

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

25th June, 2019

Proposition P.2019/40

AMENDMENT

Proposed by: Deputy M K Le Clerc
Seconded by: Deputy H J R Soulsby

POLICY & RESOURCES COMMITTEE

POLICY & RESOURCE PLAN – 2018 REVIEW AND 2019 UPDATE

To insert the following Propositions:

"4. To resolve that:

- (a) The States of Deliberation is democratically accountable to the people of Guernsey for carrying out the functions of government and parliament. The public sector exists to serve the people of Guernsey by carrying out the responsibilities given to it by the States, to deliver public services and develop public policy. The public sector is accountable to the States of Deliberation through the Chief Executive, whose contract of employment is managed by the Policy & Resources Committee.
- (b) The States of Deliberation operates a Committee-based form of government. The mandates of Committees of the States are set out in Appendix A to the Rules of Procedure of the States of Deliberation and Their Committees. The Chief Executive is accountable, via the Policy & Resources Committee, for ensuring that the structure of the public sector (in particular the civil service) and its performance supports all States Committees in the delivery of their mandates.
- (c) As resolved in Billet d'Etat XII of 2015, Senior Officers serving a Committee are accountable to that Committee in respect of the policy areas and services within the mandate of that Committee. Where the direction given to a Senior Officer by a Committee conflicts with another direction of the States or a States Committee, the Senior Officer is responsible for bringing that to the attention of the Committee(s) and assisting the Committee(s) to identify the appropriate forum in which to resolve it (which should include inter-Committee dialogue but may, from time to time, require a States Resolution

in order to give clear and consistent direction). No part of this should be interpreted as requiring Senior Officers to do anything in service of a Committee which would violate the Civil Service Code of Conduct.

- (d) The Policy & Resources Committee, acting in the role of the States as an employer, shall ensure that appropriate, performance-related feedback is sought from all States Committees as part of the annual performance review of, and prior to any decision to recruit, renew or (except where immediate action is required for disciplinary or security reasons) terminate the contract of, the Chief Executive.
- (e) The Policy & Resources Committee, acting in the role of the States as an employer, shall ensure that appropriate, performance-related feedback is sought from each Committee served by the following Senior Officers of the States, as part of their annual performance review, and prior to any decision to recruit, renew or (except where immediate action is required for disciplinary or security reasons) terminate their contracts:
- The Strategic Lead for People Policy
 - The Strategic Lead for Place Policy
 - The States Treasurer / Strategic Lead for Finance & Investments
 - The Strategic Lead for Supporting Government
 - The Strategic Lead for Future Digital Technology & Communications
 - The Strategic Lead for Operational Delivery & Support
 - Committee Heads of Operations
 - Committee Secretaries or Principal Officers

and the Policy & Resources Committee shall ensure appropriate political representation from the Committees served by each of these roles in the recruitment process.

- (f) The Policy & Resources Committee, acting in the role of the States as an employer, shall consult with all affected States Committees prior to approving any restructure of the civil service or the wider public sector that would result in the removal or substantive change of any of the senior officer roles set out in sub-paragraph (e) above.
- (g) Any States Committee shall have the right to inform the Chief Executive or, if appropriate, the Policy & Resources Committee acting in the role of the States as an employer, that it has no confidence in a proposed appointment to a Senior Officer role directly serving that Committee. If, after the exhaustion of reasonable procedures, the Committee still has no confidence in the proposed appointment, there will be an expectation that the appointment will not be made.
- (h) Any States Committee shall have the right to inform the Chief Executive or, if appropriate, the Policy & Resources Committee acting in the role of the

States as an employer, that it is losing confidence in a Senior Officer who serves it, or in the level of support that it receives. If, after the exhaustion of reasonable procedures, the Committee still has no confidence in the Senior Officer, there will be an expectation that the officer will be transferred out of the service of that Committee.

5. To agree that the States Resolutions on Propositions 4(a)-(h) above should be inserted in the Rules of Procedure of the States of Deliberation and Their Committees as Rule 56, replacing the current text of the Rule."

EXPLANATORY NOTE

The structure of the civil service has recently changed to one in which most of the Senior Officer roles are expected to work cross-Committee. This amendment revisits the Rules on civil service accountability, putting mechanisms in place to ensure that the new structure is truly cross-governmental, as it is intended to be, rather than simply the centralisation of services to P&R. It is timely to consider this issue during the debate on the P&R Plan, as an effective public sector is essential in enabling the States to deliver its priorities.

It must be remembered that the States is elected by the people of Guernsey, and so is (rightly) held accountable by the public when services fail or do not come up to standard, just as much as when policy does not reflect the needs or expectations of the populace. There must be effective lines of accountability between the States and the public sector which reflect the democratic character of the States. Given the structure of Guernsey's government, the relationship between States' Committees and Senior Officers is particularly critical in ensuring that Committees are able to discharge their mandates and serve the Island properly.

These propositions offer the States the chance to update Rule 56 of the States' Rules, which deals with accountability of Senior Officers, in a number of important ways:

By giving a clearer explanation of **what it means to be accountable** to a Committee in practice, and how conflicts in policy direction should be resolved.

By creating **formal mechanisms for Principal Committees (and other States' bodies)** to provide feedback on the performance of senior roles, including cross-Committee roles, which are intended to serve them. This does not supplant P&R's responsibility to act in the role of the States as employer, but it ensures that roles which are designed to be cross-governmental don't become siloed by virtue of having their sole line of reporting to P&R.

It makes provision for **cross-Committee consultation** before major changes to the structure of the civil service are implemented. This will allow for risks which might otherwise not be noticed, to be identified and addressed at an early stage in any changes. This would not prevent any restructuring, but would ensure that it is carried out in an inclusive manner which appropriately reflects the Committee-based structure of government.

The provisions which allow Committees to communicate that they have lost confidence in a senior officer already exist in Rule 56, but have been extended to make it clear that they also cover the appointments process.