

States of Guernsey

Meeting the challenge: towards better governance

The Committee *for* Home Affairs: Governance Review Report

June 2019

Executive Summary

1 Background and context

This Governance Review was commissioned by the States of Guernsey to support its programme of public service reform and transformation. The Review of the Committee *for* Home Affairs (the Committee) is part of a series of Governance Reviews, designed to provide the underpinning knowledge and evidence for the creation of a governance development programme, with supporting guidance, for Deputies.

The first Review in the series was undertaken in 2018, with the Committee *for* Health & Social Care (CfHSC). The CfHSC was chosen because a previous CfHSC had experienced serious problems with governance and the States of Guernsey wished to understand how the new CfHSC had achieved significant improvements and the critical success factors which had helped support those changes.

Briefly, the findings of the Governance Review of CfHSC in 2018, were that the Committee had an excellent understanding of good governance and where there was room for improvement, as well as exemplary leadership on the part of the President. Most of the recommendations of that report related to ways in which cross-organisational systems could be strengthened to support all principal Committees, e.g. improved approaches to external engagement.

The Committee *for* Home Affairs was chosen as the second Committee to be reviewed because of the serious concerns about its governance, particularly in relation to its strategic leadership and the way in which it managed the boundaries between its responsibilities and those of the Head of Law Enforcement (HoLE), that were raised by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in its report of 2018.

The third Committee to be reviewed will be the Policy & Resources Committee (P&RC), at its request. A fourth Committee, to be confirmed, will be reviewed later in the year.

2 Aims of the Governance Review

The aims of the Governance Review of the Committee *for* Home Affairs were to:

- Explore the extent to which the Committee demonstrates good governance in the ways in which it develops and implements strategy and policy and oversees the delivery of key services; Law Enforcement, the Probation Service, the Prison Service and the Fire and Rescue Service.
- Recommend and support the early implementation of changes in the way in which the Committee operates, to strengthen governance.
- Provide evidence to inform the content of a suite of development materials and activities on good governance for new and returning Deputies, following the election in 2020.

3 Understanding governance

Good governance is a crucial element of organisational success but good governance is not a simple concept and establishing good governance in government is not a simple process.

The very different perspectives and motivations, of Committee members, heads of service and civil servants, provide opportunities to bring complementary skill sets together, to build a strong and effective organisation. Challenges arise when a lack of shared understanding of roles, responsibilities and boundaries leads to confusion, misunderstanding and conflict. This Governance Review has highlighted a very significant divergence of views and understanding between Committee members and staff about what constitutes good governance. This divergence lies at the heart of most of the issues arising with the governance of Home Affairs.

4 Methodology

- A desktop review of a range of documents, including reports and Committee minutes.
- Twelve confidential structured interviews: five with Committee members and seven with heads of service and civil servants, including from the Office of the Committee and referred to collectively in this report as 'staff' unless it is necessary to distinguish between feedback from heads of service and civil servants.
- Three workshops, one for Committee members and one for staff, followed by a workshop for all interviewees. The purpose of the workshops was to share with interviewees the evidence gathered through the interviews and the document review and to stimulate discussion on how to strengthen the Committee's governance.

5 Key findings

- Governance of the Committee falls below acceptable standards.
- There is a fundamental misunderstanding on the part of the Committee, of the respective roles and responsibilities of heads of services, civil servants and Committee members.
- The Committee does not fulfil its obligations to provide leadership in the process of developing strategy and policy because it does not give sufficient attention to major, strategic issues and spends a disproportionate amount of time on minor, marginal or operational issues.
- The Committee does not consistently use evidence to inform decision-making.

6 Recommendations

1. The Committee should work with civil servants and heads of service to redefine the boundaries between their strategic roles and responsibilities and the responsibilities of civil servants and operational heads of service. This should include, agreed and collaborative approaches to managing issues that have both strategic and operational elements.
2. A Protocol should be agreed, to set out clearly the boundaries between the Committee and the HoLE. Although not required by Recommendation 6 of the HMICFRS Report 2018, it would be good practice for the Committee to agree a similar document with the other heads of service, as they have also experienced behaviour on the part of the Committee which has crossed the line between the Committee's strategic responsibilities and operational responsibilities. A draft Protocol has been written, which specifies how the Committee should distinguish between strategic and operational issues. That has now been passed to the Chief Secretary to the Committee to manage the process of consultation and discussion between all the parties. The Committee should adopt the final, agreed version of the Protocol – and abide by it.
3. The Committee should work with staff to build new relationships of mutual trust and respect. This will require the Committee to recognise the validity of the evidence that its governance is not currently good enough.
4. The Committee should undertake to adhere to the highest standards of governance;
 - **Independence** – the Committee should combine independence in its thinking with open-mindedness to new ideas and better ways of working.
 - **Openness and transparency** – Committee minutes should be in 'cabinet style' and should include clear guidance to civil servants

and/or heads of service on the actions and outcomes required of them. Full Minutes should be shared with all heads of service.

- **Accountability** – the Committee should be informed, in its understanding of respective accountabilities, by the agreements made in response to Recommendation 1 of this report and the terms of the Protocol, in the way in which it holds itself accountable.
- **Integrity** – the Committee should focus on achieving the best outcomes for all residents, not on gaining political or personal reputational advantage.
- **Clarity of purpose** – the Committee should develop and agree a small number of deliverable strategic priorities, in line with the Policy & Resource Plan.
- **Effectiveness** – the Committee should consistently request and take note of expert advice, from staff or external sources, as appropriate, and be guided by that advice. Where the Committee chooses not to be guided by evidence and advice, its reasons for not doing so should be recorded in the Committee minutes.

5 Engagement with individuals

The Committee should develop a consistent approach to dealing with individual residents' issues, particularly directing people to the appropriate head of service or complaints process to resolve issues, rather than being drawn into detailed individual discussions.

6 Engagement with the wider community

The Committee should take advice on how to improve its own community engagement and enter into discussions with P&RC on the development of a coherent, consistent and inclusive, States-wide community engagement strategy.

7 Engagement with partners

The Committee should review its relationships with partners to identify ways of increasing opportunities for collaboration, in order to reduce costs and improve outcomes.

8 Engagement with other Committees

The Committee should work with heads of service to identify cross-cutting issues where benefits could be gained by developing strategy and policy in collaboration with other Committees, e.g. Committee *for* Education, Sport & Culture and the Committee *for* Health & Social Care.

9 Supporting good governance for the future

The States of Guernsey should provide a mandatory, engaging and rigorous development programme for new and returning Deputies, to be delivered after the elections in 2020. The aims of the programme will be to ensure a common understanding of good governance across all Deputies and to help Deputies to maintain the highest standards of governance. A mirror programme should also be provided for civil servants and heads of service to enable them to develop the skills and confidence to support good governance and to challenge Deputies in an evidence-based, positive and constructive way, when behaviour falls below acceptable levels.

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