as an Election.
- 1.9 This Requete therefore proposes that a States' Investigation and Advisory Committee be set up within the first year after the next Election. The terms of reference for that Committee will be the issues identified in this Requete (including by amendment) and any others that the new States may wish to include.
- 1.10 The membership of the Committee is intended to include a mix of experienced and new members, with different roles within government. The Committee will be directed to consider options for improving each of the issues identified, and to bring back proposals for change no later than early 2022, so that (wherever applicable) changes can be implemented mid-term rather than during an Election period. Once the Committee has reported back, it will have completed its task and can be dissolved.
- 1.11 The authors of this Requete believe it is a mature way of responding to some of the challenges of the current structure of government that have come to be felt during this term. The Requete and its surrounding debate will allow States Members to share "lessons learnt" from this term, and pass on what we have learned to our successors. However, it will be for the next States – who will soon be responsible for getting the best out of this structure of government – to finally determine what changes they want to make, and to implement those changes during their term.

## **2 BACKGROUND**

- 2.1 In July 2014<sup>1</sup>, July 2015<sup>2</sup> and November 2015<sup>3</sup>, States Members considered a series of three policy letters from the States' Review Committee on "The Organisation of States' Affairs".

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<sup>1</sup> Billet d'Etat XIV of 2014: <https://www.gov.gg/CHttpHandler.ashx?id=87869&p=0>

<sup>2</sup> Billet d'Etat XII of 2015: <https://www.gov.gg/CHttpHandler.ashx?id=98400&p=0>

<sup>3</sup> Billet d'Etat XXI of 2015: <https://www.gov.gg/CHttpHandler.ashx?id=98291&p=0>

- 2.2 Those proposals created the structure of government which has been in place for the first time during this political term (2016 to 2020). The previous States gave the proposals extensive and thoughtful scrutiny, weighing up their strengths in principle along with the more complicated question of how they were likely to work in practice. Although a few minor changes were made by amendment, the proposals were approved by States Members overall as a "logical and coherent package" for the future shape of government.
- 2.3 The aim of the reforms was to create a States which could more consistently "provide for effective leadership, sound co-ordination of policies and resources, and proportionate checks and balances" as well as a structure which would be "sufficiently flexible to adapt if and when circumstances change."
- 2.4 Early on in the process, the States rejected executive government as unsuited to Guernsey. The preferred alternative was an improved Committee system. The flagship changes made as a result of the proposals include:
- The creation of a single senior Committee combining treasury and policy coordination functions (Policy & Resources), replacing the Policy Council (at which the heads of all Committees were represented) and the Treasury & Resources Department;
  - The amalgamation of 10 policy-making Departments into 6 policy-making Principal Committees;
  - The creation of a stand-alone States' Trading Supervisory Board, to provide a combination of political and commercial oversight of the incorporated and unincorporated trading bodies funded and/or run by the States;
  - The amalgamation of 3 specialised scrutiny committees (Scrutiny, Public Accounts and Legislation Select) into 1 Scrutiny Management Committee; and
  - The creation of two decision-making bodies (the Development & Planning Authority and the Transport Licensing Authority) separate from the Committees whose policy regimes they are responsible for implementing.
- 2.5 The States' Review Committee received considerable (and well-deserved) credit for the quality of its work. The authors of this Requete echo that praise, and believe that the three policy letters (together with the Hansard records of their debates) offer an unparalleled insight into the structure of government in Guernsey, as well as its practical challenges – providing a helpful reference text, even now, for people considering entering the States next term.
- 2.6 The proposals in this Requete seek to build on the strength of the work already done.

### **3 THE CASE FOR CHANGE**

- 3.1 In his opening speech on the States Review Committee's proposals, in November 2015, Deputy Le Tocq said: "*There will, of course, be the need to further improve and*

*to amend, to tweak, our government as we move forward. I encourage the States to accept that it is an evolutionary process and as a result there will be further changes. That is part and parcel of our system, and it is good and healthy that we should do so."*

- 3.2 This States has taken the new structure of government for an extended test drive. Some aspects have worked well; others have left much to be desired. Some of the weaknesses of current arrangements were predicted by the States Review Committee, or in debate, but Members at the time were prepared to try them out in practice before making adjustments. Other challenges would only become apparent with time.
- 3.3 The authors of this Requete believe that States Members should have the opportunity to share their views on how the system is working, and to propose practical improvements, before the end of this term. This debate aims to do that – creating a forum in which Members can share their insights from nearly four years' experience of the new system, and pass that learning on to the new States.
- 3.4 **However, this Requete is not a demand for instant change.** We think the new States should have the opportunity to get used to the current system; to form their own views on what works and what does not. We want to find a way to pool the wisdom of experience with the insight of fresh eyes. So we are proposing that this work is handed over to a time-limited Investigation & Advisory Committee in the next States, who will consider it and make recommendations for change no later than mid-way through the term.
- 3.5 In other words, we consider that this Requete (as amended, if need be) and the Hansard of its debate should stand as a "Lessons Learnt" report from this States' term. We invite our successors to bring their own perspectives and analysis to it, and to decide how, if at all, they want to change the structure of government they're working in.
- 3.6 Pausing to reflect on what works, and to reform what does not, is a mature approach to government which is uniquely possible within Guernsey's non-partisan, consensus-led system. It allows for true evolution, rather than periods of stasis broken up by major review and change. The authors of this Requete believe that this debate is an opportunity to demonstrate the "*flexibility*" in action which was at the heart of the States Review Committee's proposals, and to leave the government of the island better than we found it, to the benefit of our successors and, above all, of the community.
- 3.7 The next section of this Requete sets out the issues which, we consider, have been particularly challenging this term. It outlines possible solutions, for consideration by the new States. These are the issues which we think should be addressed as a priority, by no later than midway through the next States' term. They are referred to in Proposition 1, and we encourage States Members to amend that proposition, should they wish to alter or add to the list.

- 3.8 The final section sets out how this will be handed over to the new States, and what the role and membership of the States' Investigation & Advisory Committee will be. Propositions 2 to 8 provide direction for the new States to establish this Committee, and give the new Committee clarity about its responsibilities.

#### **4 OUR CURRENT STRUCTURE: AREAS FOR IMPROVEMENT**

- 4.1 This section sets out the issues which the authors of this Requete have identified as areas of concern during this States' term, and an indication of the kind of solutions which we feel would be effective in addressing them.

##### **4.2 POLICY AND RESOURCES**

- 4.2.1 One of the biggest changes in the new structure of government was the creation of Policy & Resources as a standalone senior Committee, rather than a council of representatives from the principal policy-making Committees.

- 4.2.2 This provides for a natural tension between P&R, as the Committee responsible for coordinating work and allocating resources to it, and the other Committees of the States, which are responsible for conceiving and delivering that work. To some degree, this is deliberate and inevitable. However, we believe that there are teething problems which, if addressed, could result in greater mutual understanding and better working relationships between P&R and the other Committees of the States.

##### **4.2.3 Dominance of Resources over Policy**

- 4.2.4 Most of us would agree that the Policy question ("what must we do for our Island?") and the Resources question ("how will we pay for it?") – or, if you like, the questions of "can we afford to do it" versus "can we afford *not* to do it?" – should have equal weight in politicians' minds, and should both be taken into account when deciding on a course of action. We would also recognise that there is a degree of conflict between these two questions which cannot always be resolved.

- 4.2.5 In creating Policy & Resources as a single Committee, the States Review Committee aimed to achieve the best possible coordination between policy priorities and the availability and allocation of resources.

- 4.2.6 However, most States Members with experience of working on a Principal Committee would agree that, in practice, the Resource function of P&R has tended to be dominant over the Policy function, with resource availability dictating the priority that can be given to any policy, rather than the other way round. To put it in frank terms, we all know that the annual Budget is really the important debate, not the P&R Plan. Little that happens in the P&R Plan has the power to force a Budget allocation, whereas much that happens in the Budget has the power to accelerate or constrain the development of a policy response to the Island's priority needs.



- 4.2.7 We think a number of elements could be responsible for this situation. Some of them are procedural rather than structural: for example, the endless internal business case development and approval processes, which are required before P&R will consider releasing funding for various initiatives, have a tendency to strangle policy development with process. These tensions are amplified because, inevitably, centralised decisions about resource allocation are made at a significant distance from the realities of 'front line' service provision. Initiatives such as the Scrutiny Management Committee's current review of the Capital Allocation Process may help to address that byzantine bureaucracy – it is not an issue which, we think, this Requete alone can resolve.
- 4.2.8 The biggest structural gap, in our opinion, is the loss of a "Chancellor" role at political level. In the previous structure, this role was filled by the Treasury & Resources Minister. P&R was conceived as a Committee to replace both the Policy Council and the Treasury & Resources Department: combining policy leadership and fiscal strategy in a single body. In doing so, the President of Policy & Resources became, in effect, both the Chancellor and the Prime Minister. For as long as this continues, we think the current dominance of Resources over Policy will be inevitable.
- 4.2.9 **Two possible solutions merit further consideration. One involves a partial return to the old structure, by spinning out a separate Treasury Committee from the Policy & Resources Committee.** Overall responsibility for coordinating policy with resources would still sit with the senior Committee, but day-to-day responsibility and political accountability for fiscal strategy and financial management would be the responsibility of a separate Committee, just as day-to-day responsibility and political accountability for every other aspect of policy-making and service delivery sits with one of the six Principal Committees.
- 4.2.10 A separate Treasury Committee could, for example, take on governance of States' investments and of the Bond. It could concern itself in depth with essential reviews of fiscal policy, such as Guernsey's approach to corporation tax. It could safely be populated by States Members with particular financial or economic knowledge, without requiring the balance of insight into other policy areas that P&R members should have.
- 4.2.11 However, while it is clear how some responsibilities might be allocated, it is more challenging to resolve others – especially, considering what role should be played by P&R, and what role by the Treasury Committee, in finalising the States' Budget, or in making in-year decisions to allocate additional resources to meet policy needs. The difficulty of drawing the dividing line in the right place when it comes to these essential functions might ultimately militate against the creation of a separate Treasury Committee altogether.
- 4.2.12 **The other option involves the creation of a designated Chancellor role within the Policy & Resources Committee itself.** This would clearly separate the role of President (who is responsible for bringing together policy *and* resources) from the

role of the Chancellor (who is responsible for resources alone). It would also give a clear political counterpart to the officer-level role of Treasurer.

4.2.13 Currently the Policy & Resources Committee is entitled to designate one of its members as Lead Member for External Affairs. It is also required to designate a Lead Member for Corporate Services. These roles are appointed from within the membership of P&R, rather than by direct election from the States. If this option is preferred, we think there are strong arguments for the role of Chancellor being directly elected by the States.

4.2.14 One of the strongest arguments is that this would improve the chances of a person with the right skills being elected to the role, because States Members could compete for that specific role, rather than simply for a seat on P&R (which, as a collective, requires a broad range of different skills and insights). The flip side of that argument is also relevant: if the Chancellor's seat is filled by a States Member with a strong background in fiscal and financial policy, the three remaining seats on P&R can be filled by Members with different and complementary backgrounds, better reflecting P&R's responsibility for coordinating the work of government across the full breadth of its mandate.

4.2.15 Determining how the role of Chancellor would work, and the limits of its authority (given that ultimate political accountability would continue to sit with the Policy & Resources Committee as a whole, and generally through its President), is not necessarily a more straightforward task than working out how a separate Treasury Committee would operate. However, it is worthy of further consideration as an option that would perhaps better position the Committee's senior member to be able to mediate between matters of policy and of resourcing, rather than being seen (as at present) as principally, if not solely, the gatekeeper of the public purse.

#### 4.2.16 **Liaison with Principal Committees**

4.2.17 During the debate on the first report of the States' Review Committee, Deputy Michelle Le Clerc said: *"In the absence of a Policy Council and the automatic attendance at regular meetings of the Ministers of all the Departments, I think it is important that ... there is a process in place for conflict resolution and a specific platform for regular dialogue between Ministers and the Chief Executive and the Policy & Resources Committee, because I am just concerned that these proposals will alienate the Ministers from the Policy & Resources Committee."*

4.2.18 The report itself (in paragraph 7.2.4) said that the Policy & Resources Committee *"may also wish to establish a more formal arrangement along the lines of a consultative forum for the President and Members of P&R and the presidents of Principal Committees to work towards cooperation and to discuss forward planning and other matters of common interest."*

4.2.19 This mechanism was not put in place from the beginning of the States' term. Following an amendment to the 2019 Policy & Resources Plan, quarterly summits

between States' Committees and P&R have been established to give oversight to some areas of shared interest, particularly in terms of "corporate services" such as IT, HR, Finance and so on.

- 4.2.20 While the weaknesses of the former Policy Council structure were set out at length in the debates surrounding the States Review Committee reports, and widely accepted by States Members, it is clear that there is also a significant deficit in the new structure, which is caused by the absence of any regular, formally-established forum in which representatives of all States Committees can come face-to-face to discuss issues of importance to them all.
- 4.2.21 "Oversight Boards" have been established between P&R and individual Committees. These allow for some regular cross-Committee communication, but the general perception is that these reflect the same dominance of resource over policy as discussed above. Nor do they allow for several Committees to discuss and share perspectives on issues of mutual concern. There is also a sense that it is very difficult for Committees to have the *political* conversations they need to have with their counterparts on P&R at an early enough stage, in respect of many issues, because any item that gets onto a P&R agenda has first to go through a long filter of internal processes and officer review. This is more like "having one's homework marked" than a mature process of sharing problems and solving them cooperatively.
- 4.2.22 One way to address the weakness in the current structure, caused by the absence of effective channels of cross-Committee communication, might be a kind of hybrid model that draws on the strengths of both systems, in which **a monthly Strategic Forum is established, for the heads of all States' Committees and the members of P&R to discuss matters of mutual concern.**
- 4.2.23 It would be important to establish from the outset that these are to be political forums with limited officer attendance. They should be no more "owned" by P&R than by any other Committee – this could be demonstrated, for example, by administrative support being provided by each of the Committee Secretaries on a rota basis.
- 4.2.24 In order to avoid recreating the disadvantages of the old Policy Council, we think that such a forum would likely need to be set up as a consultative, rather than a decision-making, body. However, in order for it to have any value, the States would have to establish it with a clear mandate and rules about what matters need to be referred to it for consideration, and would need to consider what 'teeth' such a body might have in order to avoid becoming merely decorative. It is natural to suggest that a meeting between heads of Committees should have a strategic outlook, focusing on matters such as:
- **The Plan for Government:** Obstacles to and opportunities for the delivery of the States' policy priorities as set out in the P&R Plan (or its successor);

- **Organisational Change:** An overview of cross-States transformation plans and structural changes, such as those introduced this term, which may have a profound impact on Committee responsibilities; and
- **International Reputation:** An understanding of Guernsey's evolving place in the world, and work by each Committee which may affect the island's standing.

4.2.25 In this term, it has been possible to criticise P&R for overlooking domestic responsibilities because they have been pre-occupied by the pressures of the external agenda. (Many States Members would cite the initial hands-off approach to the civil service restructure as an example of this.) For that reason, the cross-Committee summits on Corporate Services were established during 2019, and provide a starting point for improving communications among Committees; and it may well make sense to integrate this approach to performance monitoring and oversight into the Strategic Forum in due course.

4.2.26 However, while there may have been issues on the domestic front, all of us would recognise and credit the importance of the work P&R has put in, on behalf of the States, to defend the Bailiwick's interests in response to Brexit during this term. In a post-Brexit world, Guernsey will face different international challenges: ones which, as we have already seen this term, will touch on the mandates of many different Committees. As a successor to the Brexit Transition Group, we think there will be a continued need (through the suggested Strategic Forum or otherwise) for cross-Committee engagement in and planning on international affairs. As such, it is vital that there are cross-Committee communication structures in place that can support this.

#### 4.2.27 Oversight of the Civil Service

4.2.28 We have given "civil service reform" as an example of where P&R may not have given the matter the close attention it deserved, at an early enough stage in the process. However, it may be the case that P&R is simply not the right body to be (on its own) responsible for the oversight of the civil service, or the broader role of "the States as Employer".

4.2.29 In fact, in July 2015, the States resolved that P&R should, "*following examination of the issues, lay recommendations before the States to reform the political arrangements in connection with the States' role as an employer.*" **The current approach to oversight of the civil service, including the States' employment responsibilities, was only ever intended to be an interim solution.**

4.2.30 Principal Committees have been profoundly affected by changes in the senior structure of the civil service, which were first announced without any prior consultation with them. Similarly, Committees with service delivery responsibilities are highly dependent on P&R's success (or otherwise) in negotiations with staff, when it comes to pay, terms and conditions. However, the current structure does not easily provide for Committees to be sighted on, or involved in, any decisions relating to this critical area of responsibility.

4.2.31 It may be that the issues in this area are adequately addressed by the creation of the Governance Framework in respect of the relationship between the civil service and the States of Deliberation. This work is currently in progress. We would encourage the next States to take that into account, together with the issues raised here, and to consider **whether any change is needed to the body responsible for overseeing the civil service**. Again, this may be an area where the Strategic Forum, suggested above, could play a role: not so much in respect of individual employment decisions, but certainly in respect of significant changes to the structure of the organisation.

#### 4.2.32 Non-States Members

4.2.33 The constitution of P&R does not allow for the Committee to appoint non-States Members. The most likely explanation of this is that it would 'feel wrong' for there to be non-elected Members on the most senior Committee, putting them in a position of some authority or influence over elected Members on other States' Committees.

4.2.34 However, there is little strength to this argument when it is noted that non-States Members do not have a vote (except on the States' Trading Supervisory Board).

4.2.35 By contrast, the judicious appointment of non-States Members to P&R could be of significant value to its political Members in respect of the elements of its mandate where, by definition, they would benefit from impartial, expert advice that is independent of the public sector.

4.2.36 For example, in the second States Review Committee report (para 6.4.21) it was established that *"in the case of very senior officers, it is expected that the President of the Policy & Resource Committee would have a role to play [in respect of performance management]."* Although this principle has been challenged during this States' term, it was emphatically endorsed during the June 2019 P&R Plan debate, and has gone on to form the basis of the Governance Framework initiative referred to above. For as long as P&R continues to be responsible for the role of the States as Employer, it should go without saying that they would benefit from **independent advice on HR and performance management**, given that the civil servants on whom they rely are inherently conflicted in this regard.

4.2.37 A suitably-experienced, legally-qualified non-States Member could be invaluable in assisting P&R to engage with its legal and law-making responsibilities; while the advice of a qualified economist with an understanding of public policy could be a substantial asset in helping P&R to develop suitable fiscal and economic strategies for Guernsey. It is not a given that P&R, any more so than any other States' Committee, will naturally have the skills that enable it to discharge every part of its mandate well from the outset. We consider that the Investigation & Advisory Committee **should look again at whether P&R should be permitted to appoint (up to two) non-States Members** at its discretion.

### 4.3 SCRUTINY

4.3.1 The States Review Committee's proposals led to the consolidation of parliamentary Scrutiny from 3 Committees (Scrutiny, Public Accounts and Legislation Select) into one (Scrutiny Management). It led to a major reduction in the number of States Members with permanent seats on Scrutiny committees – which previously could have up to 9 members – creating a structure with 3 permanent States Members, and others co-opted onto specific Panels.

#### 4.3.2 **Weak Financial Scrutiny**

4.3.3 On the whole, the restructuring of Scrutiny has addressed the weaknesses of the previous structure, although it is disappointing that the need for additional powers to call witnesses and evidence – which was recognised during the last States term – has taken so long to be put into practice. The one area where the new structure has not delivered the level of scrutiny that the States and the public rightly expect, is in respect of financial scrutiny.

4.3.4 The States Review Committee made the surprising argument that *"unlike the scrutiny of policy, the scrutiny of finances and expenditure is not necessarily a political task; indeed, it may well benefit from being seen as a largely apolitical task."* The authors of this Requete disagree strongly: scrutiny of government finances is essentially and unavoidably a political task (and duty).

4.3.5 It is all the more important to have robust parliamentary financial scrutiny when, as discussed above, the Treasury function is among the most powerful in the States.

4.3.6 While wishing to preserve the major changes that have been made to the structure and delivery of Scrutiny, we recommend that **the next States should consider re-establishing a separate Public Accounts Committee**. The Public Accounts Committee could be established on the same model as the Scrutiny Management Committee: three States Members, two non-States Members, and the ability to convene expert Panels with co-opted Members. It should be straightforward to separate out the financial scrutiny responsibilities which were merged into the mandate of the Scrutiny Management Committee.

4.3.7 The creation of a separate Public Accounts Committee would increase the number of States Members with permanent Scrutiny roles to 6. Given that there are at least 54 political seats on other States' Committees – that is, those that should be subject to scrutiny – it is hardly a disproportionate increase. If the same model is adopted for Public Accounts as for the Scrutiny Management Committee, the President would be excluded from membership of other Committees, but the other political members could also hold other seats. This would therefore not have a substantial impact on the number of States Members able and willing to serve on other Committees.

4.3.8 As discussed above, in relation to P&R, it is helpful to recognise that specific skill-sets and knowledge are useful when it comes to setting fiscal and financial policy, or applying fiscal or financial scrutiny. A separate Public Accounts Committee would

allow the States to elect Members with suitable experience to oversee financial scrutiny, while maintaining a broad set of skills and experience on the Scrutiny Management Committee, which has a mandate for scrutiny as broad as the government's mandate for delivery.

#### 4.4 COMMITTEE RESPONSIBILITIES

- 4.4.1 This part of the Requete deals with a small number of areas where the current allocation of responsibilities between Committees is not achieving a good result for Guernsey, and where we believe structural changes could lead to a meaningful improvement.

##### 4.4.2 Connectivity

- 4.4.3 This States, although not for want of trying, has had a poor track record of addressing the Bailiwick's need for regular, affordable transport links (for ordinary travel, for business and personal reasons, as well as for medical travel) between the islands of the Bailiwick themselves, and between the Bailiwick, Jersey and the UK.
- 4.4.4 In bigger jurisdictions, citizens can be connected by road and rail to all their basic needs: to ensure a secure food supply; to access economic opportunities; to maintain family connections; and to access even the most specialist levels of medical care when required. In those circumstances, connections by air and sea may be seen as a luxury, not requiring government oversight or intervention.
- 4.4.5 In Guernsey and Alderney, the situation is different. Without effective air and/or sea links, we cannot currently be self-sufficient in terms of food or fuel; our economic opportunities are constrained; our separation from family and friends not living locally is profound; and our access to specialist healthcare is limited to what can be provided on-island. At the same time, our approach to air and sea links needs to be as consistent as possible with our policy on climate action. For these reasons, connectivity by air and sea needs to be a central responsibility of Bailiwick government.
- 4.4.6 This has been recognised in the 2020 Budget, in which P&R has committed to developing "a coordinated and coherent government framework for the consideration of all aspects of air route operation and support." But, however good that framework might be, its cohesion will continue to be undermined while (up to) seven separate Committees of the States are responsible for air route connectivity, in particular.
- 4.4.7 At the moment, the States' Trading Supervisory Board (STSB) is responsible for Aurigny, in the States' role as Shareholder, and is also responsible for the island's harbours and airports. The Committee *for the* Environment & Infrastructure is mandated to advise the States on infrastructure, including the Island's ports, and on climate change. The Committee *for* Economic Development is responsible for connectivity as an economic enabler – in that role, it has subsidised various air

routes to and from Guernsey by other airlines, as well as organising Public Service Obligation tenders for 'lifeline' routes. The Transport Licensing Authority (TLA) is responsible for issuing licences on protected routes – although, since the introduction of a 'quasi Open Skies' policy in 2018, most routes do not require a licence. The Committees *for* Health & Social Care (HSC) and Employment & Social Security (ESS) have an involvement in funding medical travel and emergency evacuations (medevac). P&R has also involved itself in various important decisions relating to the island's air and sea links.

4.4.8 We believe the current structure of government profoundly undermines Guernsey's chances of successfully securing good connectivity by air and sea in a manner which meets the island's needs for security of essential supplies; access to economic opportunities; maintenance of connections with friends and family; and access to essential healthcare. It does not provide the opportunity for focused consideration of the social, economic and climate drivers that ought to shape a consistent and functional approach to air and sea links.

4.4.9 **We are strongly of the view that there should be a single, policy-making Committee with primary responsibility for the Bailiwick's air and sea connectivity.** This would require bringing together as many of the functions of the seven Committees, outlined above, as it is appropriate and feasible to do. We recognise that there may be some necessary separations (for example, between the role of the States as Shareholder and the route licensing function) but that a much greater consolidation of responsibilities could be achieved, to the benefit of the Islands, than exists at present.

4.4.10 We have given some thought to how this could be achieved, and would recommend that this is done in three parts:

4.4.11 **1: Establish a new Principal Committee *for* Air & Sea Links**, bringing together the relevant responsibilities from the mandates of the Committee *for* Economic Development, STSB, E&I, HSC, ESS and P&R (and reflecting the recommendation of the ongoing review as to whether or not the TLA should continue in its current form). It would arguably also make sense to include "Tourism" in the mandate of this Committee, although it could equally sit well alongside the reconfigured responsibilities for "Culture" and "Sport" outlined below.

4.4.12 This has a significant impact on the mandate of the Committee *for* Economic Development, and what is left is a much smaller Principal Committee (in terms of both budget and policy-making scope) than any of the others. Last term's States Review Committee strongly recommended that the Principal Committees should all be of similar size and scope, and we agree. We propose that this is addressed by reconfiguring responsibilities between the Committee *for* Education, Sport & Culture (ESC) and what remains of the Committee *for* Economic Development, as follows:

4.4.13 **2: Reconfigure the Committee *for* Economic Development as the Committee *for* Business, Sport, Culture & Digital**, bringing across the "sport and culture" elements



from ESC's mandate. For those interested in the history, the case for including sport and culture with education was made in section 5.5 of the July 2015 States Review Committee report. At section 5.5.20, the authors admitted that this arrangement was more subjective than many of the Committee mandates, recognising that *"responsibilities for sport and/or culture could be allocated other than in the way proposed."*<sup>4</sup>

4.4.14 States Members throughout this term have questioned whether the culture and sports aspects of ESC's mandate have been given the attention they deserve, in light of the scale of work required on education itself. The authors of this Requete consider that ESC have demonstrated real commitment to these areas of their mandate, despite the weight of their work on education. However, combining them with the scaled-back responsibilities of the Committee *for* Economic Development should only benefit their visibility and priority within the States' policy-making portfolio.

4.4.15 **3: Re-style the Committee *for* Education, Sport & Culture as the Committee *for* Education & Skills.** ESC already has a responsibility for skills development through education at all ages, and an important focus on lifelong learning. As sports and culture are transferred to Economic Development, we think that any remaining parts of the skills portfolio should be returned to ESC. Renaming the Committee simply gives a more public profile to this important area of its work.

4.4.16 The creation of a seventh Principal Committee would be perhaps the biggest change to the structure of government emerging from this Requete, but we consider it one of the most important. We think it is likely to be the only way to improve, on a lasting basis, the Bailiwick's policy approach to air and sea links, and to translate that into the provision of a core set of regular and affordable transport links within the Bailiwick, and between the Bailiwick and Jersey and the UK.

4.4.17 We also believe that the consequential changes to the Committee *for* Economic Development (or the future Committee *for* Business, Sport, Culture & Digital) and the Committee *for* Education, Sport & Culture (or the future Committee *for* Education & Skills) are not simply useful to balance the books in terms of Committees' size and scope, but will enhance both Committees' ability to deliver high-quality policy and services in line with their mandates.

#### 4.4.18 **Environment and Climate Change**

4.4.19 By contrast with the previous discussion, this is a simple matter. Climate change will be one of the defining issues of our era. The way that Guernsey responds to the risks arising from climate change, as well as the factors that threaten to make it worse, will shape the economic future of the island and the lives and livelihoods of current and future generations of islanders.

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<sup>4</sup> Deputy Gollop, at the time, brought an amendment which would have created a *Committee for Tourism, Retail, Sport & Culture* (SRC debate, July 2015). The case was not made because the amendment did not address the knock-on impact for other Committees. We believe the proposals set out here do so.

4.4.20 We recommend that the States formally recognise the significance and primacy of this issue by restyling the Committee *for the* Environment & Infrastructure as **the Committee *for* Climate Resilience, Environment & Infrastructure**.

4.4.21 **The States' Trading Supervisory Board**

4.4.22 The second report of the States Review Committee established the mandates of the Principal Committees in general terms, together with the creation of various other political bodies, including the States' Trading Supervisory Board (STSB). At the time, Deputy Al Brouard and Deputy Dave Jones brought an amendment, recommending that STSB as we know it should instead be the "Committee *for* Trading Supervision", with five States Members and two non-States Members.

4.4.23 At the time, Deputy Brouard argued that the States should not put "*1,200 staff, half a billion of assets and of major concern to the daily concerns of islanders ... in a peer group with the Transport Licensing Department and the IDC.*"

4.4.24 The idea behind the creation of STSB was that it should be a 'policy-taking' body, receiving direction from the policy-making Committees of E&I and Economic Development, in particular. It was to be a body responsible for operational oversight of organisations that were within States' ownership but did not require (or would not benefit from) direct political direction or intervention.

4.4.25 In practice, this is not how it has worked. STSB has (rightly) had a direct line to the States in respect of matters that fall within its mandate. Although it has collaborated with Economic Development and E&I on the delivery of various policies, the dividing line between Committee responsibilities has not always been clear or (as illustrated above, in the case of air links) necessarily beneficial to islanders.

4.4.26 We consider that **the argument for establishing STSB as a full Committee of the States (as set out in the Brouard/Jones amendment), together with any consequential changes to mandates or working practices that would be required** should be revisited in the next States.

4.4.27 **The Authorities: DPA and TLA**

4.4.28 The States agreed to review the role and constitution of the Transport Licensing Authority (TLA) in 2018 (during the debate on Open Skies). In 2019 (during the debate on the Island Development Plan Requete), the States also agreed to review the constitution and quasi-judicial nature of the Development & Planning Authority (DPA).

4.4.29 Both Authorities were created at arm's length from a policy-making Committee (E&I in the case of the DPA; Economic Development in the case of the TLA), in order to make 'quasi-judicial' – that is, inherently *non-political* – decisions on matters that are prescribed by policies of those Committees. Both Authorities are populated by five

States Members. The fact that the States has already accepted the need to review the role of both Authorities indicates that this element of the new structure of government is not working as effectively as might have been hoped.

- 4.4.30 This Requete does not seek to duplicate the work that is already being done in respect of both Authorities. We reference it here simply for completeness.

#### 4.5 COMMITTEE MEMBERSHIP

##### 4.5.1 Size

- 4.5.2 The question of Committee size was explored during the States Review Committee's first and second reports, and considered again in 2018 during a debate on updates to the Rules of Procedure.

- 4.5.3 Nevertheless, the authors of this Requete consider that **the arguments in favour of three-person States' Committees should be revisited**. We do not consider that the Policy & Resources Committee could be reduced to three members, particularly given the issues addressed above. However, we think that all other Committees could work equally effectively with 3 members, and that this would improve efficiency without detriment to the quality of policy-making.

- 4.5.4 Given that this Requete could lead to the creation of up to three new States' Committees (in the order mentioned: a Treasury Committee, a Public Accounts Committee, and a Committee *for* Air & Sea Links & Tourism), we think it is all the more important to consider whether three-person Committees would be a better way of enabling the States to discharge the full breadth of its mandate.

##### 4.5.5 Appointments and Resignations

- 4.5.6 We also think that the question of how Members are appointed to, and resign from, Committees bears further consideration.

- 4.5.7 In particular, we invite the States to consider **whether a President and her chosen Committee should be elected together**. The most straightforward way to achieve this would be by electing a President and up to four Committee members (depending on Committee size) as a single slate. This would require Presidential candidates to have gained a firm commitment from States Members willing to serve on their Committee at an earlier stage than at present, which may be difficult. However, in a Committee system of government, the credibility of a Committee depends not just on its President but on all those who serve with her – accordingly, this approach could provide a healthy dose of transparency at the time when the States is making its initial choice.

- 4.5.8 There is no reason why slates should be mutually exclusive: a States Member who is willing to serve on a Committee under one President might equally be prepared to serve under another – because of subject matter expertise or a deep interest in the

Committee's mandate – and the Rules should allow candidates to put themselves forward on more than one President's slate.

- 4.5.9 An alternative would be for the President to *declare* her slate at the time of her own candidacy, but for Committee members to be elected separately, in potentially-contested elections, as at present. This would have the same benefit of transparency as above, but would lack any of its other benefits.
- 4.5.10 Specifically, those who criticise the Committee structure often do so because it is more slow-moving and indecisive than they imagine Ministerial government would be. To the extent that this is true, we could help to close the gap between the two systems by allowing Presidents to operate with a hand-picked team from the outset. This would also enhance the perception that the whole team, not just the President, is accountable for the Committee's performance or failure to perform.
- 4.5.11 There are also possible hybrid forms of this option, where (depending on the Committee's size) the President could stand with a partial slate and one or more empty seats, which could be filled by a contested election from the floor of the States. We leave it to the discretion of the Investigation & Advisory Committee to decide whether they wish to consider any of these.
- 4.5.12 If the concept of a 'Committee slate' is introduced, then the concept raised and rejected in the 2018 debate on the Rules of Procedure – that is, that **a President's resignation should trigger the resignation of the whole Committee** – should also be revisited. If all Committee members are elected together with their President, the argument that they are bound to resign with her is much stronger.

#### 4.6 **POLICY AND LEGISLATIVE DEVELOPMENT**

- 4.6.1 Three issues need briefly to be addressed under this heading: the availability and quality of resources for policy development; the same for legislative development; and States Members' preparedness for the unique responsibility of Corporate Parenthood.
- 4.6.2 **Policy Development – Availability and Quality of Resources**
- 4.6.3 The States Review Committee recognised that policy development resources are limited across the States. It argued (in para 6.4.14 of its second report) that *"maintaining [policy, research and communications] resources in a 'centre of excellence' and deploying them to committees when necessary may well be the only credible and affordable way of ensuring there is adequate capacity across the States."*
- 4.6.4 For context, it needs to be understood that States Members (unlike politicians almost everywhere else) have no independent access to research or support in policy development. In developing policy for the Island, we can only rely on whatever knowledge and understanding we ourselves happen to have, together with

the advice provided to us by the civil service. This means there is already one important knowledge gap when it comes to policy development.

- 4.6.5 The centralisation of policy development resources means that policy officers across the States are "generalists", available to be deployed on whatever policy area is a priority for the States at the time. However, this substantially underestimates the importance of subject matter expertise in informing policy development and establishing possible future options. For example, an officer working on the General Election needs to be fully conversant with the context of local politics, alongside the international conventions relating to the operation of democracy which apply in Guernsey. An officer considering land use policy needs to understand the eternally complex world of development and planning, from its legal dimensions to its physical realities.
- 4.6.6 It is not enough that a policy officer knows how to read evidence intelligently, and how to adapt to a new task. Without subject matter expertise, an officer working on health policy – for example – may not even know where to find credible evidence about what works in health, let alone begin to make sense of it. A generalist may not be aware of the various ways climate change may impact different areas of policy and may not realise the serious impact it can have on healthcare systems and therefore won't factor it in. Knowing who to ask is one thing, but knowing whether to ask it in the first place is the fundamental problem.
- 4.6.7 This mattered less before the 2019 restructure of the senior civil service. Generalist policy officers working to a Chief Secretary who had extensive subject matter knowledge of the areas within the Committee's mandate could rely on the guidance of (and Committees could themselves rely on the quality control provided by) a more experienced and knowledgeable senior officer.
- 4.6.8 However, the restructure has stripped out the role of Chief Secretary, replacing them with Strategic Leads whose mandates are so broad ("People", "Place" and "Supporting Government") that the idea they can develop meaningful subject matter knowledge of all the matters within their remit is wishful thinking at best. They have also been isolated from operational delivery, further weakening their chances of getting to know how policy works in practice.
- 4.6.9 The upshot of the 2019 restructure is that there is now likely to be no subject matter expertise at political level, no subject matter expertise at the level of senior leadership, and no subject matter expertise at policy officer level. If this is allowed to continue for long, it will precipitate a crisis in the quality of local policy-making that will seriously damage our ability to be effective as a government.
- 4.6.10 As politicians, we are lay people who rely to a great extent on knowledgeable, professional advice from the officers who serve our Committees. It is essential that those officers are able to build up in-depth knowledge of the matters within the mandate of the Committee, and the wider field of expertise in those areas, in order to develop workable, affordable and appropriate solutions to the challenges the

Island faces. If that is no longer to sit with Chief Secretaries, it must at least be allowed to sit with policy officers, who can build up a strong base of subject matter knowledge from which to advise their political Committees.

- 4.6.11 We recommend that the next States looks at ways to ensure the right balance between centralisation and the level of subject specialism necessary to ensure that Committees are able to discharge their mandates well. In the absence of broader structural changes, we think it will be necessary at least to **establish a permanent core of policy officers with relevant subject matter expertise within each Committee**, in order to facilitate sensible policy development. As part of this, we think it would be appropriate to clarify the type of professional experience and/or higher qualifications which are needed by policy officers to each Committee, and/or the forms of on-the-job training or CPD that would help to develop generalists into subject matter experts.

4.6.12 **Legislative Prioritisation and Drafting**

- 4.6.13 At present, the Law Officers' Chambers provide a diverse range of legal services to the States, including legal and constitutional advice on policy development and other Committee business; drafting the Island's laws; advice on employment law; prosecution of crime; civil litigation; and coronial services, among others. They advise the States as a whole, the public sector, political Committees, and individual States Members as parliamentarians.

- 4.6.14 The Law Officers are Crown appointees and are not answerable directly to any Committee of the States. They seek to provide an impartial service to all States' Committees. In terms of budget-setting and other logistical matters, their link to the States is through the Policy & Resources Committee, which also leads the process of prioritising the drafting of legislation in accordance with the Resolutions of the States.

- 4.6.15 This relationship is, inevitably, not without its difficulties. The pace of legislative drafting has been a recurrent frustration throughout this term; but while the States asks for more from the Law Officers' Chambers, it also requires them to deliver within the budget limitations it sets. This is, perhaps, the biggest structural issue: while P&R are the conduit for bringing the Law Officers' budget to the States, they necessarily apply the same amount of scrutiny and challenge to it as they do to the budget of any States' Committee; however, unlike other States' Committees, the Law Officers do not have a voice in the States to make their own case.

- 4.6.16 **It is worth taking this opportunity to consider whether there are alternative models for, or other opportunities to strengthen, the working relationship between the States and the Law Officers' Chambers** (including those used in Jersey and in the UK) which might address some of the tensions in the current structure, and allow for better mutual understanding and more efficient working between the States and its legal advisers. We understand that some work was done earlier this

term to develop a Memorandum of Understanding, which should be the starting point for these considerations.

#### 4.6.17 **Corporate Parenting**

- 4.6.18 On election, all States Members become "Corporate Parents". This means that we have collective responsibility for the children who are in the care of the States (as, in the words of the Children (Guernsey & Alderney) Law, 2008, any "*child in the care of the States is entitled to be provided with, and may expect to be subject to, insofar as is practicable, similar levels of care, protection, guidance and control as would be expected to be provided or exercised in respect of a child by reasonable parents*").
- 4.6.19 In practice, States Members have no direct involvement in the lives of children in care; nor should we expect to. However, in formulating policy and overseeing the delivery of services, we have a duty to ensure that the right kinds of support and opportunity are in place to give every child in care the same security, encouragement and chance at a good life that we would give to our own children.
- 4.6.20 Corporate Parenting is a common concept in the UK, where local councillors have access to training and support to help them discharge the role as effectively as possible.
- 4.6.21 Just as parenthood is central to the daily lives of those of us who are parents, so Corporate Parenthood should be central to our sense of ourselves and our responsibilities as States Members. This is not just about being trained on the responsibilities of the role, but finding ways to integrate it at the heart of everything we do – from regularly giving it space on Committee agendas; to developing policy that we know will improve the lives of children in (and young adults leaving) care; to finding ways to make sure that the voices of children and young people with experience of States' care are heard in our policy-making.
- 4.6.22 **We recommend that the next States explore ways to integrate the role of Corporate Parenting in the day-to-day work of States Members, learning from approaches among local authorities in the UK**, whether through induction or ongoing training; regular inclusion in Committee agendas; or such other ways as they see fit. We believe this is an area that would benefit from some guidance and standardisation of approach across Committees, in order to ensure it is given the priority it deserves.

#### 4.7 **TITLES**

- 4.7.1 The last matter to be raised is, comparatively, a minor one. The States Review Committee reintroduced the title of "President" for the politician chairing each States' Committee. It's a title with a long heritage in Guernsey politics, but – as a number of States Members raised at the time – not one that has much currency outside Guernsey.

- 4.7.2 The main argument in favour of the title of "President" was that the alternative, "Minister", gave the false impression that Guernsey had an executive, rather than Committee-based, system of government. This argument was probably more keenly felt at the time, because the very first choice the States had to make last term, in respect of the States Review Committee's reports, was whether it wished to retain an improved Committee-based form of government or to move to an executive system.
- 4.7.3 In practice, the title of President has proven to be unhelpful outside Guernsey. The President of P&R has been able to use the titles Chief Minister or Prumier internationally, and has chosen to make use of a more accessible title whenever needed. Other Presidents have not had this flexibility. **We recommend that the next States consider the reintroduction of the title of 'Minister' in place of 'President'** for the heads of each Committee.
- 4.7.4 We consider that it may also be helpful to establish some protocol for the use of the term "States of Guernsey", which is used for everything from the parliament to the public sector; and/or to give consideration to establishing a wider range of terms, commonly understood within and outside Guernsey, to clarify the functions of the States – for example, reinforcing Guernsey's Committee-based system of government by a minor tweak to Principal Committee titles (which could become the "Government Committee *for...*") or introducing "Guernsey Parliament" as an alternative permissible term for the States of Deliberation.

#### 4.8 COMMUNITY AND PARISH DEMOCRACY

##### 4.8.1 Citizens' Assemblies

- 4.8.2 A constant criticism of the States of Guernsey is that it does not listen to the public. Whether valid or not, it is clear that there is no mechanism at present whereby the views of a large cross-section of the community can be heard in any meaningful way on a particular subject. Some excellent work has been done on specific areas that target a group of interested parties, such as in the development of Joint Strategic Needs Assessments by Public Health. However, it could be said there is a democratic deficit in terms of key issues that are of interest to the wider population, and to which the wider population could usefully contribute their knowledge and judgment. One such area this term may be air and sea links, for example – which has stimulated considerable public debate, but with no meaningful opportunity for those who are interested in doing so to contribute towards finding solutions.
- 4.8.3 In 2016, the Irish Government established the concept of a Citizens' Assembly to consider a limited but diverse range of topics from fixed-term parliaments to climate change. Constituted in law, the Citizens' Assembly is a body comprises a Chairperson and 99 citizens, randomly selected to be broadly representative of the Irish electorate, established to consider some of the most important issues facing Ireland's future. It would be worthwhile considering whether, in Guernsey, a similar kind of Citizens' Assembly could be established towards the beginning of each States'



term, perhaps with the Policy & Resource Plan process used to identify a few critical topics which will form the basis of its agenda throughout that term.

- 4.8.4 A Citizens' Assembly needs to be big enough to fairly represent the views of society. Although Guernsey is much smaller than Ireland, a proportionate reduction in the size of the Citizens' Assembly means that it would fail to fulfil this role. Likewise, involving a real cross-section of society (achieved by some form of sortition – randomised selection from various representative groups – if not complete randomisation) would continue to be important. Beyond that, it would be helpful to consider how the model of a Citizens' Assembly could be adapted for Guernsey's political system, and if or how it could be resourced.
- 4.8.5 Without wishing to pre-judge the outcomes of discussions between Guernsey and Alderney about the future relationship between the two Islands, it is possible that a Citizens' Assembly which includes a decent level of representation from Alderney might be one tool that helps to bring the communities of the two Islands closer together in a spirit of dialogue and mutual collaboration.
- 4.8.6 **We recommend that the concept of a Citizens' Assembly, in whatever form is appropriate to the Bailiwick, is considered by the next States.**
- 4.8.7 **Douzaines**
- 4.8.8 It might also be appropriate to consider whether there are routes, either through a Citizens' Assembly or by other means, to engage better with the Douzaines in the next term of government; given that, unless a conscious effort is made to the contrary, the introduction of Island-Wide Voting is almost certain to diminish the role of the parishes in local democracy.
- 4.8.9 One option might include a review of their respective roles and responsibilities by both Committees and Douzaines, to consider whether any of these would be better delivered at parish, rather than at island, level, or vice versa. However, the democratic character of the Douzaines varies from parish to parish, with differing levels of awareness of parish elections, and differing levels of engagement in parish activities.
- 4.8.10 In order to keep faith with its own responsibility to the electorate, the States would need to consider setting minimum standards in respect of the democratic character of the Douzaines, before proposing the transfer of any roles or services. Such standards might include, for example, minimum levels of voter turnout in parish elections; the development of a code of conduct and complaints process; requirements to demonstrate that parishioners can easily access information about Douzaine business in hard copy and online; and so on.
- 4.8.11 The role of the parishes following island-wide voting is a matter which clearly links to questions about the structure of government. However, it could almost be the subject of a whole review in its own right. As a first step, **we recommend that the**

**concept of a Parish Charter, which could allow for the devolution of certain responsibilities to the parishes which meet a clear set of democratic standards (that promote parish-level accountability and transparency), should be explored.**

## **5 STATES' INVESTIGATION AND ADVISORY COMMITTEE – REMIT AND MEMBERSHIP**

- 5.1 Having set out what we believe are the lessons to be learned from the current structure of the States – and outlined some ways in which we think that structure could be further improved – the final part of this Requete sets out the mechanism by which we think those changes should be made.
- 5.2 As explained above, we think it would be better if any significant changes to the structure of government were made mid-term, so that an experienced States can oversee their implementation and ensure that they bed in properly. This is preferable to making changes at the same time as an Election, after which a brand-new States has to try and get the best out of the system it has been landed with.
- 5.3 This approach will also allow the new States to add its own perspective and experience to those of the current States, and to ensure that it agrees that any changes made are appropriate and will be effective.
- 5.4 We are therefore proposing that a **States' Investigation & Advisory Committee be set up in March 2021** (nine months into the next States' term). Investigation & Advisory Committees are governed by Rule 53 of the States' Rules of Procedure. They are Committees which are set up with a defined purpose, and dissolved once that purpose has been achieved.
- 5.5 In this case, the remit of the States' Investigation & Advisory Committee will be **to consider the areas where the current structure of government falls short of the aims first set out in the 2014 States Review Committee report (to provide for effective leadership, sound coordination of policies and resources, proportionate checks and balances, and sufficient flexibility to adapt as circumstances change) and the changes that could be made in order to improve it.** The Investigation & Advisory Committee must consider, as a minimum, the issues set out in this Requete (as amended, if need be) and the solutions proposed alongside them; and determine which, if any, of the changes outlined here it wishes to recommend to the States.
- 5.6 The propositions in the prayer of this Requete provide for the next Policy & Resources Committee to bring forward proposals for the appointment of the Investigation & Advisory Committee in due course, and to enable the next States to consider and amend its terms of reference at the same time.
- 5.7 Without knowing who will be in the next States, we can't be too prescriptive about the membership of the Committee. However, we think it will be important for the States' Investigation & Advisory Committee to contain members with diverse experiences of government, and a blend of newer and older States Members.

- 5.8 We therefore propose that the Committee should be made up of **6 States Members**:
- **At least 1 Member who has had experience of at least two terms of government; and**
  - **At least 2 additional Members who have had experience of at least one term of government.**
- 5.9 In addition, the Chair should be the President or a Member of P&R. We would encourage the next States to ensure that the membership of the Investigation & Advisory Committee includes a balance of members with (current or past) experience of Principal Committees; experience of other States' Committees; and experience of Scrutiny roles.
- 5.10 We have recommended that the new Committee be set up nine months into the new term. This is in order to allow new States Members time to get accustomed to their roles, and to develop their own views on what works and what does not. The Committee will then need to **report back to the States no later than February 2022**, in order that any changes it has recommended can be implemented before the 2022 summer recess (which marks the mid-point of the term).
- 5.11 If some of the proposals in this Requete are followed through, there may be a need for additional elections and restructuring of political and staff-level responsibilities. We strongly recommend that the States seek to complete this before the summer of 2022, so that the changes have the time to bed in effectively over the following recess period, and become established during the last two years of the States' term.
- 5.12 Although this may cause some disruption, we think an experienced States, in the middle of its political term, will be much better positioned to manage this, and to smooth out any difficulties, than if the changes were imposed on a brand-new States at the very start of their term. This approach also allows for careful forward-planning and political consultation, which will help to ensure any changes are managed inclusively and transparently, to a greater extent than some of the major changes, affecting the delivery of government, which were made in the middle of this term.

## **6 RESOURCES**

- 6.1 At this stage, the only resource implication arising from this Requete is the need for a limited staff resource (estimated as one policy officer and one administrative support officer) to support the work of the States' Investigation & Advisory Committee for a period of one year from March 2021 to February 2022, up to and including the drafting of a policy letter. We are advised that the cost of these two roles could be up to £134,000 for the year, with non-pay costs of up to £20,000. However, we understand that if these roles are filled by secondment (which appears reasonable given that the work will benefit from existing familiarity with the States), supported by backfill as necessary, these costs could be reduced.

- 6.2 If the States approves this Requete, it will be for the Policy & Resources Committee to make provision for the necessary funding in its 2021 States Budget. No funding is expected to be required during this budget cycle.
- 6.3 In respect of the longer term financial picture, it is likely that some of the changes arising from this Requete will have cost implications of their own. In staffing terms, these are likely to be relatively limited, as the civil service changes this term mean that staffing infrastructure is shared between Committees and (for better or worse) will be minimally affected by the creation of one or more new Committees. In political terms, it may be necessary to fit new roles into the existing pay structure for a period, until the next independent review of pay, which could create a short-term cost pressure. However, the approach set out in this Requete will allow costs to be identified and planned for well in advance by the next States.
- 6.4 Equally, some of the changes arising from this Requete, such as the more streamlined management of air and sea links, or even a more dedicated focus on financial scrutiny, could result in considerable savings and benefits to the island. It is difficult to quantify any such costs or savings at this time, as these will all rely on the final recommendations made by the States' Investigation & Advisory Committee in due course.

## **7 RULE 4 INFORMATION**

- 7.1 In accordance with Rule 4(1), this Requete has been submitted to Her Majesty's Procureur for her advice on any legal or constitutional implications.
- 7.2 In accordance with Rule 4(3), the financial implications of this Requete are set out at section 6 above.
- 7.3 In accordance with Rule 4(4), all seven Requerants agree that the issues outlined in this Requete are significant and require further consideration by this and the next States. We differ among ourselves in some of the solutions we prefer, but all agree that the creation of a States' Investigation & Advisory Committee to assess and recommend the way forward is the best way to proceed.
- 7.4 In accordance with Rule 4(5), the proposals in this Requete seek to improve the effective working of government, which is the foundation on which all the States' work is built. The authors of this Requete are presenting these proposals as the framework for a debate about possible improvements to our existing structure of government. For this reason, while we have not carried out extensive consultation prior to publication of the Requete, we are inviting Members to engage with it fully, and will be offering an open meeting in January to States Members who wish to discuss it further and consider possible amendments ahead of debate.

## **8 CONCLUSIONS**

- 8.1 This Requete has outlined some challenges with the current system of government, which its authors believe can and should be addressed. The Requete debate offers us, as a States, the chance to bring together our "lessons learnt" from this term, and to pass them on to the next States, in the hope our successors will use them to do better than we have done.
- 8.2 The authors of this Requete consider that the changes mapped out during the 2012 to 2016 States' term, and implemented this term, have done much to improve the working of Guernsey's Committee-based structure of government, and have no wish to see them lost because of a few areas where they are imperfect. The proposals, and the process, set out in this Requete allow for gradual evolutionary change in the States' structure, keeping the best of what we already have, and tackling the areas where it still has room to improve.
- 8.3 Rather than forcing changes on the next States which they may consider unnecessary or unhelpful, and which we ourselves have not had the time to try and test, this Requete proposes an approach in which this States pulls together its accumulated wisdom from this term, giving the next States both the information (through this Requete) and the mechanism (through the States' Investigation & Advisory Committee) to turn them into practice.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to:

1. Agree that, in order to improve the effective working of Guernsey's structure of government, this States and its immediate successor should consider:
  - a. Whether the dominance of resources over policy within the Policy & Resources Committee should be addressed, either by the creation of a separate Treasury Committee, or the establishment of a Chancellor role within the Policy & Resources Committee, or by another solution;  
**(paragraphs 4.2.3 to 4.2.15)**
  - b. Whether to make further structural changes in order to improve the effectiveness of channels of communication between the Policy & Resources Committee and other States' Committees, either by the creation of a political Strategic Forum, or by another solution;  
**(paragraphs 4.2.16 to 4.2.26)**
  - c. Whether further changes are required to the current political arrangements for oversight of the civil service and/or the role of the States as Employer;  
**(paragraphs 4.2.27 to 4.2.31)**
  - d. Whether the restriction on non-States Members of the Policy & Resources Committee should be lifted;  
**(paragraphs 4.2.32 to 4.2.37)**
  - e. Whether the lack of dedicated political scrutiny of States' finances and fiscal strategy should be addressed, through the creation of a separate Public Accounts Committee or otherwise;  
**(paragraphs 4.3.1 to 4.3.8)**
  - f. Whether the current dispersed political responsibility for air and sea connectivity should be addressed, by the creation of a single Committee responsible for air and sea links and tourism (with consequential changes to the mandates of other States' Committees), or by another solution;  
**(paragraphs 4.4.3 to 4.4.17)**
  - g. Whether a visible political commitment to addressing climate change should be reflected in the name of the Committee *for* Environment & Infrastructure;  
**(paragraphs 4.4.18 to 4.4.20)**
  - h. Whether the constitution of the States' Trading Supervisory Board in terms of political membership, and the current lack of clarity about what it means to be a 'policy-taking' committee, should be addressed;  
**(paragraphs 4.4.21 to 4.4.26)**
  - i. Whether the question of Committee size should be revisited;

**(paragraphs 4.5.2 to 4.5.4)**

- j. Whether the question of Committee Members being elected together with, and/or resigning alongside, their Committee President should be explored;  
**(paragraphs 4.5.5 to 4.5.12)**

- k. Whether a lack of subject matter expertise within the policy-making function of the public sector should be addressed;  
**(paragraphs 4.6.2 to 4.6.11)**

- l. Whether there may be possible alternative models for the relationship between the States and the Law Officers' Chambers, which might improve its effectiveness;  
**(paragraphs 4.6.12 to 4.6.16)**

- m. Whether there may be opportunities to better integrate States Members' Corporate Parenting responsibilities within their Committee and States' work;  
**(paragraphs 4.6.17 to 4.6.22)**

- n. Whether to reintroduce the title of 'Minister' in place of 'President'; and  
**(paragraphs 4.7.1 to 4.7.3)**

- o. Whether to develop alternative titles, or clarify the use of existing titles, in respect of the States and its Committees;  
**(paragraph 4.7.4)**

- p. Whether to establish a Citizens' Assembly in a form appropriate to Guernsey;  
**(paragraphs 4.8.1 to 4.8.6)**

- q. Whether to develop a Parish Charter or similar, which might allow for devolution of certain responsibilities to the Douzaines, on condition of meeting minimum standards for democratic accountability and transparency at parish level.  
**(paragraphs 4.8.7 to 4.8.11)**

2. Direct the Policy & Resources Committee to bring a policy letter to the States for consideration no later than the end of February, 2021, which shall include:
  - a. A copy of this Requete, together with a proposition inviting Members to agree that the issues set out in Proposition 1 [as amended, as the case may be] and Section 4 of this Requete should be addressed; and
  - b. Propositions enabling the election of Members to the States' Investigation & Advisory Committee required by Propositions 3 – 8 below.
3. Resolve that a States' Investigation & Advisory Committee shall be established no later than March, 2021, to consider the areas where the current structure of government falls short of the aims first set out in the 2014 States Review Committee report (effective leadership, sound coordination of policies and resources,

proportionate checks and balances, flexibility to adapt) and the changes that could be made in order to improve it; and to agree that the Committee must consider, as a minimum, the issues set out in this Requete (as amended, if need be) and the solutions proposed alongside them, and determine what changes, if any, it wishes to recommend to the States.

4. Resolve that the membership of the States' Investigation & Advisory Committee shall comprise 6 States Members including:
  - a. At least one Member, elected by the States, who has already served a minimum of two complete terms of government; and
  - b. At least two further Members, elected by the States, who have already served a minimum of one complete term of government; and
  - c. Three further Members, elected by the States.
5. Resolve that the Chair of the Committee shall be the President or a Member of the Policy & Resources Committee and shall be elected by the States on the nomination of the Policy & Resources Committee.
6. Agree that the Policy & Resources Committee may make nominations for the remaining five seats on the Committee, which may also have nominations from the floor of the States; and that, in preparing its nominations, the Policy & Resources Committee must seek to ensure a balance of members who have had current or past experience of Scrutiny roles, of roles on Principal Committees, and of roles on other States' Committees.
7. Direct the Policy & Resources Committee to make arrangements to provide a budget (estimated at a maximum of £150,000 for one year) and administrative support of the States' Investigation & Advisory Committee from March 2021 to February 2022.
8. Direct the States' Investigation & Advisory Committee to present its recommendations to the States for debate no later than the end of February, 2022.



AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY

This      day of December, 2019.

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Deputy H J R Soulsby

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Deputy J A B Gollop

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Deputy M K Le Clerc

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Deputy R G Prow

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Deputy H L de Sausmarez

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Deputy N R Inder

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Deputy E A McSwiggan