

Date: 25 October 2017

Subject: Governance Review Feedback

1 Introduction

- 1.1 This Review follows earlier external reviews which identified a range of options for change. For a variety of reasons, including cost and divisive political impacts, it was decided not to pursue these earlier options but, instead, to internally construct recommendations that were easily implementable without the need for external costly consultants.
- 1.2 In January 2017, the Policy and Finance Committee, therefore, set up a Governance Committee under the Chairmanship of the President. Because of the need for easily do-able actions the Committee confined its investigations to measures centred on the wider existing States' committee system. The Committee decided that the outputs and proposals that emerged would be put to a wider consultation within the community before it presented its finding to the full States.
- 1.3 In July 2017 the Committee decided that this public consultation would centre on a 'Green Paper' with proposed changes focused on:
- A streamlined decision making processes;
 - Improved political challenge and debate;
 - A process for Identifying clear priorities so that the States could direct most of its attention to those areas;
 - Adding stability to political structures, including links with Guernsey; and
 - Enhanced openness and transparency.
- 1.4 It was also agreed that any changes should be capable of being delivered in a cost-effective way using the Civil Service and with only limited external support.
- 1.5 In August 2017, a Consultation Document was published. Members of the public were given until 30th September to respond to the Document and a questionnaire. The Consultation Document was, additionally, an Agenda Item at the Policy and Finance Committee meeting held on 27th September.
- 1.6 The Consultation Document was met with a mixed reception at that P&F Meeting. Many members were unhappy that the Governance Committee had not consulted with them directly earlier and there was a call by some members to abandon the review process. It was nonetheless agreed that the public consultation process would be completed. The Governance sub-committee, itself, took the view that public consultation and not deliberations amongst elected States Members was the appropriate approach. States Members should, of course, have the opportunity to consider the recommendations, but only after the public reaction had been analysed.
- 1.7 It is in this paper that this public feedback is reported. The Governance Committee accepts that the States of Alderney may not want to proceed with all of the recommendations and recognizes that some of the recommendations are divisive.

The Governance Committee is, nonetheless, asking that P&F requests a debate without resolution in the full States and, depending on the views expressed at that meeting, a timetable for implementation is agreed for those items that meet with States members' approval

2 Feedback summary

2.1 A total of 170 responses were received from a mailshot to all households. Respondents were asked to indicate a positive or negative response to 18 questions as well as the opportunity to provide comments. This paper sets out the response to each question plus a selection of the comments.

2.2 The questions were grouped to address the following issues:

- 1) Lack of effective scrutiny;
- 2) Vision and strategy;
- 3) Remuneration;
- 4) Political stability;
- 5) Representation in Guernsey;
- 6) Openness and transparency; and
- 7) Ethics and conduct.

2.3 The majority response for every question was positive in support of the change proposed. A number of people commented positively on the consultation process and document and these outweighed those who were negative about the process.

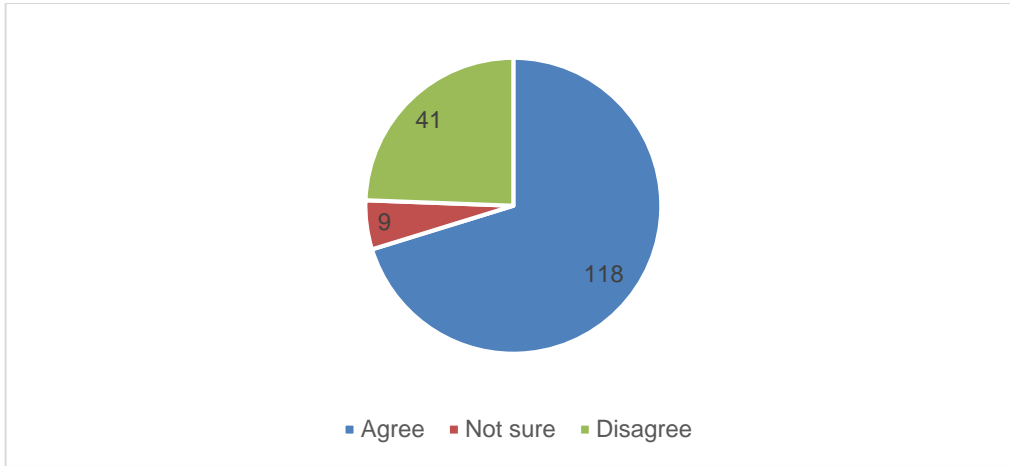
2.4 The summary feedback is shown by section below together with a range of comments collated from those who chose to provide them. The balance of the comments does not necessarily resonate with the feedback in every case as not every respondent made a comment.

3. Lack of Effective scrutiny

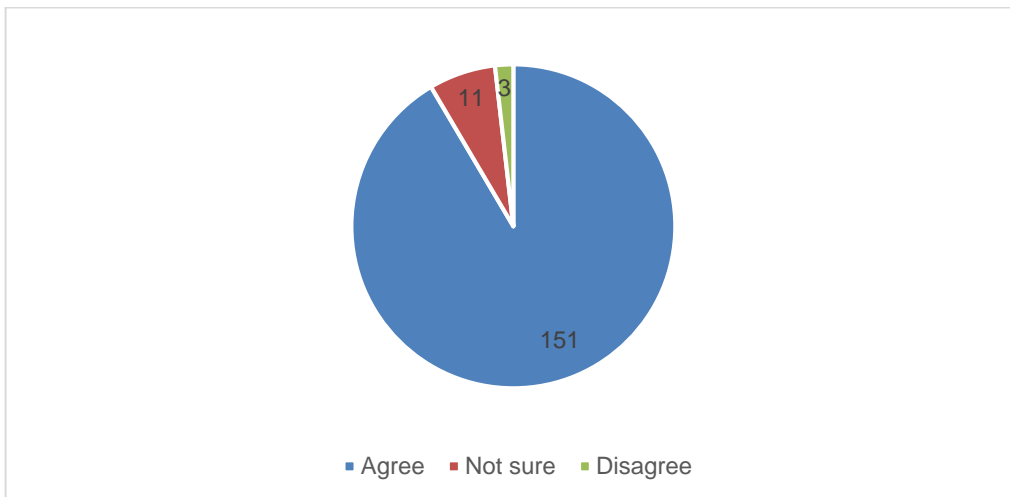
3.1 The responses indicate broad support for the proposals for more effective scrutiny. About 25% of respondents do not agree with the proposal to move to a smaller Policy and Finance and the written responses were divided between those who think a smaller committee of 3, 4 or 5 is a good idea to those who feel it would be divisive.

3.2 Moving more debate to the States with more guidance on effective scrutiny received a very positive response.

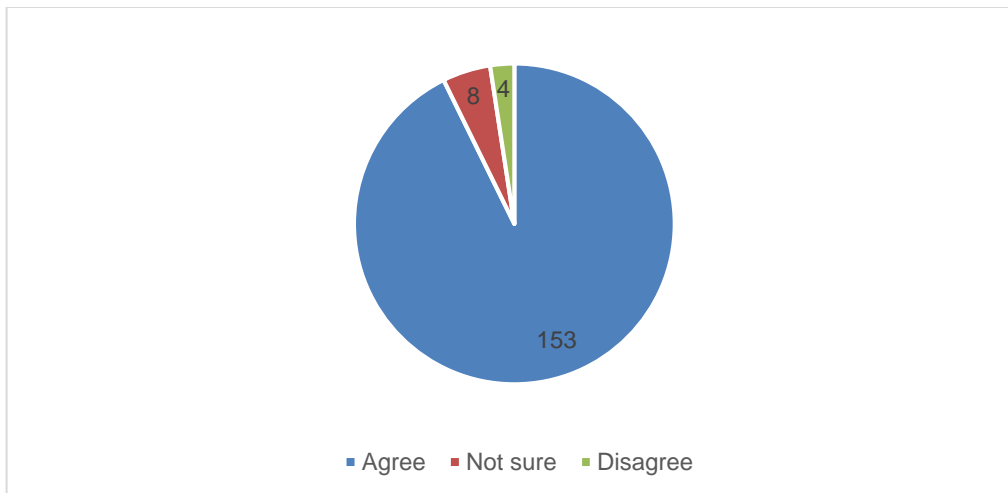
Question 1: From 1 January 2018, the Policy and Finance Committee to be reduced to five members with an open invitation for any other States Member to attend as observer unless matters are confidential.



Question 2: States meetings should be used to debate, challenge and scrutinise policy proposals and matters referred from the Policy and Finance Committee through effective use of established Rules of Procedure.



Question 3: Guidance and support on effective scrutiny to be provided to new and continuing States Members.



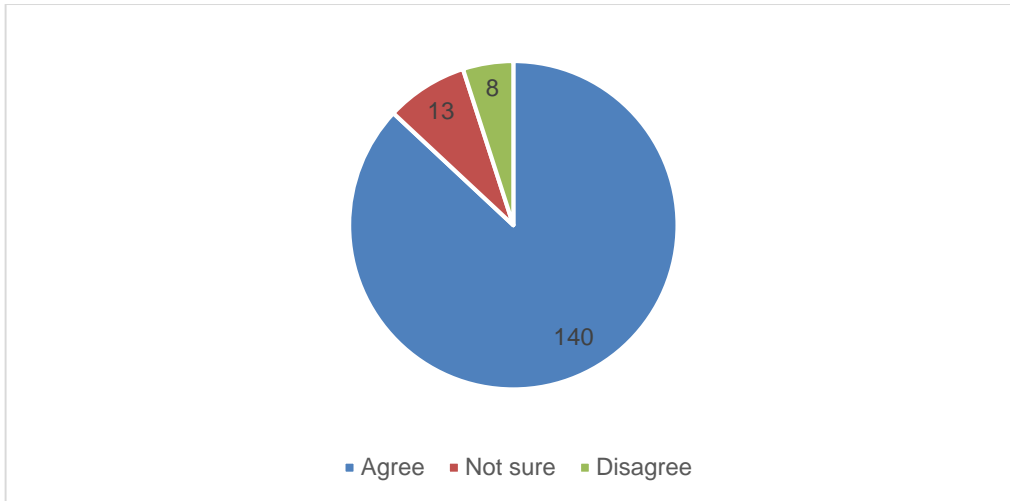
Selected Comments from this section of 3 questions

- Will produce a 2 tier States system;
- Would be a much better balance.
- Yes, provided that they are elected properly by the States;
- How will effective scrutiny be ensured?
- P & F should propose matters for the States rather than agreeing policy;
- Will require more States meetings;
- Scrutiny should be independent of SoA;
- Would add too much burden to a smaller group;
- 5-member P and F was a divisive disaster when tried before;
- Keep P and F at 10 members.

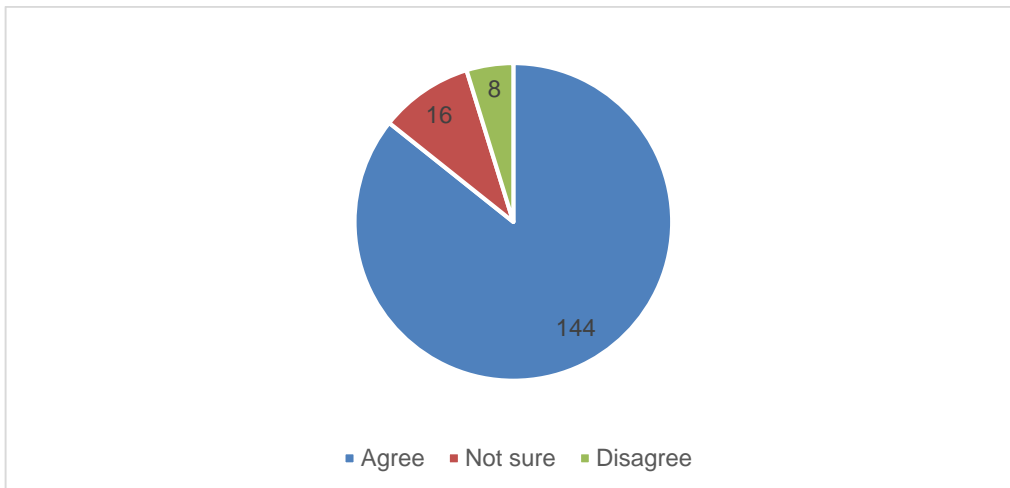
4. Vision and Strategy

- 4.1 Feedback on the need for a vision and strategy with a business plan was very positive and a number of responses referred to the lack of a policy framework at present. Many respondents were of a view that this should be an ongoing process and a number pointed out that there had been previous exercises and questioned why these had stalled.
- 4.2 The major concern raised in several responses is not about the process but about the ability of the States to implement a plan once developed. There were issues raised about the capacity of a small civil service to deliver this but a resistance to continually rely on outside consultants. Use of skills within the public to help the States was suggested by some as a solution to part of this.

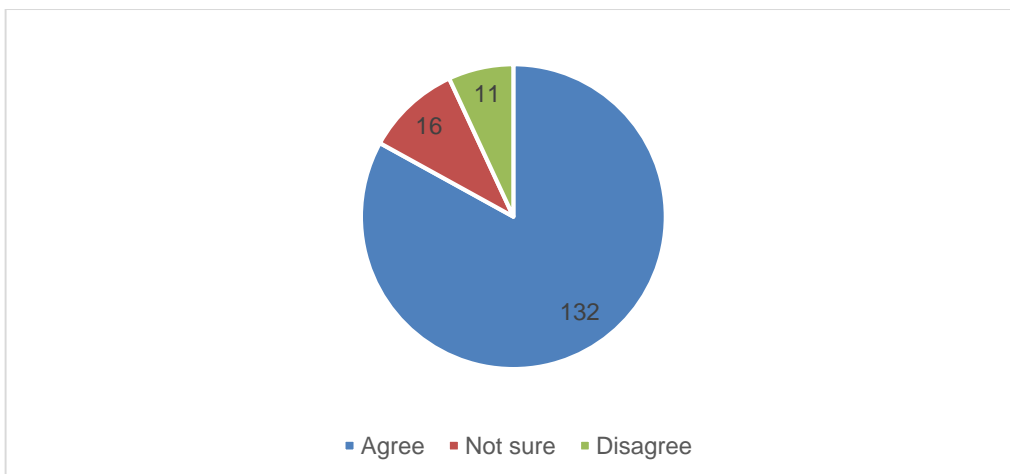
Question 4: The States should agree a shared vision for the next 4 years together with a series of high level objectives. These should be translated into a business plan with measurable outcomes which will provide the basis for the States business agenda.



Question 5: The business plan should be reaffirmed by the States annually and subject to a full review and debate every four years, in the year following an election.



Question 6: The Policy and Finance Committee agenda should be reviewed to focus on strategic priorities with delegation of routine operational matters to the civil service.



Selected Comments from this section of 3 questions

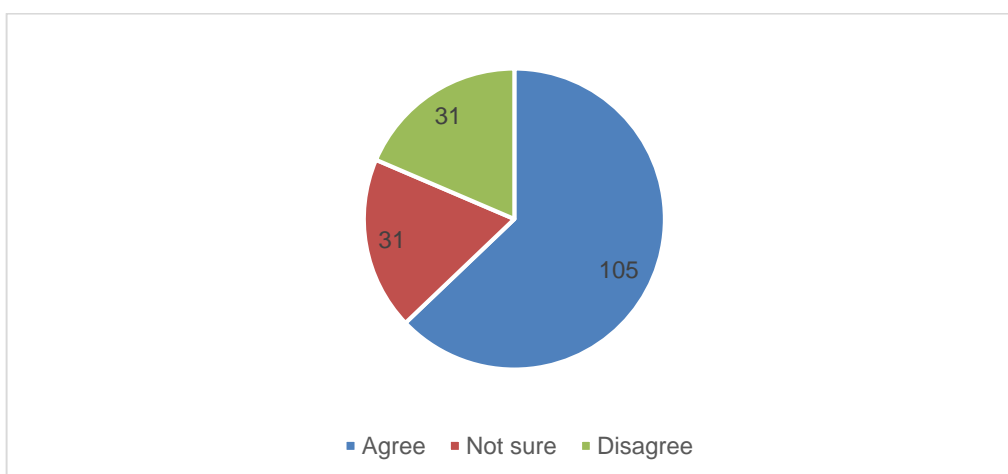
- P and F should submit strategic priorities to the States for agreement;
- Civil service should have less power and States Members take more responsibility;
- Take opportunity for input and challenge from public;
- Another plan would be a waste;
- The real effort should be on implementation of strategy and vision – **common response**;
- Would increase in staff be needed and is this affordable?
- New States Member candidates should set out their vision and priorities;
- Yes, but without outside consultants;
- Urgent in order to improve policy making;
- Should be reviewed annually at last Peoples Meeting.

5. Remuneration

5.1 The feedback indicates support for this but there were mixed written comments as indicated below. Some residents feel that States Members should be properly rewarded and that this would help improve the calibre. Others felt that it was a role taken on to support the government rather than for reward.

5.2 A number of concerns were expressed about ‘another external review to benchmark pay and reward.

Question 7: There should be an external review of the remuneration of States Members.



Selected Comments from this section

- No need for another external review by a consultant;
- Depends how much it costs;
- Remuneration should be linked to performance and achievement;
- States Membership should not be a career;
- Elected Members should be properly rewarded;
- Would entice people to stand;
- Costs already too high;
- Why not ask Gsy for a view;
- SMs should be accountable if remunerated – **common response**;
- SMs should stand for the good of the island not pay.

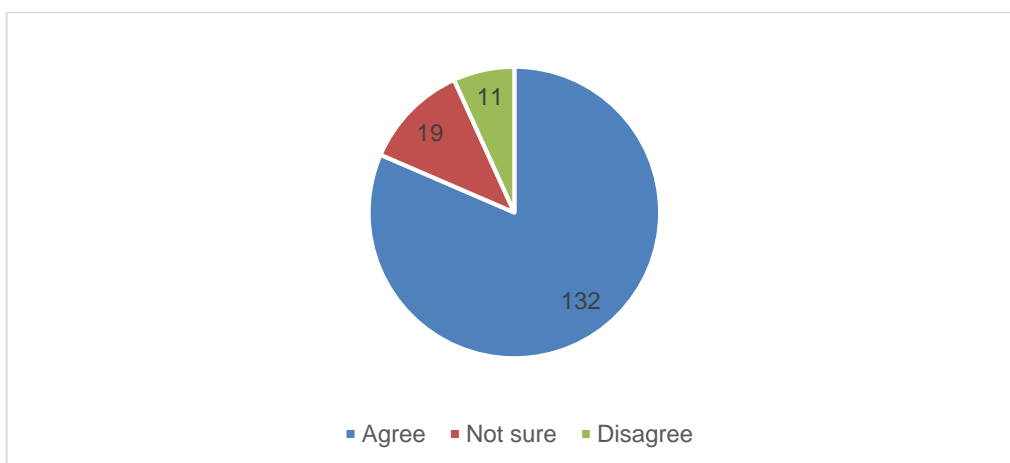
6. Political stability

6.1 The returns indicate that the majority are in favour of the proposals for more stability. The comments were more mixed. A number of respondents agreed that more stability was needed but would want the opportunity for ineffective Chairs to be removed. To support this suggestion, some suggestions of performance review for Committee Chairs were made.

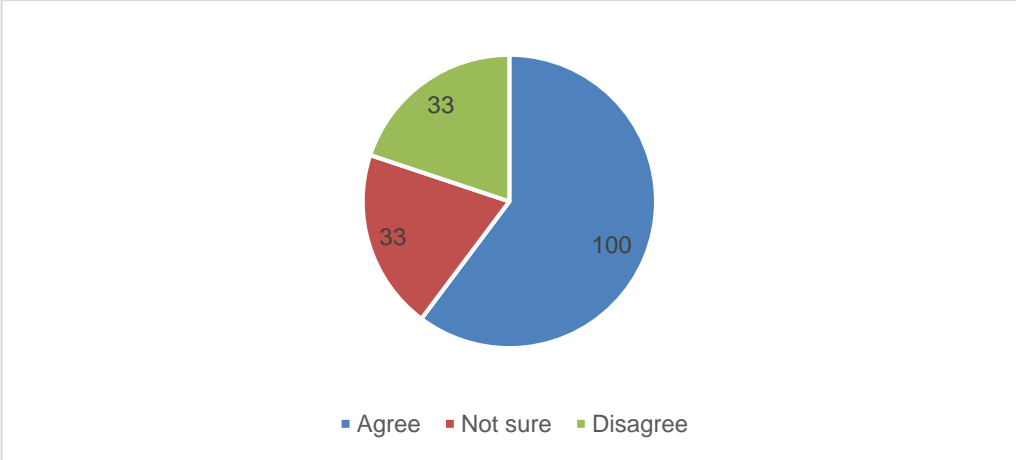
6.2 The election cycle suggestion also received a mixed response. Some felt that there was an argument for syncing with Guernsey but there was also some concern that extending the cycle would mean that it wasn't in the forefront of people's minds.

6.3 A useful point was made about the length of time in the first year of term that States Members need to get to grips with the issues and volumes.

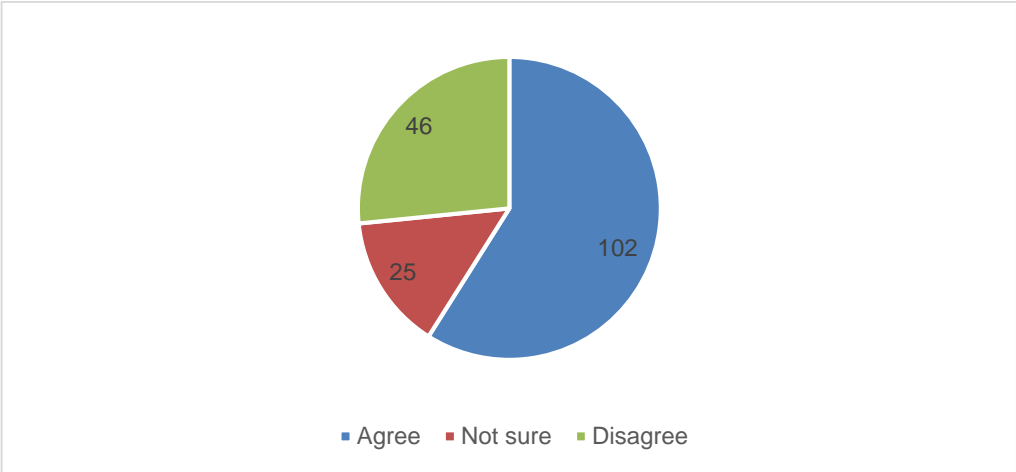
Question 8: Under current rules the polling day for general elections should be as late as practicable in the 2-year cycle.



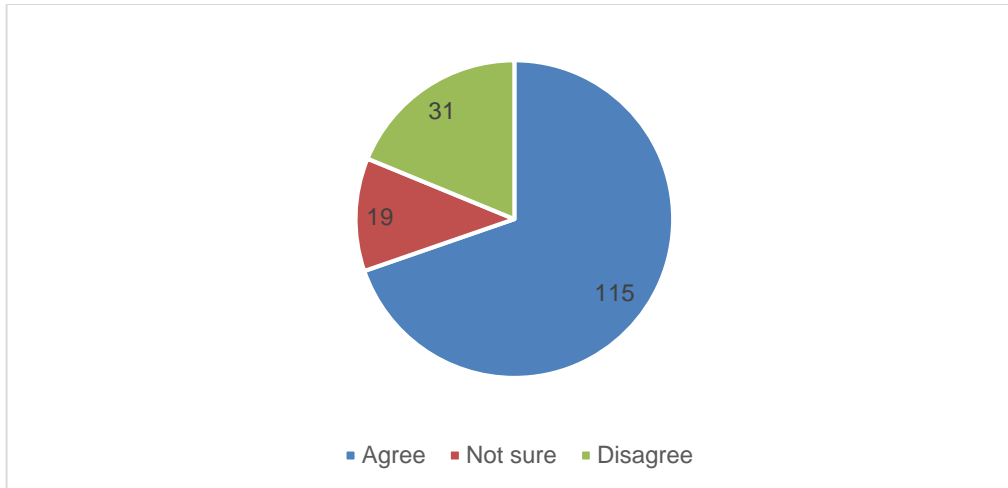
Question 9: The Law be amended to align the dates of general elections closer to those for the States of Guernsey.



Question 10: Consideration be given to holding elections once every four years instead of two as at present.



Question 11: From 2018 Committee chairs should be appointed for a term of two years to provide stability and continuity.



Selected Comments from this section of 4 questions

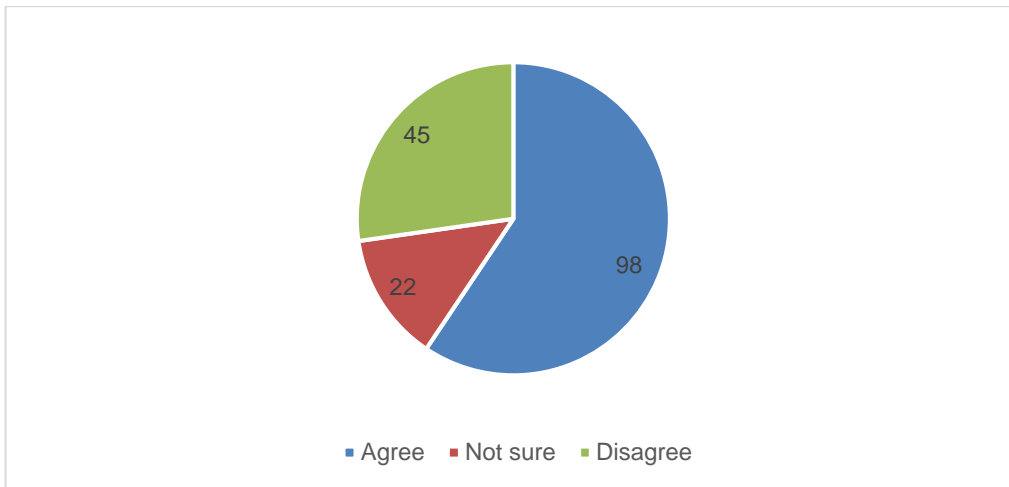
- Ideas for stability are only good if SMs are fit for purpose;
- Depends on competence;
- Committee chairs should have 360-degree performance review;
- Chair should only serve as long as others are confident of abilities;
- Desperately need continuity;
- Four-year election may be off-putting to some candidates;
- Longer cycle gives more opportunity to get change implemented;
- Two-year cycle keeps the process in the minds of electorate.

7. Representation in Guernsey

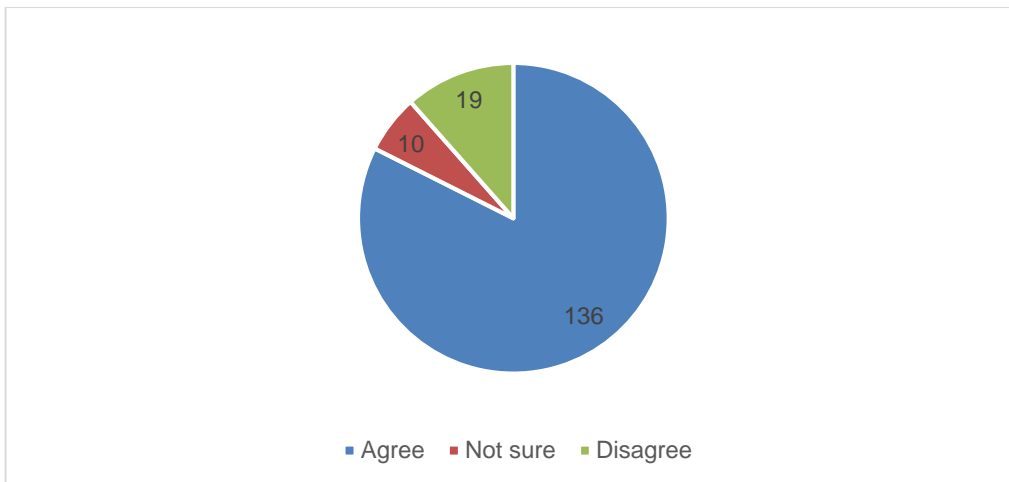
- 7.1 The response to this issue was less positive and the comments suggest that the view is that both members in Guernsey should be elected by Plebiscite and both should be on P and F. Feedback also emphasised the need to ensure that the Guernsey representatives were the best for the role and it was assumed that the Plebiscite would determine this.
- 7.2 A recurring theme was that the SoA representatives in Guernsey must reflect the views of the SoA or P and F and it was implicit in the responses that some feel that this is not the case. The suggestion is that rather than agreeing a common view in advance, SoA members may reflect personal views instead at times.

Question 12: Two representatives to be elected in accordance with the Government of Alderney Law to represent the majority view of the Members of the States of Alderney in the States of Guernsey on relevant issues. To be elected in future as follows:

- i) One selected by plebiscite and subsequently appointed by the States; and
- ii) One other to be elected by the States.



Question 13: At least one of the two representatives to the States of Guernsey to attend Policy and Finance Committee as a full member, or observer if not elected to the Committee.



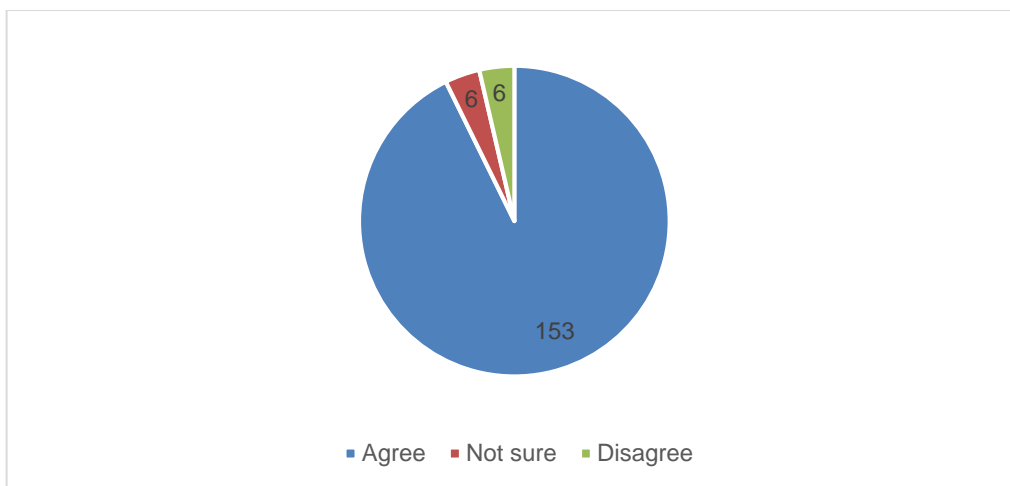
Selected Comments from this section of 2 questions

- SoA should appoint the 2 candidates who will do the job best in terms of influence with SoG;
- Both should be on P and F;
- Personal opinion from the SoA reps is a poor reflection and must represent SoA view – **common response**;
- Both by public vote

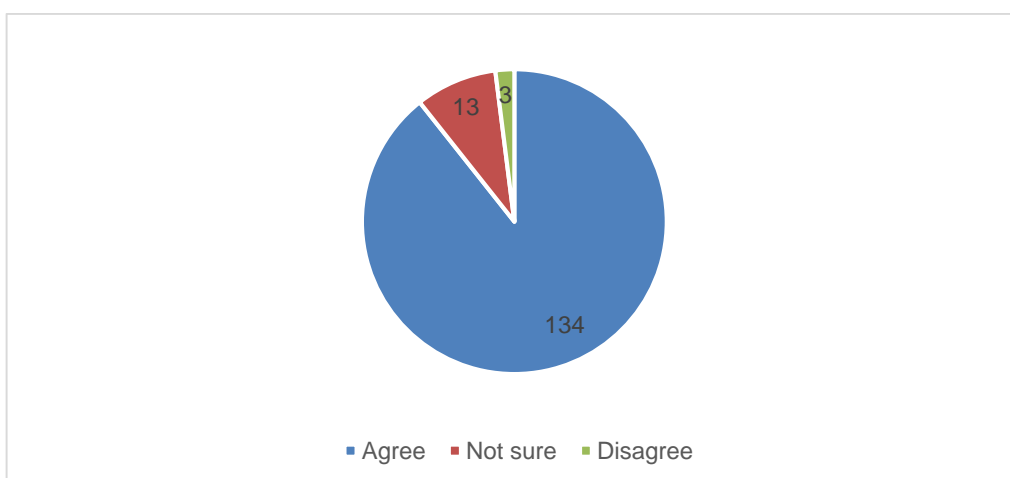
8. Openness and transparency

- 8.1 The responses were in favour of more openness and transparency. Accountability in spending public money was emphasised and open government should be encouraged. Comments were critical that this is not the case whilst understanding that some issues would need to be confidential. FAB as cited as an issue that the public had not been adequately informed on.
- 8.2 Some respondents sensibly argued that this should be proportionate as is the case in other jurisdictions. There is a cost of transparency and the States should not necessarily be required to make all information available where the costs outweigh benefits.

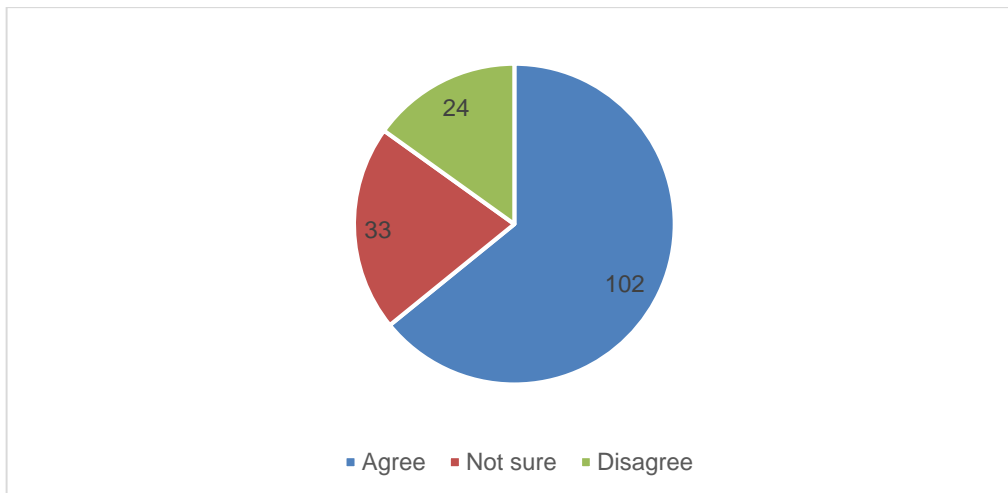
Question 14: All external advisory reports to be made available to the public subject to review for commercial and/or personal sensitivities.



Question 15: There should be greater clarity between formal meetings for States business and the valuable, but less formal, opportunities for engagement between States Members and the community.



Question 16: Policy and Finance Committee should consider the costs and benefits of an information release commitment where requested by a member of the public.



Selected Comments from this section of 3 questions

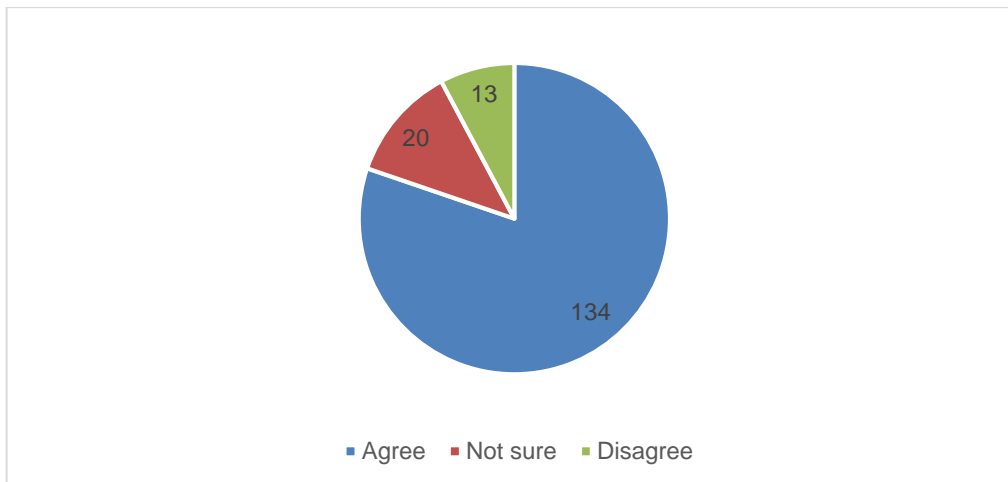
- Some sensitive business should remain confidential;
- FAB has been an exercise in misinformation;
- Transparency should be mandatory;
- SMs are often unprofessional and out of their depth so transparency is important;
- Communication between people and government is paramount;
- Only way to avoid rumour;
- All civil service reports to committee should be available;
- People’s Meetings outdated;
- All SoA spending should be transparent.

9. Ethics and conduct

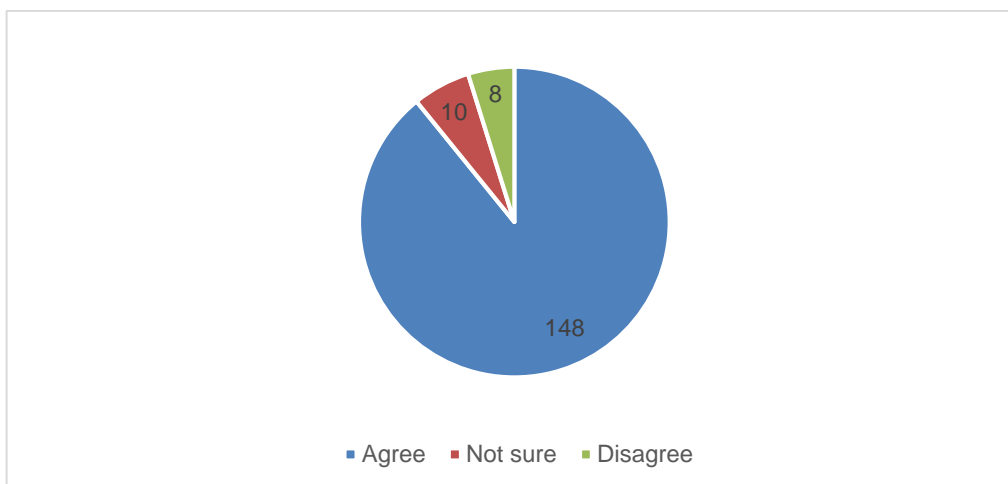
9.1 The responses were in favour of these proposals. There is a perception with some that member interests influence decision making and FAB was referenced as an example of this perception.

9.2 A number welcomed the framework but felt that it should be subject to ongoing review rather than constrained to 5 years.

Question 17: The Code of Conduct rules and procedures should be subject to a formal review every five years from 2019.



Question 18: The States register of Gifts and Hospitality should be available on-line.



Selected Comments from this section of 2 questions

- Ethics Policy should be introduced;
- Use the Nolan framework and stick to it;
- Public are tired of States arguing about Code of Conduct;
- Declarations should include worldwide interests;
- Any rules should be reviewed on an ongoing basis not just after a few years.

10 Other Comments

10.1 Respondents were also asked for any other comments and a range of issues were commented on in 53 responses. Much of the free form feedback merely emphasised points made in relation to other questions. This section included some positive comments about residents being asked for their views and some of the key points included:

- Need for a more strategic approach and a longer-term vision;
- Aim for transparency, accountability and decency in States member;
- Concern about the lack of progress on a range of issues;
- A lot of negative feedback about the use of external consultants. EG: Brexit issue and swimming pool;
- Why commission external reviews and do nothing about them;
- Communication with the public is out of date;
- Need a dynamic, energetic CEO who is from or has moved to Alderney;
- Drastic change is required rather than tinkering; and
- Concern that a party system may be introduced in the future.

11 Recommendation

11.1 It is recommended that the Governance Committee:

- considers the feedback from the consultation exercise; and
- agrees the next steps to be discussed at Policy and Finance Committee.