



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 26th June 2019

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Present:

Sir Richard J. Collas, Kt., Bailiff and Presiding Officer

Law Officers

R. M. Titterington, QC, (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater; J. I. Mooney

St Sampson

Deputies L. S. Trott; P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens

The Vale

Deputies M. J. Fallaize; N. R. Inder, M. M. Lowe, L. B. Queripel, J. C. S. F. Smithies

The Castel

Deputies R. H. Graham, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. Dudley-Owen,
E. A. Yerby, D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, R. G. Prow

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

Deputy V. S. Oliver (Indisposée); Deputy C.P. Meerveld (relevé à 9h 33);
Deputy J.A.B. Gollop (relevé à 9h 54); Deputy C.N.K. Parkinson (relevé à 9h 54);
Deputy S.T. Hansmann Rouxel (relevé à 10h 39); Deputy P.J. Roffey (absent)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCAATION

POLICY & RESOURCES COMMITTEE

I. Policy & Resource Plan – 2018 Review and 2019 Update – Debate continued

The Senior Deputy Greffier: Billet d'État IX of 2019 – Article I – Continuation of the debate.

The Bailiff: Deputy Meerveld, do you wish to be relevé?

5 **Deputy Meerveld:** Yes please, sir.

The Bailiff: Thank you.
Deputy Langlois.

10 **Deputy Langlois:** Thank you, sir.
The 2015 Resolution which ESS has been working on required ESS to:

... investigate the merits of including within the ambit of the Guernsey Health Service Fund the costs of healthcare and medical treatment incurred by Guernsey residents while travelling to the United Kingdom

It was a request for a one-way public-sector health insurance for travellers with the emphasis on the 'one-way' – it did not cover English visitors to Guernsey, something Members of Economic Development including Deputy Parkinson have pointed out.

15 Now, that arose because the States was not willing in 2011 to pay the £500,000 a year-plus cost of entering into a full two-way RHA with the United Kingdom. By the time the States reconsidered it and rejected the idea again in 2015, the UK had cooled on the idea. It was not open to us to enter into a Reciprocal Health Agreement with the UK. So this 2015 Resolution cut the Gordian knot and said if we cannot have an RHA let's look at least being able to insure
20 Guernsey residents when they travel to the UK. That is what ESS has been working on since the beginning of this term.

Now in the amendment it says that:

... ESS has been "working for some time" on a replacement for the former RHA which ended in 2009.

It was not an RHA it was a replacement; a one-way replacement for the RHA. The explanatory note goes on to say:

For reasons not explained [*the P&R Plan*] states that ESS concluded that this "was not a viable option". This position now appears to be in contradiction to the statement in the same paragraph ...

25 But I think in several of Deputy Le Clerc's statements she has explained that it is not a viable
option because the UK simply was not interested in entering into any kind of agreement with us.
That is why ESS has been concentrating on some sort of public-private agreement with insurance
30 companies to try to engineer some form of cover for Guernsey visitors to the UK. That is what has
taken the time, because despite the fact we have had about 10 large papers presented to us,
officers spent an enormous amount of time negotiating with private insurers trying to come up
with a system of something to make the costs sensible. But they just failed to do that because
basically the private sector is not going to insure people who are a health risk to travel to the UK
for anything other than a very large premium or the States taking a huge amount of the risk, and
that is quite understandable.

35 If I have got a health risk through age or some other problem and a private insurer will not
insure me for less than an enormous premium or refuse to insure me at all, what we are basically
asking is for the Guernsey taxpayer to pick up the tab for that. So the costs end up being
enormous and they get so big you end up with a situation you are paying almost as much as you
would have done if the UK had agreed to an RHA for very limited cover just for Guernsey
40 residents travelling to the UK.

So in other words the idea that somehow as this amendment seems to request, well basically
the amendment asks the States to agree a Reciprocal Health Agreement in effect would be a
good thing. Well I think we could all agree to that. But then it goes on to direct P&R with two
other committees:

... to investigate opportunities to enter into and, if possible, to negotiate a Reciprocal Health Agreement with Her
Majesty's Government,

45 That is just ignoring all the facts in front of us, which is that the UK has shown no interest
whatsoever in negotiating an RHA and the States has not been willing to pay the premium
towards one anyway. So where the proposer and seconder expect P&R to be going with this, I do
not know. There is just one little chink that thanks to Brexit the UK has hinted that it might be
possible in the future for some kind of RHA agreement to be reinstated.

50 I will give way to Deputy Prow.

Deputy Prow: I thank Deputy Langlois for giving way.

I accept that ESS has done a lot of work on this and it has never ever been a suggestion that
they have not, and I do understand the difficulties.

55 However, there are two points around mentioning this £500,000. The information that I have
researched from Jersey is that in their agreement there was no set-up fee in the agreement that
they managed to negotiate, and the Isle of Man; there was no set up fee and in fact no money
changes hands. So what the amendment is asking is around negotiating a similar agreement to
that in place in Jersey and the Isle of Man.

60 On the Brexit point I refer to Appendix 3(d) again it talks about:

... the establishment of a new reciprocal health agreement with the UK were considered. The Committee met with
representatives of the UK's Department of Health about this, and discussions were positive.

Appendix 3(d) is the contribution by ESS.

Thank you, sir.

Deputy Langlois: Deputy Prow is quite right the whole point of a Reciprocal Health Agreement is that money does not change hands. But if he has read, as I assume he has done, HSD's report on RHAs in 2015, as he is a Member of HSC, they explained that the cost to HSC would be over £500,000 a year. It will not actually pay the money over to the UK, that is the cost of implementing an RHA for HSC and that has been explained to the States at least twice, and the States has rejected that figure. Now, if HSC are saying they can accommodate that kind of figure in their budget well, fine, but I suspect they will be asking General Revenues to increase their budget to pay that sum of money.

But in any case, as I have said, there is only a small chink of light in that the UK seems to be maybe changing its position thanks to Brexit and having to negotiate other health agreements with other countries, and it might be possible, as Deputy Le Tocq has explained, that in the future some form of RHA might be a possibility, but it is no more than that.

In the meantime ESS is working on something not ideal but will give some kind of cover to some of the people who right now cannot obtain cover to travel to the UK. That work stream is ongoing it is taking a long time, as Deputy Prow acknowledges, it is incredibly complex; and, as I have explained, the private sector was not actually falling over itself to insure people who in another context they were refusing to insure, without some sort of input from the States.

We are getting quite close to it and it would be a shame for us to throw all that work out in the vain hope that P&R in the near future is going to be able to negotiate a full RHA with the UK. In other words, this amendment is highly counterproductive.

I will be supporting P&R's alternative, not to shift the burden from ESS, but because as I said they are best placed to exploit that hint that maybe an RHA would be possible some time in the future and External Relations are best placed to negotiate that. But I will not be voting for rescinding the Resolution because I think ESS has done a lot of work on it and we are not far off being able to bring something to the States which will actually ameliorate the position of some people in the Island to some extent.

So as I said, I urge everybody to reject the Deputy Prow/Deputy Merrett amendment and support the P&R amendment but reject the rescinding of the 2015 Resolution.

Thank you.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

Firstly, sir, I had to play spot the difference like perhaps many other Members had to do when the P&R amendment was submitted. Whereas my mother used to say that copying is a form of flattery in this instance it may have been more flattering if Policy & Resources had actually spoken to Deputy Prow or I, regarding trying to subsume this amendment. We could have worked in partnership. We could have been consulted with, but we were not.

So that leads nicely on to the outcome of my spot the difference competition. The part that has been cut out, ironically, is working in partnership with ESS and in consultation with HSC. As I said, sir, the irony is not lost on me.

I believe that P&R should work in partnership, as other Members have said if ESS is struggling, as Deputy Le Clerc has said she has, sir, to deliver the outstanding States' Resolution regarding insurance; if any sponsoring committees are struggling because of lack of resource then they need to work in partnership with the Policy & Resources Committee. The Committee is mandated to try to marry policy and resource. If this is not forthcoming from P&R then the Committee needs to let us know.

The outstanding States' Resolution regarding an insurance scheme and the possibility of a Reciprocal Health Agreement – I will refer to that as RHA – could both be investigated in parallel

but one may negate the need for the majority of the other. One may become a disproportionate response to the needs of a few.

115 Employment & Social Security, ESS, and P&R need to be talking to each other working in partnership if either is to be delivered.

The RHA, in my opinion, by its very nature, should at least be consulting with HSC. The Proposition is to direct Policy & Resources to submit an update to the P&R Plan in 2020.

120 Other Members yesterday, sir, stated that means that P&R and HSC and/or ESS will have to work together on the policy paper and that simply is not the case or the reality if this amendment is passed today.

125 The reason I worked in partnership and consulted with Deputy Prow is that I feel strongly that as an Island community our connectivity is of much interest and importance. And 'Island', sir, is the key word here. The UK is our largest island neighbour which offers us connectivity further afield and going to the UK should not be such an onerous task. There are many social reasons, sir, as to why I believe this but there are also physical considerations.

130 We talked yesterday, sir, about tourism, but one of the biggest drops we have seen is the frequency of visiting family and friends. Maybe that is what some Members meant to include or have included in their minds when they have mentioned tourism. If we consider our Island as a nuclear family it is then perhaps easier to consider the UK as our extended family. Many Islanders will have family and friends in the UK. We rely on the UK for our connectivity to the rest of the world, so the majority of our children have the privilege of a university education, for our food supplies. We are linked to the UK as a Crown Dependency.

135 Members have mentioned that – I cannot pronounce the word, sir, but 'repartation'? – I cannot pronounce the word, when we have to return a body. I am so sorry, sir. (**Several Members:** Repatriation) Thank you, Members, thank you – was not included. The devil is indeed in the detail.

This is important and that is why Deputy Prow and I are asking for an update, an opportunity for Members to ask questions on progress in 2020. Maybe Members already know although no-one has yet mentioned it regarding the devil in the detail when it lies on insurance.

140 I am sure, sir, that you will know this because I do, that the small print in insurance is of the most importance. But no-one has mentioned yet the high likelihood that friends and family, or our community's insurance details will be invalid if the traveller does not stay in paid accommodation for at least part of their trip. A physical implication as to why the cost of travelling can become far greater than one expected and one that affects our community and our community's visiting family and friends.

145 Sir, I would like to live in an Island paradise not in an Island prison. A member of our community recently advised us they met their friends and family in Jersey. They can afford to travel and stay in a hotel and it negates the risk of their family and their friends coming to Guernsey because we do not have an RHA and Jersey do. The Guernsey family can afford the health care if they need to access it in Jersey on this particular occasion, their UK families cannot get the insurance they would need to travel to Guernsey.

150 Sir, the UK government is not trying to fund insurance for members of their community. If private insurers are not prepared to do it because risk is so high then why would the Government wish to take on such a risk?

155 Much has been said about the cost of visitors accessing our health care. I agree there will be a cost, but let's not forget the spare capacity we have, especially in the Emergency Department – an average of two patients an hour. The highly trained staff being a huge cost. They are there now, they are there 24 hours a day, the equipment is there; it is all there regardless, as they and it serve our community and it is indeed an absolute privilege to have such a resource.

160 Let's also remember that historically we have been the beneficiary of an RHA and our community has benefited more than our UK counterparts.

So we have a community who may wish to travel to the UK trying to find health insurance, if they wish to or are able to negate some of the risk involved in travelling. So, sir, that could be 64,000 people who at some point in their lives may wish to go to the UK.

165 The outstanding Resolution which I hope Members found usefully placed by us in the explanatory note that asks ESS to use the Guernsey Health Fund which we debated last time we sat and we have now agreed to hand over to HSC. So we have taken away the access to the Fund – the Fund that will not be replenished to achieve this Resolution.

170 The Resolution is already almost two years behind its schedule of implementation date, the Resolution that was debated and determined in 2015 and, sir, it was debated then in a very different political environment. Arguably, sir, that may have given false hope to members of our community. Arguably it was not realistic and will serve quite a small percentage of our community: those that cannot get health insurance because companies will not insure them because they are of such a high or huge risk; but we will insure them at a reasonable cost. The private sector is not willing to do so, but we will pick it up because we know, as a Government, so much about insurance.

175 Now, today we are told by Deputy Langlois that ESS is really close – that is *absolutely* fantastic and very good news. I would really like to have some reassurance if any Member of ESS knows when that may come to fruition.

180 This amendment seeks support from this Assembly that residents of Guernsey should enjoy the rights to medical treatment whilst in the UK on a reciprocal basis similar to Jersey and Isle of Man. Most Members seem to be amenable to that. The Proposition b) seeks to direct P&R, sir, P&R to investigate this opportunity and to update the Assembly and therefore our community in May 2020. A strong supportive vote on that will give P&R the indication that we as an Assembly wish them to get on with it.

185 This debate allows us to express our concerns and reasons why we do or do not wish to support the amendment. If P&R listen, this is a good canvas for them to work from. Most importantly, it acknowledges that this Assembly is interested.

190 Sir, I would always encourage Committees to work in partnership and in consultation with each other, especially with Resolutions that are across Committee mandates. But at the end of the day our community really does not mind and probably does not even care which Committee works on this. Our community simply wants to know if we agree, or not, that residents of Guernsey should enjoy the rights to medical treatment whilst in the UK on a reciprocal basis and are willing to investigate the opportunity to do so. That is the substantive Proposition before us today.

195 Now regarding the vote, sir, I would really appreciate it if you could confirm as was my intention when I laid the amendment that Members will be allowed to vote on Proposition c) separately, if either amendment passes today and becomes the main Proposition. I do believe that clarity to Members before we take the vote will be most appreciated.

200 Also, sir, if I could have clarity? I read something yesterday you said that we would vote on the P&R subsumed amendment first and the other amendment if the first one does not pass. If I could have clarity on that, sir, it would be most appreciated.

Thank you.

205 **The Bailiff:** Yes. What I did say was I thought it had been agreed that we would vote on amendment 15 first then, as a result of what was being said yesterday, I am happy if people wish to do so that we vote on a) and b) of 15 first, then c); then we come to Proposition 2 and we can vote on a) and b) and c); but if c) has carried from 15 I do not know whether we need to vote on it again. But we can do them in that order and in that way if that is what Members wish.

Deputy Gollop, you wish to be relevé? And Deputy Parkinson as well?

210 **Deputy Gollop:** Yes, please, thank you very much, sir.

215 **Deputy Lester Queripel:** Sir, can I just have clarification of what you have just said to the Assembly, sir? I am just wondering why you have adopted that approach because when Deputy Roffey laid an amendment to increase the threshold of affordable housing to 20 and I laid an amendment to increase it from 5 to 10, Deputy Roffey's was voted on first and then you ruled that my fell away and it was not voted on.

220 **The Bailiff:** I know I have been inconsistent at times I appreciate that, (*Laughter*) but then Members have requested that we do it in different ways. I am trying to reflect what I think is the mood of the Assembly. I believe that both P&R and the proposers of the amendment are happy to deal with it this way. And on other occasions that is what I have said, that if those involved in the amendment want it to go that way and both the Principal Committee concerned and the proposers of the amendment are happy I have done it.

I appreciate that three or four years ago we never did things that way, but I think the procedures have evolved as a result of representations that I have had from Members.

225 It may be, I do not recall the specific instance you are talking about, but I know there have been times in the past when I have resisted that, but I have generally done it when I felt that either the proposers of the amendment or the Principal Committee affected have not been supporting it.

230 **Deputy Lester Queripel:** Sir, it was during the debate on the Island Development Plan in October 2016.

235 **The Bailiff:** But anyway, let's not go back over the Island Development Plan – (*Laughter and interjections*)

Deputy Gollop: Point of order – the Deputy Bailiff was in the Chair at the time. (*Interjections*)

The Bailiff: Can we just move on with what we are dealing with?

240 **A Member:** It was not your good self; it was the Deputy Bailiff.

The Bailiff: It was the Deputy Bailiff? Well, okay; anyway.

245 **Deputy Lester Queripel:** Sir, I thank you for the clarification and I am wondering if I can speak now, sir.

The Bailiff: You wish to speak? Yes, Deputy Lester Queripel.

250 **Deputy Lester Queripel:** Thank you, sir.
Sir, some of my colleagues in the Assembly said in their speeches yesterday they would like to know how many people are disadvantaged by our not having a Reciprocal Health Agreement in place. Of course we will never really know that so all any of us can do is speculate. However, I am hoping that what I am about to say may be of some assistance to colleagues.

255 Sir, as I am sure most of my colleagues are already aware I am heavily involved with Age Concern Guernsey, I was Chairman of this charity for three years, I have the Administrator of the Age Concern Social Fund for the last six years, and I am now also the Manager of the Vale Centre for Age Concern. So of course, sir, you are involved with Age Concern as well, you are our patron and we are extremely grateful to you for taking on that role, it means a lot to our members, it means a lot to our committee.

260 It is because of my involvement with Age Concern Guernsey these last seven years that I have
been in daily contact with pensioners here in Guernsey and the topic that comes up time and time
again is the lack of a Reciprocal Health Agreement with the UK being in place. The pensioners I
talk to on a daily basis say the same thing, over and over again, they cannot get insurance to
265 travel off Island to the UK to see family and friends, and their family and friends in the UK cannot
travel here to Guernsey because they cannot get insurance. Bearing in mind I have been involved
with Age Concern for seven years now, and I have these conversations on a daily basis, we have to
be talking about several hundred pensioners approaching me. So I hope that helps colleagues, sir,
and if I was put on the spot I would say well over 100 pensioners a year have approached me
270 about this issue. So we are possibly talking about almost 1,000 pensioners over the last seven
years.

But is not just those pensioners, of course, because we need to consider and bear in mind their
family members and their friends. So with that in mind surely we are talking about thousands of
people being disadvantaged by our not having a Reciprocal Health Agreement in place. I sincerely
hope that helps my colleagues, sir, in some way, because my involvement in this issue has
275 certainly proved to me that we at least need to have that contact and that discussion with the UK
to see if there is an appetite to reinstate the agreement. And, picking up on Deputy Le Clerc
telling us yesterday that her Department already has more than enough to do, I would advise
colleagues to vote in favour of the P&R amendment.

I almost certainly would not advise them to do what Deputy Fallaize told us to do, when he
280 told us he is going to vote against both amendments, because that is a negative and regressive
step to take and will get us absolutely nowhere.

To finish on that note, sir, when he spoke Deputy Fallaize said he was not sure whether you
would allow a separate vote on Proposition c) or not, which caused a considerable amount of
confusion for a while but I am wondering why it did because all a Member has to do is ask for a
285 separate vote on any Proposition should they want one.

So, in closing, sir, in case it has not already been requested can I ask for a separate vote on
Proposition c), please, when we got to the vote.

Thank you, sir.

290 **The Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

While supportive of this amendment Alderney shows just a little concern on the wording
'residents of Guernsey', surely this means the Bailiwick. Alderney is intrinsically linked together in
295 the delivery of our Health Services and I would urge that any future negotiation on a Reciprocal
Agreement would include our beloved Island. I am sure this is indeed the case, but I wish to ask
for the reassurance of the proposer of this amendment that Alderney will indeed, just 2,000
residents, be included in this.

Thank you.

300 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

Members of the States, having missed the opening speeches in this particular debate of these
305 two amendments, I shall be looking very much to those who respond to the debate at the end
before I cast my vote.

All I would say is that the very few commitments I made in my election manifesto it was to
support and encourage either the return of a Reciprocal Health Agreement or a suitable insurance
scheme to adequately replace it.

310 I was motivated not only by the potential benefit to ordinary citizens but I do recall in a
previous life I used to frequently try to negotiate for Her Majesty's ships and also contingents
from my own regiment to come here and pay official visits to the Island and it was always
somewhat embarrassing to have to point out that if anything happened to them health-wise while
they were here there was no guarantee they would not incur fairly expensive health treatment
315 costs.

I am prompted just to remark if I may, Mr Bailiff, that if there was not other pressing business
in hand for the States, I might well bring a requête or would have done, to say that today should
really be thought of as a potential replacement national day for us rather than Liberation Day,
because I think in the sweep of history Liberation was a mere blip, I mean a welcome blip.

320 But I would remind the States that I think this day 815 years ago, the Settlement of Rule meant
that for reasons we never quite understood these Anglo-Northern Islands stayed with the King of
England rather than going with the Normandy to Greater France. And just think there would be no
need, Deputy Soulsby, for any anxiety about Brexit had we gone the other way, and not least we
would not be bothered really about a Reciprocal Health Agreement would we? Mind you we
325 would have as our Head of States the self-styled Roman God Jupiter, in the form of Mr Macron.

Thank you.

The Bailiff: Well that seems to be almost the end.

330 Deputy Prow, do you wish to speak on amendment 15, you have not had an opportunity to do
so. Do you wish to speak on that amendment before Deputy Le Tocq replies to the debate on
amendment 15?

Deputy Prow: Thank you, sir, for the opportunity, but I think debate has probably teased out
any of the issues that I would have raised and certainly Deputy Merrett has covered that.

335 So thank you for the opportunity, sir.

The Bailiff: Okay. Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff.

340 Sir, unfortunately debate has ended up being, as I imagined, on issues that really cannot be
decided within this Assembly.

However, sir, I think it is worth noting that everyone in this Assembly, as far as I can tell,
whether they have spoken or I have contacted them individually, would be in favour of us having
a new Reciprocal Health Agreement with the UK. That is beyond doubt, if that were possible. But
345 as I said in my opening speech it takes two to tango and negotiate and at the moment all that we
do know is that a door that was previously closed to us a few years ago is now ajar, largely
through the issues relating to Brexit. We are doing our utmost to make sure it remains ajar and
External Relations staff are involved in dialogue over what a future RHA might look like.

In a sense, neither of these amendments, sir, make that job any more real; it is there and we
350 would be doing this with or without these amendments, because if there is an opportunity to
benefit Guernsey we take that opportunity. But I do want to correct a misunderstanding that
sometimes can arise as a result of debates like this and it was in a headline by the *BBC* this
morning, where someone said the States will decide today whether to have a new health
agreement with the UK or not. That is not what we are deciding. That would be as foolish as to say
355 Britain will decide today what deal it will have with the EU.

So, sir, I do think we need to be absolutely clear here, we have not got an offer on the table at
the moment. But we are seeking to renegotiate one. It is almost certain that it will not be like the
previous one because the new agreements that the Isle of Man and Jersey have do not resemble
identically the ones that they had before 2011.

360 Also, sir, to touch on some of the issues that Deputy Graham and others have, under our old health agreement there were exclusions, that we did not cover through insurance or any other issue, and I certainly know of one instance where someone was surprised in the UK to be charged for something that they thought would have been covered by a Reciprocal Health Agreement. There were exclusions and there no doubt will be in the future.

365 So when it comes to the difference between the amendment that Deputy Stephens and I are laying and that of Deputies Prow and Merrett, as others have pointed out, it is simply in the wording of b)(i) and the reason for that is, and has been I think given quite clearly from Deputy Le Clerc and Deputy Soulsby. This is an issue for the External Relations Secretariat to deal with and as a result it would be P&R that would be bringing Propositions to the States with regard to a
370 Reciprocal Health Agreement.

We will obviously consult, which is the word that Deputy Merrett used, but it is not in partnership because that would involve those Committees providing resources and assisting in bringing a policy letter together. We are not at that stage; that would be inappropriate. So that is why this amendment is clearer in terms of what we will actually be doing, or are actually doing in any case.
375

Obviously we wanted to support the intention of Deputies Prow and Merrett of the original amendment, because we are certainly *for* the objectives that they want to obtain and as a result of that our amendment seeks to clarify that.

Now with regards to c) sir, P&R are not precious about this sort of thing. It seems to me quite
380 practical that work continues but also if we get to the stage where the details of a potential new Reciprocal Health Agreement with the UK become more defined and we see that there is an opportunity to target insurance for the things that are not included in that, then obviously we would liaise with and it would become an issue for ESS to deal with at that stage.

So, sir, quite simply I think I want to encourage the Assembly to support this amendment and
385 if they wish to continue with the proposals under c) then to vote against that part of it, as you have indicated, sir, you will give them an opportunity to do.

But in terms of Propositions 1A a) and b), I would encourage Members to vote in favour of amendment 15 in that respect.

Thank you, sir.

390

The Bailiff: So, Members it is amendment 15, the Deputy Le Tocq/Deputy Stephens amendment and we vote first on a) and b) in that amendment. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare a) and b) carried. Now, c). Those in favour; those against.

Members voted Contre.

The Bailiff: Well a) and b) are carried, and c) is not.

395 We now come to amendment 2 and I will put a) and b) to you separately and clearly if a) and b) carry they will replace the a) and b) that you have just approved, they will take the place of those. So I put to you amendment 2, Propositions a) and b). Those in favour; those against.

Members voted Contre.

The Bailiff: Well, c) has already been dismissed, but I will put it to you again just for completeness. c), those in favour; those against.

Members voted Contre.

400 **The Bailiff:** So the position is amendment 15 has carried in respect of Propositions a) and b), but not c).

We move on now with amendment 4 to be proposed by Deputy Fallaize and seconded by Deputy Tooley.

Amendment 4

1. To delete Proposition 1(b); and

2. In Proposition 2(e) –

(i) to delete sub-paragraph 5(c); and

(ii) in sub-paragraph 5(e), to remove the words ‘the political supervisory boards referred to in sub-paragraph (c)’ and to substitute therefor: ‘States’ Committees’.

405 **Deputy Fallaize:** Thank you, sir.

I just have to find it in my pad.

Sir, I think the flaws in this proposal to establish policy supervisory boards are so numerous that it would be possible to speak at great length about them. At the same time I think the flaws are so obvious that most Members have understood them very clearly and so they may well be eager to reject the proposals.

410 I think I will confine myself to pointing out some of the more serious problems with the proposal and I hope that when we come to the end of the debate the States will not only vote in favour of the amendment but – this is a hostage to fortune to say ‘probably’ – I hope they will vote for it swiftly and decisively which will send a clear message to the Policy & Resources Committee not to try anything like this again.

415 Now, I have to say in the defence of the Policy & Resources Committee it has been a relief to serve in a States for three years, and this is the first States’ term where I have served in where I can say this, where the Senior Committee of the States has almost all of the time acted in a way which seeks to maintain and uphold our machinery of Government and does not try to undermine it. **(A Member:** Hear, hear.) I do not agree with everything they have done, but I do think they have
420 made a success of trying to be a Senior Committee or playing the role of a Senior Committee in a committee system of Government. So I was quite disappointed when I read this proposal around policy supervisory boards because I was reminded of all those fights that we used to have in the States with the old Policy Council when most of the time the solution it presented to most problems was that if everybody else got out of the way and left it to the Policy Council, things
425 would be all right.

Sir, it does sort of beg the question how come the Policy & Resources Committee has got itself in a position where it has felt it necessary to put this proposal on policy supervisory boards before the States? There are essentially two schools of thought on this.

430 One is, slightly conspiratorially, that this is a power grab by the Policy & Resources Committee, and I do not subscribe to that view. I think there may be one or two Members of the Policy & Resources Committee who have a more sympathetic view of cabinet Government than most Members of the States but at the same time I think they are wise enough and experienced enough to know that if they were wanting to try to achieve cabinet Government this would be a ham-fisted way of going about it. So I do not think it is that.

435 I think this is a well-intentioned misjudgement, I think it is a significant misjudgement, but it is well intentioned. But just because the intent is right that does not mean we should show them any sort of mercy when we vote on the Proposition and we really do need to reject Proposition 1b) very decisively.

440 What is proposed here in the creation of policy supervisory boards would be if it was approved, which I do not think it will be, a quite significant change in our machinery of Government, proposed off the back of a page and a half, nine paragraphs, buried somewhere in a Policy & Resource Plan. I do not think this is the right place or the right way to go about trying to change the machinery of Government in this way. (**Two Members:** Hear, hear.)

445 There has also been no consultation at all about this with Principal Committees despite the fact that the effect of setting up policy supervisory boards would be to diminish very significantly the role of Principal Committees. Now, I do not think that we should be doing that, but in any event it is being proposed without any consultation with Principal Committees and I think that is quite unimpressive.

450 Now, the Policy & Resources Committee could now try to set up something that looks like a policy supervisory board in one or two areas of policy if it wanted to, and I asked has this Proposition emerged because the Policy & Resources Committee has tried in one or two areas to set up this type of arrangement and has been rebuffed by the Principal Committees concerned? Well, it turns out that I cannot find any Principal Committee which has been requested by the Policy & Resources Committee to contribute to the formation of a policy supervisory board in the way proposed. So it turns out that there are not really any grounds on which to put forward policy supervisory boards.

455 Now, this Proposition 1b) has to be read conjunctively with Proposition 2(e)(e) It is a slightly difficult confusing way of numbering the Propositions but I do not suppose that is the fault of the Policy & Resources Committee. Proposition 1b) read in conjunction with 2(e)(e): 2(e)(e) is the one which sets out what, in the opinion of the Policy Resources Committee, should happen in future iterations of the Policy & Resource Plan. This is what it says:

'Every 12 months the Policy & Resources Committee submits to the States a commentary on overall progress on delivery of the Future Guernsey Plan including annual performance reports from the political supervisory boards ... and any proposals to amend the Future Guernsey Plan which are considered necessary;'

465 So that means that Principal Committees will have been cut out of the process of reporting to the States through the Policy & Resource Plan. The Policy & Resource Plan is meant to be the principle document through which the States plan policy and this is a Proposition which would cut Principal Committees out of the Policy & Resource Plan process completely. There is no mention in the proposed new Rule 23 of how Principal Committees will contribute to the Policy & Resource Plan other than it says:

Each Principal Committee develops its own four year Medium Term Committee Policy Plan setting out its contribution to the development and implementation of the priorities of the States as established by the Assembly ...

470 But they will not come back to the States, they will just be internal documents. There is not even a need to submit them to the Policy & Resources Committee under this plan.

475 So let's be clear, what we would end up with under what is being put forward by the Policy & Resources Committee is 23 priorities, or areas of focus as apparently we are now going to call them, and the only bodies that will be able to report back through the Policy & Resource Plan on progress against those 23 priorities would be the political supervisory boards – are they political or policy supervisory boards? (**A Member:** Both.) Oh, they are both. Well, okay. Political supervisory boards or the Policy Council, but no mention at all of Principal Committees.

480 Now, what the Policy & Resources Committee might say, although I understand that they are now not opposing my amendment, is that there are some areas of focus which engage multiple committees, and it can be quite difficult to construct ways of bringing three or four or more committees to the table to try to progress these areas of focus. That may be true but I do not think that these political supervisory boards are the right way of going about trying to resolve that

problem. I have some ideas if the Policy & Resources Committee wants to discuss them, once the States have rejected this idea.

485 But the more important point is that most of the priorities in the Policy & Resource Plan either fall squarely within the mandate of one Committee or have a clear lead Committee with perhaps another contributing Committee. Now, nowhere in this policy letter is it explained – but this would be the effect of this Proposition – why should a political supervisory board be the body that has political oversight over the implementation of the Partnership of Purpose, which falls squarely under the mandate of the Committee *for* Health & Social Care? Why should a policy supervisory board have responsibility for oversight over the Programme of Education Reform when it falls
490 squarely in the mandate of one Committee?

If you look through these priority areas most of them, almost all of them in fact, fall to one Committee only or have one Committee as a clear lead, and yet what the Policy & Resources Committee is proposing is a blanket approach where all of the policy priority areas will be led by a policy or political supervisory board.

495 Now, the Policy & Resources Committee might say, 'Oh, no, that is not our intention!' But I am afraid because Proposition 1b) – which I am trying to get rid of – has to be read in conjunction with Proposition 2(e)(e) that would be the effect. They would have constructed rules which would have made it impossible for Principal Committees to report back to the States on progress against their priorities through the Policy & Resource Plan.

500 So if the Policy & Resources Committee argues that was not the intent then I accept that, but the Proposition has not been properly thought through or well-constructed.

Effectively, these political supervisory boards would introduce another tier of Government and we have been there and done that with Policy Council sub-groups, and they were almost always dysfunctional and almost always inefficient. What we need is not another tier of Government but
505 we need to spend time and resources on trying to make the existing tiers of Government work as well as possible.

Why I say that this proposal around political supervisory boards would be such a fundamental change in our machinery of Government is because there is one feature of our system of Government which is characteristic of it above all others, and that is that there is a direct
510 relationship between the States' Assembly and States' Committees. No other Committee can interfere in the right of a States' Committee to report directly to the States' Assembly. That is fundamental to our machinery of Government and what is proposed here would insert another body, political supervisory boards, in that process between the Principal Committees and the States' Assembly. If that is going to be done, and I do not think it should be, but if it is going to be
515 done it should not be done off the back of nine paragraphs in this policy letter.

But in a way it is worse than that and I suppose, despite having defended the intentions of the Policy & Resources Committee in this matter, because I do think they are honourable, those Members who do not believe that will have some power in their argument when I make this next point. But in a way it is worse than I have just said, because our Rules of Procedure do not
520 recognise these things, policy supervisory boards, and there is actually no mechanism for those bodies to report directly to the States.

So once the 23 areas of focus in the Policy & Resource Plan are put into the hands of policy supervisory boards, those boards are not going to have any way themselves of directly reporting back to the States because our Rules of Procedure do not allow it.

525 So which body would have to report back to the States on their behalf? It would be the Policy & Resources Committee. Which is why at Section 5.16 of the policy letter it says that PRC would be able to take policy letters to the Assembly on behalf of policy supervisory boards.

530 So the process here is very transparent. First of all, you cut Principal Committees out of leadership of all the 23 areas of focus in the Policy & Resource Plan and put that leadership in the hands of policy supervisory boards, and the only way policy supervisory boards can report to the

States is through the Policy Council – that was a Freudian slip – through the Policy & Resources Committee. That is the actual effect of the Propositions that are being put before the States.

535 I do not believe that that is the intent but that is the effect. Deputy Inder is saying 'Maybe it was'! Well it is for the Policy & Resources Committee really to defend itself, although I think I am doing quite a good job of it. But they can explain what their intent is. I do not think that they were intending to impose a form of cabinet Government through the back door, but that would be the effect of the Proposition.

540 The problem is and this has been the experience when the Policy Council of old used to try to do this, it is just not workable; you cannot have a committee system of Government and then try to graft on aspects of a cabinet system on to it. You can have one or the other and there are advantages and disadvantages of both. I have always thought that the advantages of a committee system outweigh the advantages of a cabinet system in a political environment where there are not political parties. You can argue for one or the other, but you cannot try and mix them. The Policy Council used to get itself into all sorts of trouble doing that. You just create an unworkable mess.

545 It is greatly to the credit of the Policy & Resources Committee that in the three years of this term so far they have not tried to do that. They have adhered, I think, very strictly to the role envisaged of a Senior Committee in our committee system. But they have either misjudged things quite badly with this Proposition or taken their eye off the ball and we are in the position we are in.

550 I know that the Proposition 1b) – which I am trying to get rid of – requires the Policy & Resources Committee to discuss the construction of policy supervisory boards with the Principal Committees, but discussion is discussion. The authority over the construction of these boards would be in the hands of the Policy & Resources Committee.

555 I also think that there is a slight misconception held by the Policy & Resources Committee, and in a way I do not entirely blame them for this, but I think they underestimate the level of joint working which happens between Principal Committees of which the Policy & Resources Committee is not a part (*Interjection*) even if it is aware of it.

560 I can think of multiple examples. ESS, HSC and ESC – I hate all these abbreviations, but I am not going to list them all by their full names – have been working together over family allowance proposals, for example. Deputy Stephens has been present at those meetings and so she probably does know what is going on – at least I hope she does. (*Laughter*) She has been contributing to those meetings. But that has been a form of joint working led very clearly by Principal Committees. ESC and HSC have been working together on the co-location and joint provision of services for young people on the sites of the new 11-18 colleges which will become apparent when our policy letter is published next week. ESS and HSC have worked together on the reform of health care funding and we had a policy letter at the most recent States' meeting about that. There is any number of examples, I am only picking out a handful of those that involve the Committees I have been a Member of during this term.

570 I do not think the Policy & Resources Committee is always fully aware of the extent of joint working which is going on. I do accept that there has been a problem in one or two or three quite discreet areas of policy of making progress where multiple committees are involved, and the main reason for that is because of a lack of recourse, because if the Principal Committees do not bring their resources to the table it is very difficult to make progress.

575 Thankfully, I am not involved. I think I might be the only person this side of Damascus who is not involved in something called the Seafront Enhancement Advisory Group. (*Laughter*) I do not know where it meets but it must be a very large building, given the number of people who I understand are involved.

580 **A Member:** It meets in Damascus!

A Member: On the road ...

585 **Deputy Fallaize:** They, as I understand it, have struggled to make progress. Well, first of all I am not surprised if there is that number of people in the room. But I think that kind of initiative suffers from a lack of resource (**Two Members:** Hear, hear.) because it sits between Principal Committees.

590 Now, I do not know why the Policy & Resources Committee has not done this, I think the Policy & Resources Committee should probably take on that initiative and say, 'We are going to take it on; we will have it –'

Deputy Tindall: Point of correction, sir.

Deputy Fallaize: – have it falling squarely inside our mandate and –

595 **Deputy Tindall:** Point of correction, sir.

The Bailiff: Point of correction from Deputy Tindall.

600 **Deputy Fallaize:** A point of correction – oh, I am sorry.

Deputy Tindall: Yes, sir, the responsibility for the policy letter is the Development & Planning Authority after the local planning brief; and yes it is a lack of resources which is the cause for P&R setting up the Seafront Enhancement Area which has expanded it from the original remit of DPA.

605 **Deputy Fallaize:** Well, I thank Deputy Tindall, that was a correction and I am pleased that she has identified that a lack of resources is the problem.

I must say in passing, I cannot quite understand why it is being led by the Development & Planning Authority. I understand that the local planning brief element needs to be, but I do think that given the breadth of the mandate of the Policy & Resources Committee – and I know how broad it is because I had a hand in its construction, and we made it that way purposely – I do think that they could have led the work on the Seafront Enhancement project. But in any event it is in the gift of the Policy & Resources Committee to allocate resources to some of these projects where they consider inadequate progress has been made.

615 I think sometimes there is a tendency, because of the fiscal conservatism of some of their Members (**A Member:** Hear, hear.) which normally stands the States in good stead, but occasionally could be relaxed to the benefit of all. I think there is a tendency sometimes for them to look for structural solutions to what are actually resource problems, and this may be an extreme example of that.

620 So in conclusion, sir, I think what has been put forward here, although it may not have been the intent, does drive a coach and horses through our machinery of Government. It would have the effect in many respects of emasculating Principal Committees and there is no point doing that. The majority of States' Members' experience of politics is on Principal Committees, there is no point trying to cut Principal Committees out of the process because you then just end up with a large number of disaffected Members of the States and the whole thing becomes completely unworkable.

625 When I read about this I thought here is another acronym to add to our long list of acronyms – PSB sounds to me like some kind of abbreviation for a toxic compound, and if the States were to be unwise enough to insert it into our machinery of Government it would certainly have a very toxic effect on the States of Guernsey.

630 So I urge Members to vote in favour of this amendment very swiftly and very emphatically and I think, if we do, the Policy & Resources Committee will get back to what it has been doing *well* for three years and act as a Senior Committee is meant to act but in a Committee system of Government.

635 **The Bailiff:** Deputy Tooley, do you second the amendment?

Deputy Tooley: Yes, sir.

The Bailiff: Deputy St Pier, do you wish to speak at this point or later?

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Deputy St Pier: No, I will speak now, sir. I think, hopefully, it might shorten debate on this amendment.

Sir, I appreciate that Deputy Fallaize was not saying this, that it was a power grab by Policy & Resources. I think anybody who imagines it was would swiftly realise that there is no power to grab in our system of Government and it would be a fairly pointless attempt to do so, and anybody who sees cabinet Government in this proposal I think is delusional.

The Seafront Enhancement is a good example of what drove us to think that we may need to look at a better system of committees working together. Now, Deputy Fallaize had a simple solution which was P&R should just get on with it within their mandate. Now, that would have been a power grab, or that would have been seen as a power grab by many other Committees.

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Deputy Fallaize: Point of correction.

Sir, what I actually said is that the Policy & Resources Committee should have *led* it. I think they should have brought the relevant Committees to the table, much in the way they are proposing with policy supervisory boards but without the delegation bit through the States' Reform Law, and I think that would have been an effective way of leading efforts in this area as the Policy & Resources Committee has done in some other areas.

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Deputy St Pier: Sir, that of course is exactly what the Policy & Resources Committee did do by –

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Deputy Tindall: Point of correction, sir.

The Bailiff: Deputy Tindall, point of correction.

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Deputy Tindall: The Policy & Resources did not invite the Development & Planning Authority to join the working group. (*Interjection*)

Deputy St Pier: I did not say that we did invite the Development & Planning Authority to the table in the Seafront enhancement Group, but what I did say we provided the leadership that Deputy Fallaize was suggesting in terms of taking the issue and bringing people to the table.

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We may not have brought everybody to the table who wished to be at the table, including the DPA for reasons (*Interjections*) that were explained to the DPA at the time, and I accept that they did not agree with that. But certainly in the context of the Seafront, Home Affairs quite understandably said that there was a Border Agency issue on the Seafront; the DPA obviously explained that they had an interest in the Harbour Action Area and the IDP; Environment & Infrastructure pointed out that there were infrastructure interest; ED quite understandably felt that there were lots of economic development opportunities; and the STSB said, 'Well, we have operational control of the Harbours so you just need to watch that with some care'.

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680 It is a good illustration of this but I think let's not get too distracted by that. I think let's just deal with this amendment and Policy & Resources' position on it. I make it clear, as we have done over the weekend, that the Policy & Resources Committee will not oppose this amendment. I think we do thank Deputies Fallaize and Tooley and indeed others for their engagement on this issue and for identifying their concerns in relation to this amendment.

685 Sir, I think what we have done is identify that there is an issue, that there is a problem. Now, either we have not found the right solution or we have clearly, as Deputy Fallaize suggested, failed to engage, consult and explain convincingly enough that this is indeed the right solution, and on that basis it is appropriate we believe to concede this amendment

690 But we do feel that there is a clear link between this amendment and the next amendment, 14, which is why we have suggested that it should be debated next, because I think actually the explanatory note to the next amendment captures the challenge nicely:

The Policy & Resources Committee has shown, through the P&R Plan, that it believes there are problems with ... cross-Committee working (its own included) on matters that touch the mandate of more than one Committee. Although Policy Supervisory Boards may not be an acceptable solution, it's reasonable to ask what alternatives there might be ...

I am grateful to those that are likely to move the next amendment in recognising that it is reasonable to ask what alternatives there might be to improve mutual understanding and co-operation between Committees where this is needed. That is why we felt that actually supporting the next amendment as a way of moving this issue on to enable us collectively to find a solution to, I think, what is a challenge in our system is the appropriate solution.

695 So, sir, to recap, the Policy & Resources Committee will not oppose this amendment and in conjunction with that we will be supporting 14 as well.

700 **The Bailiff:** Before I call the next speaker, Deputy Hansmann Rouxel, do you wish to be relevée?

Deputy Hansmann Rouxel: Yes, please, sir, thank you.

705 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, sir, thank you.

I was in a Committee meeting not so long ago and I was interested to find out what was happening with a particular work stream that was spread across at least three Committees and I was told I was not in the picture, but that was a foreshadowing of things to come and that was not very encouraging really.

710 But I have to say that, in a way, Deputy Fallaize has persuaded me not to support his amendment today because of the large amount of complicated history and rhetoric involved. Because actually I am one of these partially disaffected Members and I think I have been in that situation for a long time. I am somebody who believes that there are occasions when the Committee system works very well in Guernsey politics in bringing about change and bringing about consensus across measured solutions, but a lot of the time it does not work very well. And I think that if we look across at sister islands, where sometimes they are getting on with things more than we are, it is because they have more of a cabinet-style executive government system.

720 Now, I believe that Policy & Resources in their wisdom have at both political and operational level decided really that we need a more streamlined, transformed Civil Service, public service; a more integrated holistic whole, one that maximises career progression for some but minimises waste – actually politicians involved with Islanders, 2020 and many others have been saying that for a long time. So have business organisations. But what we are getting, and I am not the first

725 person to say this, is a disconnect between the evolving organisation of the Civil Service, the public sector and the political sector and we have to find a solution for that.

Now, where I do agree with Deputy Fallaize is that some of the time the Policy Council did not work, there were many reasons for that, maybe it was too big, maybe P&R is too small; big difference between five and 11 when three of the five in a way have so much foreign ministerial work to do; maybe it was because the Policy Council had a shifting membership. But we do not need to go back into the history of all that, the point is we had a quasi-ministerial system that was not a ministerial system and now we have gone back to a more robust committee system with strengths and weaknesses. Some of the weaknesses have become apparent in this term as well as a few advantages.

735 Now, my point here is that we do need to find a system of Government that not only delivers efficiently decision-making and implementation of those decisions, but also one that has a mind to the public purse so that we do not go down Deputy Ferbrache's nightmare route of 65% in the pound or anything like that. But also one that sees a parallel engagement, a synergy between the Civil Service structure and the political structure; and if there is a subtext to this week's debate in many areas – and I would agree here with columnists like Richard Digard and perhaps Mr Horace Camp, that we are seeing now a divergence of the ways and we have to resolve that.

740 So what we really should be having, and it is probably a year too soon actually, is a debate about restructuring political governance on the Island (**Two Members:** Hear, hear.) and the role of Principal Committees.

745 Just to go on one of my, I do not know, not rambling asides, but disaffected asides, shall we say? The Sea front Enhancement Area issue has come up. Now Deputy Tindall, the new President of the DPA is quite correct in saying that we are the lead Committee. Though Deputy St Pier is also correct in saying that there was a view perhaps from Policy & Resources that we could have potential – we argued against this – conflicts of interest.

750 Of course, within the DPA which we will discuss next month, there is an intrinsic conflict of interest between the politician head being a gatekeeper, a regulator of yes/no decisions on sites, and the politicians being shapers of policy for the best future for the Island. That is a tension and it is a tension I could not fully resolve. But the tension I felt in practice was despite the nominal leadership of the Development & Planning Authority which was a real leadership I think at a professional officer level, to be fair. There were at least three political Members of Policy & Resources on the team, not that I ever attended, because I was not invited to attend despite being a long-serving Member and President, nor at the time was my Vice-President.

755 A Member who did attend and has an extremely able background in quantity surveying, Deputy Oliver, was common to both Home and DPA and I know made an extremely useful and sound contribution. But, again, Deputy Lowe as a long-serving President for Home Affairs did not attend and nor did Deputy Prow; and I think we would all agree that Deputy Prow has a lifetime of expertise in Border area and Harbour issues based on his long service.

760 So we are not necessarily pulling together the right people for the right tools, and that is a worry and I can understand why many Members will support Deputy Fallaize's amendment and P&R are not even pushing back on this, really, because you might get in a team of people who are not necessarily reflecting all sides of the Assembly.

765 But that does not prevent me saying that sooner or later we will have to go down the route of a split in this Assembly between those who are quickly on behalf of us all making appropriate policy and executive decisions, and the rest of us Members who will be holding them to account through scrutiny, through public accounts, through questioning, through legislation, through media comment; and occasionally, dare I say, votes of no confidence – although hopefully they will not happen – and a sense that Members of the Assembly want to replace or substitute underperforming Members of the top team.

775 At the moment, as we have even seen this week, there are always difficulties in apportioning blame, if there is any blame, to any particular person or group; and policy can work at a snail's pace. Deputy Fallaize has mentioned some shining examples of progress, I can think of some others that have been less magical such as housing policy for first-time buyers or tourism.

780 He also mentioned, for example, Health. He said, by definition, progress in Health, the partnership, has to be all down to the leadership of Health & Social Care. Well, firstly, the Chief Officer structure is changing and we are moving to a new structure of policy and projects and properties being separate from that traditional Chief Officer structure.

785 The second point though is more significant than that. How can Health & Social Care move forward without full human resources support? Without full pay and conditions support? Without money; without budgets; without property services; without planning? We know occasionally there have been differences on land-use ideas from the partnership and maybe the Strategic Land Use Plan.

790 If we want holism and not one Committee against another – we do not have party politics here yet, but what we do have are intra-Committee politics with one Committee traditional taking one almost ideological stance on an issue and another Committee taking another. Now, if we are going to evolve away from that we do need a serious think.

In a way Deputy Fallaize is right because this is premature, it has not been thought through and requires a more structural system of reflection. But I would not entirely throw out the baby with the bathwater at this stage.

795 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I can understand P&R throwing the towel in in relation to this particular matter but I am sorry that they did. They would certainly lose heavily if they had stated their position, and I appreciate the inevitable, but I regret it.

800 I very much follow the remarks of Deputy Gollop, well-spoken and just said, because we are three years and a bit into this particular term, some bits have worked well, some have not worked well, but we have got to refine the system. We cannot have all the Principal Committees just floating round the moon, satellites round the moon, without having some centralisation and we should have a centralisation. I did not regard it as a power grab, I actually would have gone personally much further, because I think in a 21st-century system of government our consensus Government is creaking and it cannot work as quickly as it can.

805 Now, if we do not have confidence – and I do have confidence – but if we do not have confidence in the people that occupy the Principal Committee, replace them. But I do not have that problem, because I think the five people that have occupied the seats of that particular Committee over the last three years, and will occupy them for the next year, are doing their best under the particular system. But it is creaking and I anticipate that it may become an Election issue and I anticipate, as Deputy Gollop has said, that perhaps it will be deemed by this Assembly to be premature. I do not think it will be premature by the next Assembly.

815 So I am not going to – I probably will not vote at all. I am not going to vote in favour of the Deputy Fallaize/Deputy Tooley amendment, I think it is likely to succeed overwhelmingly. But I regret the fact that it was thought necessary to move it because again it shows almost an element – *almost* an element – of mistrust in the Principal Committee that it is seen as a power grab. How dare they take this and take that?

820 The Committees – and we have had examples in Deputy Gollop's speech of Committees working together – will continue to work together but it must be drawn towards the centre and it must be channelled through the centre in a modern system of government.

The Bailiff: Who shall I go to next? Deputy Tindall.

Deputy Tindall: Thank you, sir.

825 I was going to comment on this amendment in any event but there have been certain speeches in the last few minutes that I feel very strongly that need to be pointed out. For me, when I first read the P&R policy letter, I thought this Proposition was a mistake, this inclusion of the supervisory boards and exclusion of Principal Committees.

830 I then worked on the basis that that was the case, that it was a mistake and so of course I also objected to the fact that other States' Committees such as Development & Planning Authority were not included in this very important element of discussion. I had a discussion with an officer who enlightened me to explain that actually it was not a power grab; it was very much a genuine attempt to resolve concerns which, as has been said, was highlighted with the Seafront Enhancement Area.

835 I must add it was not in response to the fact that Principal Committees, or indeed other Committees, are satellites and not working together; this is just such a myth. There is so much interconnectivity, as Deputy Fallaize has said, and I really strongly wish to bash that myth right here and now.

840 But there are concerns, and one concern is – it is so easy to use as an illustration, so apologies for repetition in the fact I mention the Seafront Enhancement Area again, because to me this does not signify a problem with the Government structure we have, it is a problem with *understanding* the Government structure we have.

845 Right from the start we in the Development & Planning Authority knew that we had an obligation under the Law to bring back the Local Planning Brief to the States through a policy letter, in exactly the same way we brought the IDP. It is the same process. So if we did not understand that why did we not understand that the Harbour Action Area, the Local Planning Brief, was also in that? We were not asked to attend. We were told point blank that even Deputy Oliver was not representing the Development & Planning Authority.

850 So we rebelled and we said, 'Well, we will appoint her anyway'. And, to be honest, we have had input in the sense that we have had a report every so often telling us what is going on. But actually we have had no back-up; we have never been able to actually discuss any of the actions. Officers have been involved and obviously from that perspective we are very grateful, but it is the political buy-in.

855 So, for me, it is an example of a lack of understanding of our mandate and a lack of understanding of how the actual structure within the Rules, as written, already provide for the system which could actually facilitate this more working together between Committees.

860 I am particularly grateful in the explanatory note and obviously the way the amendment has been worded, and in particular to many other amendments that have been laid and the acknowledgement obviously by the support of P&R to this amendment, of the need for other Committees – Junior Committees, whatever you wish to call us – to be involved because we do have very important elements to put forward. We did not have a right to be involved in the Policy & Resource Plan this year. We were invited last year and we took that opportunity, but we were not this year.

865 So this is another example of understanding what the mandates are of every Committee, incorporate them, talking together and working together, so that the actual current Government structure can actually have a chance to work; because if you do not understand the current Government structure how on earth are you going to know what to do to replace it?

Thank you, sir.

870 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I was not actually going to speak on this because I felt that Deputy Fallaize had covered everything that needed to be said, but the comments that Deputy Ferbrache made just a little while ago have brought me to my feet in wanting to absolutely refute any suggestion that people who support Deputy Fallaize's amendment are doing it in order to prevent some sort of power grab by P&R.

From my purpose that is absolutely not the case and I did not see this Proposition as that. I feel that the Proposition is actually a very clumsy way of trying to push business on. It has not been well thought through, though I do understand the intentions behind it. The Seafront Enhancement Group has been used continuously as our example, but I have sat on different groups – the CYPP Group in the past, when I sat on Education, Sport & Culture – and I saw the difficulties there of trying to push things on.

However, we have got to remember the Principal Committees are given a mandate. If you start to then devolve authority down to sub-committees of working parties made up of individuals from other Committees then effectively what you are doing is you are devolving that mandate through with no accountability. Now, if you have a lack of accountability there is no governance around it, so who carries the can? Well, I do not know because we devolved it down to Joe Bloggs and he sits on that Committee, but actually he may not have agreed with what was going through but they took a policy letter anyway, but actually it was our mandate.

So this, to me, just does not make any sense whatsoever and I am really pleased that the next amendment then carries this forward in order for us to go back to the drawing board and find a way through, that will actually seek to find a solution to the problem that we have, which is a slowness of Government.

The Seafront Enhancement Group is slow, it seems unwieldy, there does not seem to be any dynamic. I think that it is not a particularly good group at the moment in terms of pushing things forward and I do not know where the blame or accountability for that lies, or if indeed there is any. But that needs to be picked up, pushed forward and shaken off – because, quite frankly, we have been waiting for three years for something to happen on that.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, I think I am going to talk to the amendment. But Deputy Ferbrache is generally a fan of executive Government as far as I understand, that is the impression I get. He does not think that the consensus system is going to stand the test of time.

Deputy St Pier suggested that anyone that thinks this amendment is a power grab is deluded. But both Deputy St Pier and I think Deputy Ferbrache brought an amendment to a SACC policy letter wanting to reduce the Deputies down to 23, which was roundly defeated.

So taking away words like 'power grab', 'executive Government' – the democrat in me, my only real fear about this is that I think consensus appears to be bumbling along, executive Government may or may not work, but that is not my great fear. My greatest fear is the lack of scrutiny. That is my great fear. You can concentrate power down to 7, 8, 5, 23, 2, 10 people, you can do that, but you have to be sure that you have a proper scrutiny process to counterbalance it. And that is my greatest fear.

Deputy Fallaize, as ever, he has obviously picked this apart, to be perfectly frank with you, absolutely quite brilliantly. I am going to support his amendment. Policy & Resources have not opposed it. I am not going to sit and pick through what I think the rationale was for it. But if we do have a greater conversation about the way this Government may go in the future, please, let's not worry about where the power might be to deliver things, let's look at where the balance is – that is the public accounts and the scrutiny – because without one you will end up with a *politburo*. You will absolutely end up with a *politburo*; (*Interjection*) and if you want to see where it

does not work, look 22 miles away across at Jersey where you have got that whole executive team standing shoulder to shoulder. It is scary.

925 Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes I would like to question something Deputy Gollop said, how Jersey system works so well (*Interjections*) and they just get on it. Try telling my counterpart that in Jersey. I have not yet seen any foundations being built for their hospital. (*Interjections*)

930 Just in response to Deputy Ferbrache, I did not see this as a power grab at all and it is not why I am voting for this amendment.

935 It is not that I am against the principle of policy supervisory boards. I really do understand the benefit of it and I could see how we could develop a system which worked in that way. The only problem we have got is currently we have a committee system and by imposing a policy supervisory board on the current system it causes all manner of complexities and issues. So you sit down in your policy supervisory board and you have got the power to vote. So not only have you got the power to vote on behalf of your Committee, not knowing whether your Committee will support what you say, but you have got somebody else on that policy supervisory board who are able to make decisions on the mandate of another Committee. That is the problem with it.

940 It is the concept of policy supervisory boards I like, but I do not like it because of the system we have got. Whether we have got the right system or not, that is what we have really got to think, and I think that is what is currently overdue.

945 We have got the Civil Service making fundamental changes to its structure, whether right or wrong, and I think we might get through to talking about that later on. Whether it is right or wrong, those changes have been made against a very different political structure.

950 We see from a Committee point of view that the Civil Service structure is not built around Committees any more. Now, we do not know whether that will work. We will see what comes. But we also need to think about if the Civil Service are doing that, we really need to see whether our committee system is right or not.

955 We have these group meetings and they work well, with ESS/ESC in particular a lot of really good stuff happening and a lot of progress has been made. That is not the problem, but when you have got 21 people round a table you have got to say 'Have we really got the right system any more?' It does not work in terms of ... We have got very good people in the States and on those Committees and they make it work, but it is not the easiest system to make these things work.

960 So I think that is the issue for me. I would have liked to have laid some kind of amendment on that, the bandwidth in my head did not allow me to consider any more amendments at this stage. But I really would like to think at the end of this debate, as we get to the end of the P&R Plan, that we could get P&R to actually think about whether we ought to start now looking at reviewing the machinery of Government, in order that changes could be made, for the beginning of – not the next term, it would be too late now, sadly, but the term after that. Because I think things are currently at the point of breaking and we need to ensure that the things that are not working can be put right.

965 Thank you.

The Bailiff: Deputy Le Clerc.

970 **Deputy Le Clerc:** Thank you, sir.

I just want to reiterate what Deputy Soulsby has said, and I think it may be words that I said to the media when the Policy & Resource Plan was first produced, that I saw it as executive

Government by the back door. So I did not necessarily see it as a power grab by P&R in this Assembly but I saw it as executive Government by stealth.

975 I think if we are going to move to executive Government and if we are going to look at different ways of how we operate, it needs to be done properly with a proper policy paper and another probably States' Review Committee not through a P&R Plan sneaked in, as Deputy Fallaize has said already, in two or three paragraphs. So that is what I object to. I think we need to have that proper and open debate and discussion about the way we want to go forward; and to do it, as I say, sneaked in to a Policy & Resource Plan was not the way.

980 Deputy Gollop – I hope he will excuse me – but if Deputy Gollop was our representative on ESS on the Committee I do not think from one week to the next he would know which way he was going to vote and he would be representing the Committee. And I do not think he would disagree with that. (*Interjection*) I think others have commented that it is not right with a committee system that we delegate that responsibility to one Committee Member. That is a huge responsibility and they may not represent the views of that Committee.

985 So I urge you to support this amendment.

The Bailiff: Deputy Tooley.

990 **Deputy Tooley:** Sir, I did not have many points that I needed to make following the excellent speech of my colleague Deputy Fallaize on this, and of the ones I did have Deputy Dudley-Owen has made one, Deputy Soulsby has made another and Deputy Le Clerc has gone a long way towards making the third.

995 I just wanted to clarify, I think, possibly something that Deputy Inder raised when he mentioned believing that Deputy Ferbrache and Deputy St Pier had attempted to amend a SACC policy letter. I think, and he will correct me if I am wrong, I am sure, that possibly the amendment he is referring to was one brought by Deputy St Pier and Deputy Soulsby which was to look at reducing the number of Members on each Committee which would perhaps have meant that there were 23 Members represented on Committees rather than looking at reducing the number in this States. So I think that is the amendment to which Deputy Inder is referring, but I may be wrong.

1000 So the thing I am left with, the point I am left to make, I am afraid contradicts something that Deputy St Pier has just said in his opening speech, because he said that anyone who saw this as cabinet Government or executive Government through the backdoor was mistaken.

1005 When the reasoning behind the suggested creation – sorry, I cannot read through my glasses any more – of policy/political supervisory boards, or what Deputy St Pier has just in his speech referred to as Policy & Resource Boards, was explained by a member of the Policy & Resource Civil Service Team at a meeting Education, Sport & Culture had with P&R last week, or the week before, to discuss the budget-setting process – a meeting which unfortunately both Deputy St Pier and Deputy Le Tocq were unable to attend – the explanation given was this: 'We think there might need to be changes to the structure of Government but that can't be done in the time remaining in this term and we therefore thought this might be helpful now and serve as a trial run for the next States to try it and see if this alternative system of Government was something they might be interested in exploring further.'

1010 If this *is not* cabinet Government through the back door then perhaps someone needs to explain that to the P&R Policy Team because that was the description that was given at the table at a meeting that was chaired by Deputy Trott, (*Interjections and laughter*) by a member of the Civil Service Team. Yes! (**A Member:** Dynamite!)

1015 I will give way to Deputy Fallaize.

Deputy Fallaize: Deputy Tooley has recalled what was said very clearly. In Deputy Trott's defence he did look as confused about the explanation (*Laughter*) as we did.

Deputy Tooley: I think that might be fair comment!

1025 But that was the explanation which was given by a member of the P&R Civil Service Team that this could be seen as a trial run for a different form of Government.

1030 Now, I am not against the suggestion that we might need to look at the machinery of Government. I am not against the notion of executive Government as something Guernsey might want for the future. It might well be a helpful way to move us on. But this is not the way to do that.

The structure of Government we have is a committee structure. This imposition of this extra tier, this trial run of policy supervisory boards which would take decision-making powers away from Committees and away from those who have the accountability through their mandate to deliver on certain areas, is not the way to do this.

1035 Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

1040 I support this amendment and I fully support the Committee system of Government. We have had that debate we have had reports and the States overwhelmingly agreed with it, so I do not want to revisit it.

1045 The foundation of our Committee system of Government is the Principal Committees. Each new policy area which needs to be developed, I believe, should be allocated to a Principal Committee and it should have ownership of that accountability, responsibility or whatever words you want to use. But it is responsible.

1050 But of course each policy area is different, and if we look through the Plan it shows us who has got political governance for different policy areas. Some 100% are one Committee so that is very easy; some are 90% one Committee, 10% one Committee; some are 60% one Committee, 10% another, 30% another, in terms of their mandates. So what I am saying is there is no one simple answer to them, because every bit of every policy area is different and involves different combinations of Committees and different overlaps in terms of mandates.

1055 I simply believe the political reality is if a Committee is involved with policy development that involves the mandate of another Committee that if it wants its particular report to be successful it needs to involve those other Committees. That is the political reality. So if one Committee – say, a particular policy area is 60% the mandate of one and 40% of another – if it did not involve that other Committee, the 60% one, and did not involve the committee that had 40% involvement and just came to the States, it would be very unlikely to be successful because that other Committee would call 'Foul' and say, 'We were not involved and this involves our mandate'.

1060 So I am not sure there is a simple answer – but politics. And the politics is: the political reality will force Committees to work together. That is why we have a Committee system of Government and that is consistent with our Committee system of Government.

1065 So I am very comfortable where we are today and I just think that people need to say we have got a political system and work with it, and not try and work against it. So I will not be supporting this amendment – sorry I *will* be supporting this amendment. (*Laughter*)

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

1070 I will be very brief indeed. I just rise to put on *Hansard* my thanks to Deputies Fallaize and Tooley for bringing this amendment which I wholeheartedly agree with, and I think Deputy Fallaize's speech was an excellent speech.

I am not going to repeat the points but I completely support the words spoken by Deputy Dudley-Owen, Deputy Soulsby, Deputy Le Clerc and Deputy Tooley.

1075 I believe that if we are going to review and change the machinery of Government there needs to be a proper debate around it. I think I am right in saying that Deputy Green and myself have said this in the Assembly on previous occasions. It is not right that this is inserted into the P&R Plan. I would ask all Deputies to soundly reject this proposal.

Thank you, sir.

1080

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you,

1085 Clearly the governance concerns about the proposed political supervisory boards are shared by the Scrutiny Management Committee and that was set out in our letter of comment dated 24th June which I will be referring to probably when we get to general debate, eventually.

1090 I will support this amendment, perhaps not for the reasons that Deputy Fallaize really articulated in this debate. So far I think the comments of Deputies Gollop, Ferbrache, Soulsby and Prow are probably the ones I identify with the most, particularly Deputy Gollop's comments, because I do not think we can be blind to or disregard the obvious defects with Committee consensus Government; and like others, as Deputy Soulsby said, I think it is time that we set in train another review of the system of Government.

1095 Deputy Dorey is a very stout defender of the current system but that decision was made in the last term, it was made in 2016, it is hardly inappropriate to say what has been the experience of Government in the last three years or the last four years when we get to the election in terms of how it has been working. I do not think anyone in this Assembly would say 'Oh, it has been absolutely perfect; there is absolutely nothing to see here'.

1100 But nonetheless I will support this amendment. There are genuine governance concerns about these new creatures of Government which ideally should be the kind of thing that would be considered in a full review.

1105 I do have some sympathy with the Policy & Resources Committee because one of the fundamental problems with our system is the lack of pace and the lack of perceived delivery at pace. But what will work for something like a Brexit Sub-Committee which is a very exceptional, unusual, narrow – perhaps not a 'narrow' issue, but an 'unusual' issue – what works for that does not necessarily work for everything. I think these things do need to be thought through.

1110 The evidence that we are presented with by the Policy & Resources Committee in this policy letter on this is so minimal and vague. I mean, there is no substance to it, there is no meat on the bones in terms of seeing exactly how the governance would work, how the accountability would work, how the relationship with the Principal Committees would work. It is entirely reasonable as a result that Members of Principal Committees in this Assembly would fear that this would be a substantial undermining of their position if the original Propositions were to be voted on and endorsed without amendment.

1115 So I will support this amendment, but I do not think we should lose this opportunity to flag up the problems that do exist with our system of Government. Not all is well; we know that it has not been working.

Deputy Inder talked about the position of scrutiny. I do not know whether he was talking about scrutiny with a small 's' or – (*Interjection*) Yes, I thought he was talking about scrutiny with a small 's' and he has indeed just confirmed that. But I actually think the philosophical argument needs to be had. Is it better to actually have a separate executive from a separate legislative? And

1120 is that actually a better vehicle for providing more effective scrutiny where you have got people who would be full time politicians, in effect, who would be scrutineers and you would have a separate body who would actually be the executive? I think, and I have always thought that that is a better model for providing more effective scrutiny.

1125 If you go back in history with the Harwood Report in 2000, the Harwood analysis on my Committee, the original genesis of having a separate scrutiny function within Government was predicated on the idea of having cabinet Government and we have been evolving the system and trying to match something into the consensus system in a very imperfect, imprecise way since then.

1130 I think all of these issues from a philosophical point of view and from an 'in principle' point of view do need to be examined. As I say, in principle I do actually have quite a lot of sympathy with the concept of policy supervisory boards but the case has just not been made and in these circumstances I will gladly support the amendment.

The Bailiff: Deputy Merrett.

1135

Deputy Merrett: Thank you, sir. I will be quite brief, I hope.

1140 Well, democracy is not perfect we all know that, although the alternative, sir, quite frankly is far more frightening. But if this is an attempt to form different boards or different Committees for a specific purpose say to handle, for example, the well-discussed today – what is called now? The Harbour Action Area Seafront Enhancement Group, or whatever it is called. We do actually have, and this is what I want to pose this question really to Deputy Fallaize when he sums up rather in line with the next amendment we are going to discuss, because there is a Rule already in our procedures which is Rule 54(1) which I tried to use last year to create a committee to try and resolve the fuel duty concerns. Rule 54(1) for Members who have not got the Rule Book in front of them is that:

1145

The States may, by resolution, at any time dissolve any Committee of the States or constitute any Committee of the States.

1150 Now, the reason I want to ask Deputy Fallaize about that is because if we do look at the Sea Enhancement Area Group – I cannot remember what they are called, sir, whatever they are called – my concern with that group is the openness and transparency. If they are making voting decisions on what we are doing with our publicly owned buildings – and how they are developed – I am not quite sure how as an Assembly or as a Deputy I can scrutinise that if it is not an open and transparent process.

1155 Who gets invited to sit on this, or that, or the other if Members felt very strongly, or if P&R felt very strongly that they needed to create boards or committees for specific purpose such as the one that has been illustrated today, then in theory they could use 54(1) and that is what I do not understand, sir.

1160 I am now, as Members know, the Vice-President of SACC so will think about the Rules. Deputy Fallaize has a lot of experience as SACC, so if he could when he sums up just give me an understanding. I was hoping actually to speak before Deputy St Pier because I would like to have proposed him the same question as well. So unless another Member of P&R could respond, if they wish to do so, as to why they chose this route of creating boards or suggesting we create boards rather than creating a committee and what the distinctions are that would be really appreciated.

Thank you, sir.

1165 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1170 There is I think some confusion over the work of the Seafront Enhancement Area Group and I think a lot of it is knowingly choosing to misunderstand. There is the Harbour Action Area and there is the Ports Master Plan. Now the Ports Master Plan was started by PSD, the Harbour Action Area is completely different from the Seafront Enhancement Area.

1175 Deputy St Pier is on the record as saying several times that these are the quick wins, the doable bits, the deliverables. I would be the first to acknowledge that it has not been the most productive in the time frame we would have liked. I think we all acknowledge that. But things that E&I are responsible for such as the pedestrianisation component of this actually has been delivered and works very well and is a real action enhancement, and there will be others, such as the Vallette.

1180 The problem we have got here is in the change – and this is a very new Assembly still, three years with the new system – what we have is from changing from one system to another some things had fallen into the gap and it is only now that people are realising that has happened and that something ... For example, Deputy Rob Prow said yesterday, 'Deputy Brehaut's blue bags'. Well, they are not my blue bags, I am not responsible for waste collection and charging that sits with STSB. But these common small, subtle misunderstandings still persist.

1185 It does essentially come down to trust, doesn't it? That is what it comes down to. If we take, as I have said before, the energy policy it has been to Economic Development, it has been to STSB, it has been to ESS and it has been to Policy & Resources. We could not be more open with a draft document that could be informed by other States' Committees. Some States' Committees have their door open to us clearly; sadly some, a couple in the past have had their doors just ajar and I would not say they have been obstructive but they have not been as helpful as we would have liked. That is about trust and that is about people, and that is about politicians more than it is about the structure that we operate under.

1190 So I think with this change of Government some things have fallen through the gap and we are just beginning to realise that now, but I do not think it represents a significant failure of this particular system.

Thank you.

1195 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

1200 It is just picking up on Deputy Green when he was talking about the Harwood Report which was thrown out by the States, which I am pleased to say, because I think I am a great supporter of consensus Government, I am not a supporter of executive Government. But the point being at that time, and the separation of whether you had a legislature or how it was actually set up, there were 57 of us at that time and we are now down to 38 and the two Alderney Representatives. So that it would actually make it even harder. The more you reduce the numbers as we see the difficulties that they are having Jersey and they have got a lot more Members than 40 in their States. So I would err on the side of caution of that one.

1205 So I think the design of the States – do you want me to give way Deputy Green?

Deputy Green: Yes, please.

Thank you, sir, I am grateful to Deputy Lowe for giving way.

1210 She opened by saying the States of the day had thrown out the Harwood Report. My understanding was that the States accepted a certain amount of what the Harwood recommendations reported to put forward, but then sought to create a kind of hybrid of certain elements of the consensus system with the terminology of the Policy Council and the Ministers, even though it was not a ministerial system.

1215 Is it quite correct that the proposals were actually thrown out, because my understanding was that they were substantially amended but they were not actually thrown out?

Deputy Lowe: Yes, they were amended from the original, that is what I actually meant. So the Harwood Report in itself was not accepted, it was heavily amended. So we did not actually have what was being proposed before us at that time because States' Members decided they wanted a different system, they wanted it changed. That is what we had to work with.

1220 But certainly regarding ... Deputy Fallaize said it in his speech and there were lots of cheers and appreciation around this Assembly, the Committees do work together. We have got Chief Officers that will pick up the phone they will speak and make appointments to meet another Committee, and ask to come and see us. It does not matter what system you have got but there is this great myth that actually the Committees do not actually work together. They do and that was recognised this morning from the response that Deputy Fallaize said. I think he is absolutely right: P&R are detached from that. Now, that is not a criticism that is the way the design of this States has been formulated.

1230 To be fair, at one time I was a supporter of that, I thought it would be a good idea to have P&R Members away from the Committees, but there was a missing chunk of that, I still think that the Committees should meet and that should be part of a regular format of the Government. If you did not have P&R separate I think the Committees should actually still meet in a form similar to the Policy Council because there is no communication.

1235 This is the biggest silo States I have ever worked in, because unless it is the Committees actually getting in contact with one another it is not formulated, we have no idea what is coming forward with the other Committees which we used to have previously in Policy Council days. So it could be tinkered with, it could be amended; but, do you know what? We have got really good staff and we have got good Committees that actually will work together and we do not need a huge change in this system of Government to be able to talk to one another and communicate and work together.

The Bailiff: Deputy de Sausmarez.

1245 **Deputy de Sausmarez:** Thank you, sir.

Deputy Lowe started off by saying something which I roundly endorse which is actually there is a huge amount of cross-Committee working. Actually when other people were talking about this I was having a quick look round the Assembly and it struck me that I could not think of a single Principal Committee that our Committee has not worked with on some point or other and actually many of the other smaller bodies as well. I do not know, I do not want to call them 'smaller' – some of the other authorities, the DPA for example and STSB of course we work very closely with on many areas.

1250 So I do get frustrated when I hear talk of silo working because that is really not my experience of it at all. I think there probably is some sort of missing element but I do not recognise this accusation of silo working at all. I think that is a message that I would like the public to understand a little bit better as well.

1255 Just picking up, Deputy Merrett makes an interesting point. I think her frustration of not knowing everything that is going on everywhere – that is Deputy Merrett all over and I do sympathise with that. But I am not sure that the formation – she is quite right to pick up on Rule 54(1) about the ability to form committees specifically for a purpose. But I think what that does not do is it does not necessarily make the process any more transparent. It obviously gives the Assembly some choice about who is put on that Committee but once the Committee is formed I do not see how it is any more transparent than any other Committee working. It also importantly does not get around the problem that Deputy Le Clerc articulated, which is you are potentially

1265 putting people in a position where Members of one Committee or individuals not on a Committee
are making decisions that impact very fundamentally the mandate of a particular Committee.
Thank you.

The Bailiff: Deputy Yerby.

1270 **Deputy Yerby:** Sir, I think that the principal problem that this amendment is trying to address
is the issue of accountability without power. The trouble with it is that it superimposes another
structure of Government on the existing Committee structure, so we will have six Principal
1275 Committees who are responsible between them for the vast majority of the different functions of
Government. So their mandates are divided up in that way. Then we will have these 23 policy
supervisory boards which cover the same policy space in a different way, and so the decision-
making power will be with the policy supervisory boards which do not have any sort of full
constitutional mandate in the States Rules, whereas the public accountability will sit with the
1280 Committees whose power to actually act has been gutted. That cannot be good governance in
anybody's mind.

Sir, I appreciate that there are fuzzy borders between Committees. There is inevitably going to
be a little bit of overlap between mandates because it is never possible to perfectly carve out the
work of Government into, say, six or seven completely discrete spheres which do not touch on
each other. As Deputy de Sausmarez has shown, every part of Government touches to a certain
1285 extent on every other part and that requires a great deal of co-operation at the moment.

But whereas six or seven Committees with six or seven fuzzy borders each gives you
somewhere between 30 and 50 fuzzy borders in all, once you have 23 Committees in play you
have got upwards of 500 fuzzy borders, 500 disputed areas of responsibility which will lead to a
much greater appearance of silo working, a much greater appearance of conflict and inability to
1290 resolve our problems, than anything we have in our current system.

There is nothing in this idea of the creation of policy supervisory boards that could possibly
make the working of Government better.

A Member: Hear, hear.

1295 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I will be supporting this amendment and the subsequent one as well.

1300 I want to pick up on some of the points made by Deputy Fallaize when he mentioned his
preference for a Committee or consensus form of Government and his dislike of a cabinet or
executive form of Government in the absence of parties.

Now, it might surprise this Assembly to know that as someone accused of being a founder of
the Island's first party, I am fundamentally opposed to executive Government being formed in
1305 Guernsey probably for the next decade or more. The fact is executive Government brings with it
its own dangers and I do see this amendment as being either intentionally or unintentionally a
backdoor route to executive Government, done on one page out of 300 page report without
proper consideration that should be applied to it. And this is why I will be supporting the
amendment.

1310 The fact is, in executive Government a small group of individuals have the power to make
executive decisions. (**A Member:** Yes.) That might be efficient and it might be effective, but you
do not have control over who those individuals are, necessarily, and how they go about that
process.

1315 If true parties are formed in Guernsey – and I do believe that the Island-wide voting will bring
in associations or parties forming – a true party with a Prime Minister and a cabinet forms and is
elected, then this Assembly does not have control over how those individuals will operate. Under
our consensus Government we have levels of scrutiny and levels of damage control, as it were. If
an individual is elected to a President of a Committee the fact is on a Committee they only have
one vote. If they start going off the rails, as it were, and going in a direction the other Committee
1320 Members are not comfortable with they can be outvoted at Committee level and that can prevent
a policy letter coming to the States.

Even if a Committee as a whole goes in a direction that the Island or the Assembly are
uncomfortable with, that Committee has to bring a policy letter to the States and again it has to
garner the majority support of this Assembly to go through, and it goes through that process of
1325 scrutiny and questioning and debate before it gets there.

If we start moving down the route towards executive Government you can have executives in
power who make decisions that do not go through those levels of debate, scrutiny, objection and
control.

1330 It is all well and good saying, 'Well, we are a responsible Assembly and we would like in this
case Policy & Resources and we do not mind them having a certain level of executive control'. The
problem then arises that you never know who is going to get elected next time round. There
could be a political scandal, there could be an emergency, there could be any number of other
problems that result in radical individuals or groups being elected to positions of power; and, with
executive powers, there is an incredible amount of damage that could be done in a four-year term
1335 before the electorate has a chance to rethink that decision.

Consequently, I will not support this and, as I say, I would like to put on record the fact that I as
an individual and the formation of the association is designed to support consensus Government
and I share Deputy Lowe's appreciation of that.

1340 As far as this actual Proposition is concerned in the policy letter, I share Deputy Neil Inder's
and Deputy Green's concerns about the scrutiny of it, I believe that there should be ... If you are
going to review – I do believe there is a time for a review of this structure of this new Government
and how it is functioning. But I believe that should be brought by SACC and should be done as a
policy letter that looks at all the options that we can then debate in the round and decide exactly
what form we want the future Government to take.

1345 As Deputy Fallaize pointed out if this original Proposition goes through then it would drive a
horse and cart through our system of Government and I believe that would be extremely
damaging.

So I hope that all Members will not support this – will support this amendment and *not*
support the original Proposition.

1350 Thank you.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

1355 Sir, consensus Committee form of Government is probably the worst form of government
except for every other form of government – (*Interjections*) to misquote Churchill.

But one could make a strong case, and it has been made, that we have executive Government
now and this is it. The main difference is we do not meet behind closed doors, but one could
argue we are as effective – or dysfunctional, depending on your stance – as other executives
1360 elsewhere and not very far from here. We operate, we stumble forward; two steps forward, one
step back. It is frustrating and I am certainly on record, sir, as sympathising with some of the views
of Deputy Green that I would prefer to have a system where we had a more robust opposition and
a definition between those who are in Government and those who are the scrutineers. We have

1365 not, and I think for the moment in Guernsey that is what our population wants, so we have to work with it with the problems there.

Now, sir, I was probably in a minority of one on P&R in terms of thinking that these original proposals would work any better. From time to time we review the way in which we do things. I do not, however, think that as – I cannot remember who it was, sir – but one of the previous speakers said that the current system is creaking. I mean, it has only been in place for three years; 1370 creaking speaks of something that is ageing beyond recognition, but it is not at that stage yet.

But I do remember the late, great Deputy Perrot saying quite opposite to the one that now fills his place, Deputy Dorey, I think, saying that in the last States' review debate that this is the last chance saloon for committee system of Government in Guernsey. I think we need to be careful there. We need to seek to improve and I think there has been an attempt, and I think even the 1375 proposers of the amendment and the majority of those that have spoken, recognise that P&R are seeking to attempt to make things better.

Clearly, what was proposed here may have improved things in certain areas but it would have created a whole load of problems elsewhere as well, and that is often the case with our system of consensus Committee Government. We might improve things in some areas but inevitably we end 1380 up creating some difficulties elsewhere, because we are the executive here in this Assembly, as well as being the opposition and the scrutineers, depending on what you are talking about.

My biggest problem and concern, sir, is that we should in a presuppositional way understand when we look at an issue that there is a broader context. We often do not. We have debates on particular issues and we take our stand on those things, and that is where you can draw lines 1385 differently depending on what the issue is. But many issues need a broader view. We need to be able to be more objective and some of us find that easier than others to do so on the broader issues, and that is where it gets tricky.

So, sir, I am going to support the amendment because I think that is a better way forward than what is before us. But this is not the end of the story. We are going to need to improve in the 1390 future and I hope we do so in an evolutionary rather than a revolutionary way.

The Bailiff: Deputy Fallaize, you may reply.

Deputy Fallaize: Thank you, sir.

1395 I hope it is the end of the story as far as policy supervisory boards in this form are concerned. I do not think Deputy Le Tocq was suggesting otherwise. He wants to be faced with more robust opposition. I think we could organise that. *(Laughter)*

Deputy Le Tocq: Not me personally, I am not looking for that. I have got plenty, thank you.

1400 **Deputy Fallaize:** I was going to say by the end of debate on this suite of amendments he might not be saying the same thing.

Deputy Lowe spoke and I think she said that this was the term of Government where she had experienced silos the most. Well, that just is not my experience. In fact, my experience is the 1405 opposite. I know my experience is not quite as long as Deputy Lowe's and I do not mean that disrespectfully, but I served in two States' terms previously and there has been much more joint working between Committees in this term than I have experienced previously; and much more joint working between the Committees on which I have sat and the Senior Committee in the form of the Policy & Resources Committee. In fact, at times we cannot get rid of them. *(Laughter)* That 1410 is how much joint working there is.

Almost all of the time the joint working to me feels quite constructive and that was my experience when I was a Member of Employment & Social Security and now at Education, Sport &

Culture. So I really regret having to criticise the Policy & Resources Committee over this proposal as I have.

1415 Deputy Gollop said Jersey does better because it has cabinet government. Well, I think that both parts of that sentence are disputable. (*Laughter*) I do not think that if you look at the economy in Jersey, if you look at the condition of public services in Jersey and if you look at the sense of satisfaction amongst the public of Jersey – I do not think it is possible to say Jersey is doing better than Guernsey. I think the reverse is true.

1420 To the extent that Jersey is doing better, and in some areas it probably is, just in the natural way of things, I think it is absurd to say that is because of cabinet government, for two reasons. First of all Jersey has introduced a form of cabinet government and then has spent quite a lot of time rowing back from it. In fact I think the current situation is that if there is any collective responsibility at all amongst the Ministers, it is not really imposed. So in a sense they have done
1425 the opposite of what our old Policy Council used to do.

We started with a committee system and they used to try to graft features of an executive system on to it; Jersey started with an executive system and has then started rowing back from it.

1430 Where Jersey gives the impression of acting with more pace, or doing better than us, I do not think it has anything to do with their system of government, it has to do with their level of public spending. (*Interjection*) They spend much more than we do both in infrastructure investment and annually in the delivery of public services, and that gives the impression of them being able to respond to issues which are identified by different parts of their community much more quickly and more assertively than we can. I am not advocating one approach or the other but it is not a machinery of Government issue, it is a public expenditure issue very largely.

1435 Deputy Gollop also says he want to reconcile the machinery of Government and the structure of the Civil Service. Now, I think that can be argued on way or the other. Actually in the pre-2004 days when the States has 30-plus committees the structure of the Civil Service did not mirror the committee system at all. There were all sorts of parts of the States which operated centrally and were effectively lent out to committees, like a committee secretariat. But anyway you could argue
1440 it both ways whether the political system and the Civil Service system need to mirror each other or not.

1445 But what I thought was quite unfortunate in what Deputy Gollop said, was that he said he believes in principle the two need to mirror each other and he said because the Civil Service structure has changed we need to change the political structure. (**Deputy Gollop:** Yes.) I think although he identifies a lack of leadership in our current machinery of Government, I think the way he expressed that point indicates what the real problem is, because the point is the Government of Guernsey exists in this Chamber, not at Frossard House.

Deputy Gollop: That is not true.

1450 **Deputy Fallaize:** Deputy Gollop says it is not true. Well, it may not be in practice but that is what is meant to be the case. It is not for the elected Government to start changing its arrangement to reflect changes which may have been made in the Civil Service structure, it is for the Civil Service to ensure that it is set up to support and serve the elected Government. (**Several Members:** Hear, hear.) (*Laughter*) We might come on to that in a debate on amendments 18 and 7, and if this debate has served as a prelude to that then perhaps that is a good thing.

I am not saying incidentally that I think the political system does need to mirror the Civil Service structure, I think there is quite a good case that it does not need to. But, if it does, the tail should not wag the dog.

1460 Deputy Gollop after woofing, rather amusing ... It is very difficult to make a speech from this position in the States with Deputy Gollop commentating on it constantly without being highly amused. (*Laughter*) But he painted a picture of a future of cabinet Government or ministerial

1465 Government. But let's just imagine: that means that the Members who sit here on the top bench would be in Government and all the other Members of the States who do not sit on the top bench would not be in Government or would be in opposition.

Now, I do not know whether that is a future that appeals to many States' Members, it certainly is not a future that appeals to me, not least because you are never quite sure when you are going to be on the top bench and when you are not going to be on the top bench. But you would have a few ministers in Government and everybody else shovelled off on to scrutiny committees.

1470 Now, Deputy Green enjoyed his role as a scrutineer but I do not think that that is the common view among the Members of the States who are not Presidents of Committees. I think most people stand for election, not because they are desperate to scrutinise the work of others, but because they want to have an influence on decisions which are being made on policy.
(*Interjection*)

1475 And Deputy Laurie Queripel, I will give way to.

Deputy Laurie Queripel: Thank you, sir, and I thank Deputy Fallaize for giving way.

But actually doesn't effective scrutiny have that effect anyway in regard to helping to shape policy?

1480 **Deputy Fallaize:** It can do. But I do think that Members who sit on Principal Committees in our system have more influence on policy-making than Members who sit on scrutiny committees, valuable though the role of scrutiny committees is. I just do not think that very many States' Members would want to be part of a system where most of them were sitting on scrutiny committees and not sitting on policy-making committees. So you end up with this problem – and this is the great problem with the idea of cabinet government in a non-party system – which is: should the cabinet or the executive be in the majority or should it be in the minority?

1490 If it is in the majority that effectively is an elected dictatorship. The Government would turn up in the Assembly every month it would be able to outvote the other Members of the Assembly every month and effectively it would be able to get through its entire programme but, because we do not have a party system, that programme would not have been endorsed at a General Election and that is the problem.

1495 So what could you do? You could have a cabinet which is in a minority in the Assembly. Well, that is what they do in Jersey and then of course they run into the problem that the Council of Ministers is outvoted by the rest of the Assembly and the whole thing starts to fall apart because they are expected to operate like a Council of Ministers but they cannot because of their numerical disadvantage.

I will give way to Deputy Inder.

1500 **Deputy Inder:** Deputy Fallaize, I think you have probably won this amendment and I just wonder if you are drifting into the machinery of Government debate?

1505 **Deputy Fallaize:** Probably I am, but in my defence I think the Policy & Resources Committee's proposal started it (*Laughter*) and it would be difficult to reply to this debate without getting into the machinery of Government issues I think. But I will be as brief as possible, (**Deputy Inder:** Thank you.) (*Laughter*) which may not be as brief as Deputy Inder would like!

Deputy Ferbrache has openly and honestly been a supporter of cabinet Government for a long time although the way he describes it I am not sure he fully understands it, (*Laughter*) but since he is not here to defend himself that is probably a justifiably unfair thing to say.

1510 What did he say actually? (*Interjections*) Yes, he said that he had some sympathy for the proposal put forward in relation to policy supervisory boards because there were problems with the existing system. I think that is a really very dangerous argument. You get presented with a

1515 load of solutions and you say, 'Well, because things do not seem perfect at the moment, we will just go with this bunch of solutions that has been put forward'. The problem is that the policy supervisory boards as proposed would lead to a very chaotic set of arrangements.

1520 The other thing is, and this really is a response to something Deputy Ferbrache said, if he thinks that centralisation inevitably leads to more joined-up working – and I cannot believe this is true of him – but he cannot possibly ever have read an autobiography or the memoirs of a cabinet minister. Because cabinet ministers are frequently at war with each other, although they are part of the same cabinet, and the Treasury in a cabinet system is almost always at war with all of the departments; and the cabinet members have to dream up forms of words when they are interviewed in public because they quite obviously do not support half of the policies being pursued by their colleagues in the cabinet, and they come up with all sorts of words to skirt around that issue because if they reveal the truth the Prime Minister would sack them. That is how cabinet government operates. But it is all to do with being able to have a majority of votes in the parliament and, in a non-party system, any executive or cabinet in Guernsey could not achieve that.

1525 Deputy Dudley-Owen described the Policy & Resources Committee's proposal as a clumsy attempt at reform, and I actually I thought that was the best description of it during the whole debate and I wish I had called it that myself now. And also made a very good point about the lack of accountability in policy supervisory boards and she is obviously absolutely right in that.

1530 You could end up with situations where a Principal Committee is required to send somebody to a policy supervisory board which has been given some decision-making authority but that Member may not reflect the views of the other Members of their Principal Committee. So you could end up with a situation where the Policy & Resources Committee is coming to the States with some proposals which have been put to it by a policy supervisory board, let's say in the area of Health Care, and the elected Committee for Health & Social Care comes to the States and says 'We don't agree with these proposals' – and this is presented to the States as a way of improving governance. Well, it really would create a mess.

1540 Deputy Inder, I think, is a bit sceptical about the reasons for this proposal. I think Deputy St Pier is not a proponent of cabinet or ministerial government. I have sat with him at debates held by those business organisations who do not so much encourage as provoke you to declare your affinity for cabinet government, and on those occasions he has always publicly said that he is not in favour of the ministerial system and explained why. I genuinely do think this is an honourable error, but an error nevertheless.

1545 Deputy Soulsby and some other Members said they thought a debate on the machinery of Government was long overdue. Well, we had one in 2002 and 2003 and 2009 and 2014 and 2015. So, I suppose you could argue about whether there should be one but I do not think one could say it is long overdue. On all of those occasions, five of them in the last 17 years, the central issue debated by the States has been whether to have a ministerial system or whether to have a committee system and, on every occasion, the arguments for a committee system have been carried by a margin of four or five to one. Then the Members who wished we had a ministerial system turn up a few months later and say, 'What we need is a debate about the machinery of government'. I think what they need to do is accept the outcome of all the previous debates – but I would say that as a supporter of the committee system.

1555 I will give way to Deputy Soulsby.

1560 **Deputy Soulsby:** I thank Deputy Fallaize for giving way; but does he accept the fact that during all that period there was little in the way of change to the Civil Service structure, and that it is the changes in the Civil Service structure that are really bringing home to us the need to really review whether the machinery of Government is fit for purpose?

Several Members: Hear, hear.

1565 **Deputy Fallaize:** Well, I think that is an important and perfectly fair point; but, no, I accept the challenge that Deputy Soulsby lays down, but I do not think the response is for the elected Government to review its structure. I think the response is for the elected Government to ensure that the Civil Services structure is capable of supporting it, and if it is not then I think we should direct changes to it. (**A Member:** Hear, hear.) There are only two functions of the Civil Service: one
1570 is to deliver public services and the other is to serve the elected Government, and if it is not doing that then it needs to be *made* to do that. (*Interjections*) And incidentally could be, but we will come on to that later.

Deputy Dorey talked about politics, and I think this is a really important point. Changing the system of Government, introducing a cabinet system or changing to any other sort of system, will
1575 not remove the frustrations which are inherent in politics. It is a very frustrating experience. There are other members of the same Government who are trying to stop you from doing the things you want to do. That happens in every government. (*Interjections and laughter*) Long may it continue, I say to Deputy Trott. But this is what happens. It is very hard work and time-consuming to build coalitions and alliances to try to get done the things you want to do.

1580 Deputy Ferbrache, I am afraid, is not going to find that an executive system of government or a cabinet system of government all of a sudden would mean that all you need to do is get enough votes at a General Election and then you can be inserted into a parliament and everybody else will do what you want them to do. It is not going to work like that I am afraid! It might work like that in aspects of commercial life, but it does not work like that in Government, whether you have a
1585 cabinet system or not.

I think some people who come into the States, and perhaps do not serve for very long, and they leave the States and they say 'Oh, I cannot work with that lot; it is so frustrating because I am used to being able to get things done in commerce'. But I actually think the frustration for them – and I respect them – is not our system of Government or Government in Guernsey, I think the
1590 frustration is for them is politics. They are just not suited to politics and changing the system of government is not going to change that experience.

Deputy Merrett referred to States' Investigation and Advisory Committees – is that way round or Advisory and Investigation Committees? I thought she was right. I think the Seafront Enhancement work could have been pursued through a States' Investigation and Advisory
1595 Committee. The Policy & Resources Committee could still have been very influential depending on the membership of that Committee, and I think that setting up Special Committees where otherwise bringing together numerous Committees would make something too clumsy, would be a very effective route. So I do not know why the Policy & Resources Committee did not propose that. They will have to explain that themselves.

1600 Deputy Merrett spoke about different governance arrangements, and the States can arrange their governance arrangements however they want. I mean, when we are here these are meetings of the Government of Guernsey. We are not meeting here to express some opinions about things which some other people who are then in Government take away and think about what to do with. If Deputy St Pier asked the question: 'Where is the power in Guernsey system of
1605 Government?' It is a fair point; I know the point he was making. But if it exists at all, it exists *here* in this Assembly, and it is up to this Assembly to decide how to arrange the functions of Government. It is up to this Assembly to decide how to arrange the structure of professional support which exists for it through the Civil Service. It is up to this Assembly to decide what the policies of Government are.

1610 Sometimes when I hear Members of the States speak in debate I think they imagine that there is some other group of people somewhere who are in power, (*Laughter*) and if only they could persuade them to do the things they want to do! But that is the job of this Assembly.

1615 Now, two further points, briefly. What actually happened over Harwood was that the Harwood Panel proposed two different ways of arranging Government – a cabinet system and an improved committee system. They said, 'Either one can work, it is a political decision and it is up to the States to decide'.

1620 The Advisory & Finance Committee of the day, which was not full of but contained quite a number of Members who wanted a cabinet system, thought 'There is no way we are going to be able to argue it unless Harwood has declared in favour of it, so we are going to write back to Harwood and say, "You must come out in favour of one of these systems"'. So the Harwood Panel said, 'Well, on balance, we would favour a cabinet system'. That is what happened.

1625 As it happens, the current committee system we have is the committee system, more or less, which the Harwood Panel recommended as the best committee system available. For some reason the States had that period of experimenting with a Policy Council which was sort of a hybrid system which did not work well. So whatever we do we must not go back there, please.

1630 Deputy Yerby, I will finish on this point because I thought she summed it up very well, said that this amendment was really trying to address the problem in the original Policy Council proposal of power without accountability, and that is the central problem. If we create policy supervisory boards they will have quite a lot of policy-making authority but there will be no effective way of the States or anybody else holding them to account. That is not satisfactory and that is what has made this amendment necessary, and I ask the States to support it.

The Bailiff: We vote then on the amendment proposed by Deputy Fallaize, seconded by Deputy Tooley, amendment 4. Those in favour; those against.

Members voted Pour.

1635 **The Bailiff:** I declare it carried.

Before I call the next amendment I am afraid I was remiss earlier when we were voting on amendments 2 and 15 I forget to give Deputy Prow the opportunity to reply to the debate on amendment 2, and I have apologised to him for that and I know that there is something he wishes to say to the Assembly that he would have said had he replied.

1640 Deputy Prow.

Deputy Prow: Thank you very much for the opportunity; and, sir, I should have leaped to my feet, so I apologise as well.

1645 **The Bailiff:** It was my fault.

1650 **Deputy Prow:** One point that I did make in my opening, and I just want to reinforce, was my respect for the ESS Committee, their President and all their Members. And, in trying to press home my challenge to where we are with the Reciprocal Health Agreement – and I have to say I am very, very comfortable indeed with the outcome this States has decided – I was not minimising all the hard work and all the effort that has gone in by ESS and indeed their officers, and I completely accept that their resources are stretched, as resources are stretched across Home Affairs and HSC.

So I just wanted, for the record, to make it abundantly clear that was not my challenge or any intention to criticise them on that front.

1655 Thank you, sir, for giving me the opportunity to say that.

The Bailiff: Thank you very much, and once again I apologise.

That brings us to amendment 14 to be proposed by Deputy Hansmann Rouxel and seconded by Deputy Yerby.

Deputy Hansmann Rouxel.

Amendment 14

To insert the following Proposition:

'4. To direct the States Assembly & Constitution Committee to consult with the Policy & Resources Committee and other States Committees on how effective cross-Committee working can best be facilitated within the current structure of the States, with specific regard to the induction process and any ongoing support required.'

1660 **Deputy Hansmann Rouxel:** Thank you, sir.

This amendment is simple and non-contentious, I would hope, after the debate we have just had on the previous amendment. It does go in tandem a little bit.

For the benefit of the public it is simply:

To insert the following Proposition:

To direct the States Assembly & Constitution Committee to consult with the Policy & Resources Committee and other States Committees on how effective cross-Committee working can best be facilitated within the current structure of the States, with specific regard to the induction process and any ongoing support required.

1665 It is a bit of a mouthful, but it is simply part of my make-up not simply to vote something out. Yes, there has been much debate, and Policy & Resources quite rightly has identified that there is a problem. Yes, our consensus Government does creak at the wheels, and there needs to be an attempt to speed up the development of policy. Absolutely, it is a noble idea but it completely negates to identify the real cause of this delay.

1670 What does cause us to go on roundabouts and endless unicorn rides? The answer I came up with, and it is just an offer, is that we are simply not sufficiently equipped in modern policy development. While we asked the Civil Service to modernise and change their way of thinking we are not modernising and changing *our* way of thinking.

1675 Now, I know that Deputy Fallaize says that the Civil Service ... But it is about modernised ways of working. If you look at offices and modern companies they work in a different way. There is no need for us as a consensus Government to bind ourselves to old ways of working.

1680 Unlike some here, I have worked relatively recently in the field of training and development in a large conglomerate company and through my work in applied improvisation I have witnessed this shift in working practice towards more collaborative team work and intuitive problem-solving, not centralised power. Effective modern leadership is now not based on the top-down approach but more of the collaborative empowerment of the lower echelons of any business.

1685 One of my first experiences of training was working as a waiter trainer. Yes, you get to train waiters for Pizza Express. Now, I completed what was called a 'Craft Trainer Award' and all that does in training a craft involves breaking the task into smaller parts to identify how it is and then you train those smaller parts and you put them together. I have spent years training actors to improvise and corporate teams to work together and, in all of this, one of the cornerstones of training is that people need to be given the tools to do their work. Without that, you can put all the organisational structures in place but unless people doing the work have the skills and tools to do the work it will be doomed to fail.

1690 When teaching improvisation you have to ask: how do you teach people to go out and make up a story without a script? There are no lines to learn, there is no script to tell you how to say something, and there are no stage directions to tell you where to walk or what to do on stage. So how do you teach people this? How do you train someone to make it up? You give them the tools to work together; you break down what is happening to create a story into the smallest parts, into

1695 how we communicate with each other. You teach them the building blocks of communication – how, in every interaction, we make offers, accept or deny those offers, build on them or reject them.

We are politicians; we are just making it up – working together, building on each other's offers or rejecting those offers. But where we fall down is when we do not have the tools to do our job and get the ball moving forward.

1700 We are elected because we have demonstrated to the public that we have ideas about how to get things done – ideas that the public support. But how can you change things once you are elected if you do not have the tools to identify the policies to challenge them and develop new ones?

1705 The other part of the problem that P&R mentions is the stated aim of achieving cross-Committee policy development. In order to do that I propose that we need to ensure that we have the skills, and these skills are distributed and not siloed further through more bureaucracy; and I feel that would have happened with the supervisory boards. Knowledge is power and if the mandates and responsibilities are only held by those on these Committees, how do we expect the Assembly as a whole to recognise policy, to understand how the policies interact and create a
1710 cohesive web? How can we be effective scrutineers if we do not have the understanding of what we are scrutinising in order to identify when something is not working? We need to spread out the knowledge and the skills.

How do we do that if we are concentrating the knowledge with only one individual? And that is what would happen if you are just giving one person in your mandate the responsibility on the
1715 policy supervisory boards. However brilliant that one person is there is, of course, only one Emily Yerby in this Assembly. (**A Member:** Hear, hear.) (*Laughter and interjections*) We could not put her ...

The only style of executive government I would accept. (*Laughter and interjections*)

1720 No, that policy work and awareness needs to be shared. The only way to achieve this is to give Deputies the tools to understand policy development and oversight, and to break the silos we have to allow Deputies across the Assembly to understand the tensions of policy delivery in everybody's mandate.

1725 We are all in Government; we need to stop thinking like Westminster and realise we are consensus Government. (**A Member:** Hear, hear.) We do not have to be in opposition to scrutinise. How much more effectively can we scrutinise if we are empowered with knowledge? Yes, that knowledge can come through experience but not everyone has the experience of sitting on a policy-making Committee, and even our President of Policy and Reform, prior to this term, has not sat on a Principal policy-making Committee. He sat on Treasury & Resources. (*Interjection*)

1730 To those who are asking for a review of machinery of Government I would ask that before we go spending more time and energy fixing something, that we have to identify what is wrong in the current system and what is not working in the first place.

I think the reason why people feel that cabinet-style is perhaps more attractive and might get things done – and I accept Deputy Fallaize's reasons for not accepting it – we need to go and find the answer which is hidden in the definition of top-down leadership of business.

1735 The top-down approach can be a handy tool for directing employees successfully when they might not have the competence or confidence to make decisions themselves. It also offers opportunities for leaders to display and exhibit their prowess and expertise, thus building employee confidence in their leader. Top-down leadership is generally appropriate leadership style for companies that mass produce specific products like manufacturers where there is often
1740 less need for creative input from the lower echelons. That is not how I view anybody in this Assembly, as not wanting to have a creative input into what we are doing.

Yes, for cabinet style you need to have parties to bring in those lower echelons of Deputies who might not have the competence or confidence to make decisions themselves. That is not how

1745 I recognise any Member in this Assembly. So I think there is a real danger of the attraction of cabinet style and how it would not work and how we need to make consensus style work.

In closing, just a little aside about public problem-solving. An academic in the United States, Eugene Bardach, who has written quite a lot on public policy-making, in response to talking about public problem-solving and private problem-solving he said this about policy development: 'It is common sense applied to public policy problems. Common sense from your own experience from the personal world applied to a much larger, more difficult and complicated world with many pitfalls in making the transition from their personal problem-solving to that of the public sector.'

1750 Now, I know there are a couple in the Assembly who will go, 'Oh, hallelujah! Common sense! We need to use our common sense, that is what we need to do'. And it is absolutely that, yes. But it is that second part, applying it to a much larger and more difficult world of Government.

1755 We need to give Deputies the skills and tools – we should be providing them to new Members and returning Members – to apply their common-sense solutions that got them elected in the first place; giving them the tools to navigate the transition from the common sense in your private problem-solving to common sense in that of Government.

1760 When we cannot do this, when we cannot empower Deputies to act on the solutions that they presented to the electorate, we will end up saying, 'No, we can't do that; no, we can't we move the story on'.

So let's say yes and ... to this problem, and move the story on.

1765 **The Bailiff:** Deputy Yerby, do you second the amendment?

Deputy Yerby: Yes. May I speak now?

The Bailiff: Well, Deputy St Pier is entitled to speak now if he wishes to do so. If he does not, I will call you.

1770 Deputy St Pier, do you wish to speak?

Deputy St Pier: Sir, I will, and will just be very brief.

1775 Just to say, as I spoke on the previous amendment, to indicate that the Policy & Resources Committee does support this amendment. We do believe it is a sensible Proposition if indeed that is what it becomes.

The Bailiff: Deputy Yerby.

Deputy Yerby: Thank you, sir.

1780 I had hoped in speaking to forestall Deputy St Pier from repeating what he said in the previous amendment, that this implied some kind of acceptance of a policy supervisory board-shaped hole or the idea behind it. I am grateful that he did not repeat that, and certainly in seconding it that is by no means my intention.

1785 I agreed to second it because I was humbled by Deputy Hansmann Rouxel's willingness to say 'Yes'; and to say, 'Okay, you have seen a problem and you have come up with what looks like completely the wrong solution to it, but is there something that we can do to make it better?' So thank goodness there is only one of me and there is a rich tapestry of everyone else here. *(Laughter)* **(A Member:** Hear, hear.)

1790 This amendment is in line with what SACC is already planning to do for the next election, around induction and ongoing training for Deputies; it is not adding new work in the way that Deputy Ferbrache spoke about yesterday. It is just a recognition that we can link together perhaps some Policy & Resources concerns about what may or may not be working in the current structure, with some of the solutions that we are proposing. I ask Members to support it.

The Bailiff: Deputy Inder.

1795

Deputy Inder: Sir, we have spoken about this and decided we are not going to oppose it. We think it is sensible. Just looking around me, quite clearly Deputy Yerby agrees with it, Deputy Ferbrache does, we do as well. As far as I understand I think Deputy Merrett does, but she may counter me as usual. *(Laughter)*

1800

So as far as we are concerned, if Deputy Merrett wants to get up and shout 26(1) I would be grateful.

The Bailiff: Deputy Smithies.

1805

Deputy Smithies: Thank you, sir.

I quite liked this amendment when I read it, but I am afraid after Deputy Hansmann Rouxel's explanation about the thinking behind it I am now slightly alarmed. I would resent such a programme as described. I have not reached my current state of being with any further need for the tools, physical or metaphorical. This is not a business or commercial enterprise, as already stated by Deputy Fallaize, in what I actually – as an aside – thought was one of the best explanations of the role of this Chamber and its relationship with the Civil Service I have ever heard.

1810

This is a thinking Chamber and each of us has our own individual thoughts. We do not need to be given training in group think. I personally do not want to be de-constructed and then reassembled like a waiter in order to be a member of a team! My common sense does not fit in with the definition given by Mr American Bader, I much prefer the practical common sense and grit of Douglas Bader. *(Laughter)*

1815

The Bailiff: Deputy Fallaize.

1820

Deputy Fallaize: Thank you, sir.

This is an inoffensive amendment in some ways and probably does help to move the story on, as Deputy Hansmann Rouxel said. There is one slight problem with it which is perhaps more in an interpretation of it than in the wording, because I think the amendment has been trailed quite heavily in the debate on the previous amendment. There has been an implication that this might be a better approach than the original Policy & Resources Committee proposal to facilitating future cross-Committee working.

1825

Now, the Policy & Resources Committee's approach was a structural approach; it was about changing the structure of the States to respond to an identified need to improve cross-Committee working. This amendment could be interpreted in the same way.

1830

I mean, I will read the first three lines:

To direct the States Assembly & Constitution Committee to consult with the Policy & Resources Committee and other States Committees on how effective cross-Committee working can best be facilitated within the current structure of the States ...

It depends what is meant by the 'current structure of the States'. If you say the current structure of the States is that we have a committee system, well the committee system can be arranged in a very wide range of ways while you retain a committee system. So this amendment could engage SACC in, effectively, a review of the committee structure of the States, and I do not think that SACC is the right body to be doing that. Not because there is anything wrong with SACC but just because I think its mandate does not really extend to that sort of work.

1835

But the way, Deputy Hansmann Rouxel has presented the amendment and the words after the comma in the amendment:

... with specific regard to the induction process and any ongoing support required.

1840 I have inferred from her speech, and from the wording of that part of the amendment, that
what she is in mind that this amendment does not imply any change to any part of the structure
of the States, so no kind of structural response, but that simply by changing the way we work with
each other on an individual basis or on a Committee-wide basis that cross-Committee working
could be improved. I think it would be helpful if Deputy Hansmann Rouxel could clarify that point
1845 when she replies.

The States Assembly & Constitution Committee has responsibility not for the machinery of
Government but for the Rules of Procedure, and if she is suggesting that there are things that
could be done within our existing procedures which include the induction process to improve
cross-Committee working, then I am very happy to go along with that and vote for this
1850 amendment and see what SACC can come up with.

But if this amendment might lead to SACC being engaged in reviewing whether there are
structural responses to the cross-Committee issue then I would not wish to vote for it. But I will
give easy to Deputy Yerby.

1855 **Deputy Yerby:** If it gives Deputy Fallaize any comfort, SACC has quite a lot on its plate at the
moment and regardless of how this amendment might be construed if one were to bring a
mischievous construction to it, we just do not have the people or the time to construct it in that
way.

1860 **Deputy Fallaize:** Okay. Well, I gave the Policy & Resources Committee the benefit of the
doubt that it had made an honourable error and I will give Deputy Hansmann Rouxel the benefit
of the doubt that she has made an honourable success of this amendment. *(Laughter)*

The Bailiff: Deputy Kuttelwascher.

1865 **Deputy Kuttelwascher:** Thank you, sir.

I am just going to add one point of correction to what Deputy Hansmann Rouxel said. She
suggested that Deputy St Pier on Treasury & Resources had no experience of policy-making. Well,
I was on that Committee and believe me we had a lot of experience of policy-making because of
1870 all the subdivisions within T&R. So that is quite wrong and I will just leave it at that.

The Bailiff: Deputy Gollop.

1875 **Deputy Gollop:** Deputy Hansmann Rouxel made a really interesting and passionate speech
but in some ways she went beyond the amendment, which maybe is what put off Deputy
Smithies, because I think she was talking about the whole nature of us working together more
constructively evolving political behaviours and attitudes that some of us had in the 1990s and the
earlier years and the context of collaborative working.

Of course, it is interesting that you have seen a lot of work on this in America particularly
1880 possibly on the West Coast in Silicon Valley, but a lot of those were started by charismatic
entrepreneurs whether it was Steve Jobs or Bill Gates or whatever; and I could not help but
thinking during the speech, for example, of the controversial figure of Sir Richard Branson who
has managed some enterprises, some of them very successfully and innovatively, perhaps others
less so. But I would imagine that it is still a fairly top-down structure.

1885 Now, the lower echelons that were mentioned a few times made me think because I used to
live in the Strand and that used to be called Les Echelons – you had the Higher Echelons, the
Upper Echelons and the Lower Echelons.

1890 But I remember seeing Deputy Hansmann Rouxel's improvisation on the History of Guernsey, which was an extremely successful performance. But I thought to myself, I sometimes improvise and tell stories and stand up, but people do not always appreciate them; and once, when I was in a Committee and said 'We make this up as we go along', it was widely misunderstood by other participants.

1895 But the point is we do need to move the story on and I know Deputy Yerby in many ways is already our leader of the executive, because she sits on so many bodies and makes such a valuable contribution across the board. But we already have an able SACC Committee, States' Assembly & Constitution Committee, but in a way I know they are extremely busy with Island-wide Elections, Codes of Conduct, Jurat selections and other things, and I might be asking them update questions next month. Because I think there is a feeling today, I am detecting, that it would be quite a good idea if, before the end of this term, the States' Assembly, maybe working
1900 with other Committees, actually begins the groundwork for a machinery of Government report, which of course will take place in the next term. There is no reason why once all the legislation and policy work has been done for some of the other areas, why in the New Year we could not perhaps sign off the policy letter on that.

1905 Admittedly, I think SACC is under-resourced, but actually Deputy Hansmann Rouxel in a way was only half speaking to the amendment, because the amendment is quite specific and it is very much a looking process and it acknowledges that we are all almost unanimously saying at this stage, policy supervisory boards are not an acceptable solution, and she and Deputy Yerby rightly say it is reasonable and constructive to ask what alternatives there might be to improve mutual understanding and co-operation between Committees where this is needed. We know some areas
1910 have worked very well, Health and Social Security have had a good relationship; but even there we have not gone as fast as we might have done on Primary Care funding, for example.

But one option is, the amendment calls for an option to use the States' induction process. Now, that means resources; it means money; it means people; it means professional training; it means corporate governance. In the previous term, or the last one of the Policy Council, one of
1915 the Ministers actually encouraged his board members to go down a corporate director-style route and that was perhaps worth doing but it is something we need to do.

We do get Members – Deputy Inder, particularly, came in on a by-election – and recently we have seen the arrival from Alderney of Mr Snowden and Mr Roberts. Now, they need to be given fair induction as well, and sometimes it is a little bit piecemeal for people who arrive mid-term. So
1920 we do need specific training on policy-making for parliamentarians, but that requires professionalism, it requires money, it requires time, and it is not going to be done on SACC's current budget and staff resources, I would argue. So they have to rise up to the plate and get Deputy St Pier and Deputy Trott and Deputy Le Tocq and Deputy Stephens and Deputy Brouard to give them more. (*Laughter*) (**A Member:** Hear, hear.)

1925 The Committee inductions and the States' Members being entitled to sit in and observe Committee meetings perhaps raise some difficult issues, but I know Deputy Tindall has particularly done that, she has taken advantage – well she actually has worked hard to acquaint herself with other Committees, I have only done that once I think with SACC. But I think it is open to us already to do that and I think most, if not all Committees, would welcome that. So there are things we can
1930 do from the start.

What I would also say in answer to the points Deputy Le Clerc and others were making is that the difficulty somebody like me, myself, might have and I was in this situation when I sat on SWIBIC was, I was aware I was representing the majority of the Committee which I saw not just as
1935 political Members but non-States' members and the work and research of the officers had done, but I also had my own views and there was a tension there as to whether I was a delegate or a representative of the people, and quite often I had different views from the Committee and therefore I do shift position from time to time. But I would have to say that if you want to avoid

1940 that in any cross-working party you have to start thinking about either delegation or a ministerial situation whereby the minister is on a higher echelon, in a manner of speaking, but we will not go back into that.

The final point I would make, but I do not think it is the last we will hear of this in the debates today, is you cannot just dismiss this as time-wasting work on process, because if we do not know how we can effectively work together politically we not only will have crises from time to time but in reality we will by default be delegating decision-making and policy-shaping powers to experts, 1945 civil servants and statutory officials. So it really is the last chance saloon for us to get our act together and really make the system work.

The Bailiff: Deputy Tindall.

1950 **Deputy Tindall:** Thank you, sir.

I was going to mention the fact that I have been observing various Committees, but Deputy Gollop obviously mentioned that. I particularly wanted to add that obviously the benefit of sitting in on P&R I think has been the most beneficial because it does show how all of these things are brought together; and the way in which also some of the other Committees when they work 1955 together and it is not brought to P&R in the same way. It has been fascinating and I would thoroughly recommend it, and so much so that actually if you cannot be an observer just join the Committee anyway like I did when I could not get there.

The second point is that I really appreciate – again these are mainly in the explanatory note but it is still very useful – that these inductions are made available to all States' Members. I think that 1960 is absolutely a fantastic idea because clearly that would have given great advantage to an understanding of the Development & Planning Authority, although of course the inductions would have been given by officers as we did not exist before 2016. But, clearly, that can be beneficial in 2020; it is specific to our Committee and I am sure others.

The other matters the specific training on policy-making. As some of you may know in our 1965 Development & Planning Authority Action Plan we talk about induction in respect of quasi-judicial decision-making and, again, this is quite a widespread element of our work and some less than others, and therefore it may be beneficial to share experience again in these inductions.

Finally, I would again like to acknowledge yet another amendment that includes 'and other States Committees'. I very much appreciate this, I genuinely feel that Development & Planning 1970 Authority's amendment which was originally to install us in the P&R Plan process, has been taken thoroughly on board by everyone and for that I am very grateful.

Thank you, sir.

The Bailiff: Deputy Merrett.

1975 **Deputy Merrett:** Thank you, sir. I will be quite brief.

In the Proposition it says the current structure of the States and although there is not an end date on this I am assuming that the proposer and seconder will want this – what was I going to say? – in line, ready, prepared to go for the next Assembly. That is my assumption, and maybe if 1980 Deputy Hansmann Rouxel could just confirm that when she sums up.

I already feel entitled to sit in and observe other Committee meetings, I have to be honest, and I have been to Home Affairs, I have been to the P&R. So I think if you ask, and Members can ask, if there is not an open door then you need to query why is there not an open door. But I certainly think that, and I sat on the – oh, I am going to get the title wrong, which might upset Deputy 1985 Brehaut, but the Enhancement Area Seafront one, that one. I sat in on that one as well, as an observer.

So we can ask and we can go in. I would not necessarily want to make it a mandatory expectation for Members, but I certainly think I already feel entitled but if Members do not then I would encourage them to just push at what should be an open door.

1990 The last point I do want to make, sir, which I think Deputy Tindall referred to, is training, because most of the training I received, sir, or induction or whatever you want to call it, was from the Civil Service, and I believe there are occasions where I do not feel best placed to be trained by the Civil Service, to be honest. I feel potentially I would be best trained, or advised, or in an induction by somebody that is not part of the Civil Service, for some of what I like to think could
1995 potentially be obvious reasons. I will not expand on that now because I think that will be a discussion we have in SACC in due course, but I just want to put it on record that I think there are occasions where we should not assume the best people to train or give inductions for a parliamentarian is in fact the Civil Service.

On that note, I will just mention an acronym the CPA, the Commonwealth Parliamentary Association, because I was very appreciative of having some parliamentary training through that and that was in recognition of being a parliamentarian but also working with small branches; and to be honest, sir, that training was totally invaluable to me as a Member in the first year of office. So whereas SACC can give these guidelines I do – being a parliamentarian – think the CPA is somewhere we can look and we should be looking to source some training and we need to get
2000 away from inductions being purely from the Civil Service and we need to think outside of that remit, but yes.

And the other one, a quick remark, I think it was Deputy Gollop – and surprisingly I concurred with a lot of his comments on that, which was great to be fair. But with regard to the resource and ongoing training, I think that ongoing training or ongoing induction other Members have referred to it in political terms as a tick-box exercise, but it really should not be. It should be training or ongoing training that is appropriate to us as Members, whether that is GDPR training which comes to mind dramatically, sir – but those ongoing, when we bring policies in we are enacting something, legislation within our political term that we, as Members, who have enacted it, so in theory we should know all the consequences of that legislation, but also any training that we need
2010 needs to be really timely on occasions.

So I will support this amendment. I am disappointed that there is no date of completion on there, but that is just me. But mind you as VP of SACC I am not held to be accountable for it if there is no deadline on it so maybe that is a good thing. But I do think it is clear that it is the current structure, it says it in black and white there, and the explanatory note is helpful but, yes.

2020 So I will support it, but we did not have an opportunity to speak to it as SACC, that is why I could not give Deputy Inder the nod, but I think it is a good compromise and I am not sure how far we will get this political term, but I would like to think my SACC colleagues will try our best as we do in everything. (**A Member:** Hear, hear.)

Thank you, sir.

2025

The Bailiff: I sense that Members want to get away to their lunch-time meetings, so we will rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.34 p.m.
and resumed it sitting at 2.30 p.m.*

**Policy & Resource Plan –
2018 Review and 2019 Update –
Debate continued**

2030 **The Bailiff:** Well, Members, we continue with debate on an amendment. Does anybody else wish to speak? No.

Deputy Hansmann Rouxel, do you wish to reply?

Deputy Hansmann Rouxel: Thank you, sir.

2035 Just to briefly respond to the almost visceral reaction that Deputy Smithies had to my speech, and I take on board the comment from Deputy Gollop that it maybe went further than the actual amendment and that is, of course, true. It is about *my* perception of what might be needed. But the actual Proposition, what we are agreeing, as Deputy Fallaize pointed out, is merely to direct the States' Assembly and the Policy & Resources Committees to look at how effective cross-Committee can best be facilitated within the current structure of the States.

2040 I take on board Deputy Fallaize's comments regarding the wording and that it could be something that leads to a broader review that has to come back and that is not the intention. It is merely to offer what might be a small solution to part of the problem, not to go and try to unpick and think about big structural changes to the States. If that is the assurance ...

2045 I know Deputy Yerby did clarify that in terms of the commitment that SACC is currently under and that the induction process, and looking at the induction process, this is part of the work they are doing already and Members would have already received an email inviting Members to give feedback to SACC so that in their preparation for the induction process for new Deputies, post-2020 election, Members are invited to give feedback to that process. I would say Members should take the opportunity to actually feed back into SACC because we have the capacity to do so – and
2050 SACC is only as good as the information they receive.

Deputy Gollop was quite right pointing out resources and I do hope that in the 2020 Budget debate that we see some resources given to SACC to actually do this work in a timely fashion.

2055 Deputy Merrett did mention that there is not a date that they need to come back to the States and I take on board her comment there. There is not a cut-off; however, it is implied in the Proposition regarding the induction process, but it does not necessarily need to be done before 2020, because it also states 'ongoing support required'. So that can be a piece of work that SACC looks into for the next term but ongoing support can be delivered to Deputies in the next term. But it is not prescriptive and it does not necessarily need to have a deadline because that is implied for parts of work.

2060 Again, the explanatory notes are merely suggestions that I have that it might include that. The suggestion from Deputy Smithies that I would be advocating mandatory long induction processes, an induction should by its very nature be simple and clear and you also do not want to be in a situation where you have got a three-month induction of intense work. That is not what my intention is at all and I am sure that would not be the outcome of this.

2065 An induction should be clear and short but also it is not about just lumping huge amounts of information on Deputies. We learn through doing and part of this job is doing and there are things that you cannot teach somebody, that they cannot learn through experience; but giving them the tools to actually move forward and recognising when you can refresh your skills and giving Members the opportunity to refresh their skills, I think, is an important part of actually
2070 learning through doing.

In conclusion, let's just get on and vote for this amendment! (*Laughter*)

The Bailiff: Let's do that. So the amendment is amendment 14, proposed by Deputy Hansmann Rouxel, seconded by Deputy Yerby. Those in favour; those against?

Members voted Pour.

2075 **The Bailiff:** I declare it carried.

We take next, amendment 16, to be proposed by Deputy St Pier, seconded by Deputy Trott. Deputy St Pier.

Amendment 16

1. To delete Proposition 2 and to substitute therefore:

'2 To direct the Policy & Resources Committee in consultation with the States' Assembly & Constitution Committee and other Committees of the States (for the avoidance of doubt including Authorities and Boards), to consider the necessary revisions to Rule 23 to ensure an effective transmission of the States of Guernsey Policy & Resource Plan (known as the 'Future Guernsey Plan') into the next Assembly. The recommendations must be laid before the Assembly no later than the 2020 Budget Report and must:

i. provide for all Committees, Boards and Authorities to contribute formally to the Plan annually; ii. ensure an 'End of Term' report is introduced, to be submitted by all Committees, Boards and Authorities; iii. provide for a Special Meeting of the States of Deliberation on Tuesday 21st April 2020 at which the sole business shall be to consider the 'End of Term' Propositions and Policy Letter on the Policy & Resource Plan; iv. include a cycle that can be followed in every States' term; v. ensure that the Medium Term Financial Plan is integrated in Phase Two; and vi. ensure that in addition to those already specified in Rule 23, and to regularise Resolutions of the States previously amending Rule 23, that the annual reporting requirements now include: a. the Management Accounts;

b. the Chief Executive's Report on organisational performance and the Public Service Reform Programme; and c. following its addition to the 2019 Review, the Capital Portfolio Annual Report; vii. require, for the duration of the Future Digital Services Programme, an account of the progress of the programme as at the end of the relevant accounting year, which shall include as a minimum: (a) actual costs of delivery (vs. budgeted); (b) actual financial and non-financial benefits of delivery, including cash savings realised (vs. forecast); (c) progress on the projects within the programme, including any projects which have been completed, added to or removed from the programme since the last annual update; and (d) a statement of the performance of the strategic partnership, including the performance of Agilisys Guernsey Limited, the new corporate entity established by Resolution 2 on Article 6 of Billet d'État X, 2019, and the retained IT function within the States of Guernsey.'

2080 **Deputy St Pier:** Sir, I shall be relatively brief in introducing this amendment and seek to explain what it is that the Committee is doing in proposing it. We are seeking to respond to amendments 5, 9 and 10, which is why we suggested that they follow in that order on the Agenda.

Perhaps dealing with 10 first, sir, that suggestion from Deputy Tindall, of course, is one that she is rightly very punctilious in pointing out the omissions as and when they occur. We seek to continue to learn and improve on that front and so we are seeking to reflect that in (i) of amendment 16 that is before Members.

2085 In relation to amendment 9, this was a suggestion that there should be effectively an earlier Special Meeting of the States to enable timely consideration of the final report of this term. Again, we felt that was an immensely sensible and practical suggestion and so, sir, we are seeking to incorporate that in (iii) of amendment 16.

2090 Sir, we are also, if Members turn the page of amendment 16, in (vii) seeking to pick up the suggestions from Deputy Inder in an amendment, which he has lodged for debate in relation to the accounts. So we feel that the P&R Plan Update is a better place for that amendment to be

debated and it should be attached as part of the reporting process for the Policy & Resource Plan. That is what (vii) seeks to achieve.

2095 In relation to the rest of the amendment, which is really dealing with the contents of amendment 5. Amendment 5 is a fairly lengthy re-write of Rule 23. We feel that actually it makes more sense for Policy & Resources, rather than us seeking to rewrite on the floor of the Assembly today, that actually we should take some time to do that in a considered way and return with some recommendations no later than the Budget Report.

2100 Of course, the Rules would normally perhaps be a matter for the States' Assembly and Constitution Committee. In this case, clearly, the Policy & Resources Committee are responsible for the management of the Policy & Resource Plan and we are also conscious that SACC do have quite a lot else on their plate as well; hence the direction to P&R to be doing that in consultation with SACC, than perhaps the other way around.

2105 Amendment 5, if Members choose to turn to it, is quite a lengthy and detailed proposal. I think it covers pretty well everything, including right at the back a new Rule 23.7, with a prescriptive limit on the number of pages: 24, 12 and eight in different circumstances; and that they must be A4. It does not tell us what font size it should be though, sir, or indeed the size of the header or the margins, so it does leave a little bit of latitude for Committees to perhaps abuse that Rule by either lengthening or shortening that which they wish to report.

2110 I make the point to emphasise I really do not think this is an appropriate way to deal with this matter in such excruciating detail as this amendment is seeking to do, and therefore we do believe that amendment 16 is a more pragmatic way in addressing the issues which have been sought to be addressed in amendments 5, 9 and 10, sir, and I will respond to the debate in due course.

2115 **The Bailiff:** Deputy Trott, do you second the amendment?

Deputy Trott: I so, sir, thank you.

2120 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Sir, I wish to move Rule 24(4) that this amendment be not debated.

2125 **The Bailiff:** You wish to move Rule 24(4), which requires Members to stand in their places. I remind Members, I am reading Rule 24(4):

Immediately after an amendment or sursis has been proposed and formally seconded ...

– which is where we are –

... any Member may request the Presiding Officer to invite Members who support debate on the amendment or sursis to stand in their places; neither the Member making that request nor any other may address the Meeting about it; and if fewer than seven Members stand when so invited the amendment or sursis shall not be debated, and no vote thereon shall be taken.

2130 So I invite those support debate on amendment 16 to stand in their places. I see 11 Members standing; therefore debate will proceed. Deputy Fallaize will speak on amendment 16.

Deputy Fallaize: Thank you, sir.

2135 If this amendment was not being laid on behalf of the senior Committee of the States I think it could be considered quite cheeky. But I think, since it is, 'destructive' is probably a better word. I have no doubt this amendment is constructed in order to try to defeat or forestall amendment 5, which Deputy Yerby hopes to propose as the next amendment and which I am seconding.

2140 The point is that Deputy St Pier says today is not the day for the States to be considering changes to the Rules of Procedure on the floor of the Assembly. (*Interjection*) I am sorry, but I do not have my copy of the Billet now, but here is a policy letter which I think has been submitted by the Policy & Resources Committee, which contains pages of proposed changes to the Rules of Procedure. So how can this not be a day for the States to consider proposed changes to the Rules of Procedure?

2145 What will be proposed in the next amendment, which this amendment is I think trying to forestall, is an alternative new Rule 23 to that put forward by the Policy & Resources Committee. But, when that kind of amendment is submitted, why does it then become necessary for the Policy & Resources Committee to say, 'No, actually, let's not have a debate on that subject at all. Let's allow us to go away and rethink what might happen in relation to Rule 23.'

2150 What this effectively is, is a sursis. (**A Member:** Yes.) The Policy & Resources Committee has set out some proposals for how Rule 23 should look in the future, quite legitimately, it is perfectly within their mandate and within the ambit of their policy letter, and now they are trying to sursis their own proposals. They are not trying to defend them, they are trying to take them off the table and say, 'No, we do not even want the States to have the opportunity of considering our proposals against some other Members' proposals; we want to close down debate on this issue and take it back to the drawing board on the basis that today is not the day to debate the Rules of Procedure' even though their own policy letter sets out changes to the Rules of Procedure.

I genuinely do not understand that sort of approach.

2160 I also just think we are debating the Policy & Resource Plan, we are now engaged in a debate about what the process will be for the Policy & Resource Plan to be used by the States of the future, and I just think it would be quite pathetic if we cannot reach some kind of conclusion about what the process will be from June of next year for developing the Policy & Resource Plan.

2165 This is not exactly a hideously complex issue. The Plan has been published for a few weeks. The Policy & Resources Committee has had a year to think about this issue, because it is a year since we last debated the Policy & Resource Plan. Do we really want to have another debate at the time of the Budget Report later this year, about what the process will be for developing the Policy & Resource Plan in the next term of the States? I think the States have all the information before them today to make a decision on what the process should be in the future.

2170 The original proposal in the Proposition from the Policy & Resources Committee does not represent radical change from the current Rule 23, with the exception of the attempt to insert policy supervisory boards, which obviously now is not going to happen. And the amendment, which Deputy Yerby wishes to propose, also is not a radical departure from the current Rule 23. So why on earth does debate on this matter effectively have to be sursised and then return as part of the Budget debate later this year?

2175 I just cannot see any point in that whatsoever and therefore I think Members should be required to make a choice between the new Rule 23 as proposed by the Policy & Resources Committee in the Propositions, or the alternative that is being put forward in the next amendment, proposed by Deputy Yerby. We can only do that sensibly if we reject this current amendment, which is now in play and is completely unnecessary. I cannot see what the Policy & Resources Committee is going to have learned in the next few weeks that it has not known for the past year, to allow it to construct a sensible Rule 23 for use by the next States.

2180 **The Bailiff:** I see no one else wishing to speak. Do you wish to reply, Deputy St Pier?

Deputy St Pier: Sir, I do not think there really is anything to reply to. I think the arguments have been set out on both sides. It is simply for Members to make a decision.

2185 **The Bailiff:** So we vote on amendment 16.

Deputy Yerby: Could we have a recorded vote, please, sir?

2190 **The Bailiff:** With a recorded vote. Amendment 16, proposed by Deputy St Pier, seconded by Deputy Trott.

There was a recorded vote.

Not carried – Pour 11, Contre 25, Ne vote pas 1, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	Deputy Merrett	Deputy Le Pelley	Deputy Roffey
Deputy St Pier	Deputy Fallaize		Deputy Oliver
Deputy Stephens	Deputy Inder		Deputy Mooney
Deputy Meerveld	Deputy Lowe		
Deputy Smithies	Deputy Laurie Queripel		
Deputy Le Tocq	Deputy Hansmann Rouxel		
Deputy Brouard	Deputy Graham		
Deputy de Lisle	Deputy Green		
Deputy Langlois	Deputy Paint		
Deputy Ferbrache	Deputy Dorey		
Deputy Brehaut	Deputy Dudley-Owen		
	Deputy Yerby		
	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Prow		
	Alderney Rep. Roberts		
	Alderney Rep. Snowdon		
	Deputy Kuttelwascher		
	Deputy Tindall		
	Deputy Tooley		
	Deputy Gollop		
	Deputy Parkinson		
	Deputy Lester Queripel		
	Deputy Le Clerc		
	Deputy Leadbeater		

The Bailiff: The voting on amendment 16 was 11 in favour, with 25 against and one abstention. I declare it lost.

That brings us to amendment 5, Deputy Yerby.

Amendment 5

1. To delete Proposition 2(a)-(e) and to substitute therefor:

'2a. To delete Rule 23 of the Rules of Procedure of the States of Deliberation and their Committees and to replace it with the following:

'Policy & Resource Plan

23.(1) Committees of the States must contribute to the formulation and, once agreed by the States, the application of the States' Policy & Resource Plan.

23.(2) The Policy & Resource Plan should be reasonably straightforward, flexible and un-bureaucratic. It should focus on significant policy matters and lay down a framework of overall policy assumptions in order to assist Principal Committees in the setting of their policies and priorities. The Policy & Resource Plan should be seen as a means of strengthening leadership, coordination and accountability and not as an end in itself.

23.(3) The Policy & Resource Plan shall be formulated according to the following timetable from 2020 and in every States' term thereafter:

(a) When setting the schedule for future States Meetings, the States' Assembly and Constitution Committee shall include a Special Meeting not more than 3 months prior to the General Election,

the sole business at which shall be to consider an 'End of Term' policy letter as described in sub-paragraphs (b) and (c).

(b) In the final year of the States' term, all Committees (which includes Authorities, Boards and other States' bodies) shall produce a handover document to apprise their successors of what are considered to be the main policy and operational challenges facing the Committee in the next term. This may include policy issues and extant Resolutions which the Committee either did not complete or could not prioritise during the term, but which they believe should be considered in the forthcoming term by their successor Committees. These reports must be transmitted to the Policy & Resources Committee in time to be published as appendices to its 'End of Term' policy letter;

(c) At the Special Meeting convened in accordance with Rule 23(3)(a), the Policy & Resources Committee shall lay an 'End of Term' policy letter including:

- i. Its commentary on progress against the Policy & Resource Plan during this States term;*
- ii. Identification of States Resolutions which remain outstanding;*
- iii. A proposed order of priority for the drafting of significant items of legislation for the year ahead; and*
- iv. The handover reports transmitted to it under the preceding sub-paragraph.*

23.(4) Policy & Resource Plan Phase 1 (Overall Objectives):

(a) In the first 4 months following the General Election – the Policy & Resources Committee develops a statement of overall policy objectives for the long term (say, 20 years) and medium term (say, three to five years) in connection with issues of strategic importance to the Island, e.g. fiscal and economic affairs, social affairs, the environment, population and external relations, for recommendation to the States;

(b) No later than 6 months after the General Election – the States debate the recommendations of the Policy & Resources Committee and make resolutions on their overall policy objectives.

23.(5) Policy & Resource Plan Phase 2 (Committee Objectives):

(a) 6-12 months after the General Election – each Committee (including Authorities, Boards and other States' bodies) develops a policy plan setting out its policies and priorities for the current States' term to contribute to the agreed States' objectives in Phase 1 of the Policy & Resource Plan, to fulfil its purpose and policy responsibilities which are set out in its mandate, and to address outstanding States Resolutions;

(b) The Policy & Resources Committee develops a Medium Term Financial Plan for the States which sets out a fiscal plan covering the medium term, designed to ensure the finances of the States can support the delivery of the outcomes set out in the Policy & Resource Plan and provide a framework for budget-setting over the period;

(c) The Policy & Resources Committee also works with Committees to ensure that, so far as possible, their policy plans are co-ordinated and consistent with the States' objectives and with each other; any conflicts and areas where prioritisation is necessary are identified; and the Policy & Resources Committee facilitates cross-committee working where policy areas span more than one Principal Committee;

(d) The Committee policy plans are submitted to the States by the Policy & Resources Committee, if necessary with Committees' differences of opinion highlighted in order for the States to resolve the points at issue, together with the Medium Term Financial Plan and appendices including the Prioritisation of Legislative Drafting and the Annual Report of the Chief Executive of the States, as Phase 2 of the Policy & Resource Plan;

(e) No later than 12 months after the General Election – the States debate and make resolutions on Phase 2 of the Policy & Resource Plan;

23.(6) Policy & Resource Plan – Annual Reporting:

(a) Every 12 months thereafter (i.e. at the end of the second and third years of the States' term) – the Policy & Resources Committee submits an update on the Policy & Resource Plan to the States, which shall include:

- i. commentary on overall progress (including progress against outstanding States' resolutions) from the Policy & Resources Committee;
- ii. annual performance reports from States' Committees (which must be submitted by all Principal Committees, and may be submitted by any other Committee of the States on their own initiative or at the request of the Policy & Resources Committee);
- iii. any proposals to amend the objectives in Phase 1 or Phase 2 of the Policy & Resource Plan, including the Medium Term Financial Plan, which are considered necessary;
- iv. an update on progress and prioritization of Legislative Drafting for the year ahead; and
- v. the Annual Report of the Chief Executive of the States.

(b) In the final year of the States' term, Rule 23(3) applies.

23.(7) Policy & Resource Plan – Submissions:

(a) The policy letters constituting Phase 1 and Phase 2 of the Policy & Resource Plan, and the 'End of Term' report, shall not exceed 24 sides of A4 apiece in length;

(b) The Committee submissions to Phase 2 of the Policy & Resource Plan shall not exceed 12 sides of A4 apiece in length;

(c) The policy letters constituting the Policy & Resources Committee's summary of the annual update to the States in Years 2 and 3 of the term shall not exceed 12 sides of A4 apiece in length; and

(d) The Committees' annual updates to the States in Years 2 and 3 of the term, and in the 'End of Term' report, shall not exceed 8 sides of A4 apiece in length.'

2195 **Deputy Yerby:** Thank you, sir.

May we have the amendment read? No, I am kidding! (*Laughter*)

2200 Sir, I was all geared up for an exciting speech on this one, because I assumed that amendment 16 and amendment 5 would be laid side by side. As they have not been, I will spare Members the pain of a long, introductory speech and hopefully the pain of a long debate. As Deputy Fallaize set out, we have a choice now between two versions of Rule 23. It has got to be updated from what is in the current Rules, because those refer to a set of dates between 2016 and 2020. So we have got no choice, we have got to move on from there.

2205 The proposals that were set out in the Policy & Resource Plan are constructed around the concept of policy supervisory boards so, from first principles, that was not going to be acceptable to me and, I think, to many of us in this Assembly. I just want to assure Members there are no bear traps in the alternative version of Rule 23, which is set out here. So I am going to very quickly walk through the parts of the Rule.

2210 So Rule 23(1) is unchanged from what we have now, as is 23(2). I will emphasise that the Rule talks about a Policy & Resource Plan as being 'reasonably straightforward, flexible and un-bureaucratic'. It has done that from the start. That remains an ideal to which we aspire and from which we fall very far short but I think that ideal has to remain and has to focus our efforts.

2215 Rule 23(3) introduces the concept of an 'End of Term' policy letter. The same principle is introduced both in this amendment and in Policy & Resources' version of the Plan. So again nothing new or surprising there and it is an evolution from what is in the current Rule, in that every Committee has previously had to produce a handover report. With this Rule, Committees will be producing their handover reports and they will be incorporated into the End of Term Policy & Resource Plan. So they will become a public document.

2220 We talked this morning about the importance of scrutiny and opposition in holding the Government to account. One of the things that will help an effective scrutiny function – Scrutiny with a big 'S' and scrutiny with a little 's', is ensuring that Members are as well-informed as

possible about the mandates of other Committees as well as their own, and so to have this for new Members coming in, I think, will be a useful tool for helping them to get their head around the breadth of States' work.

2225 Rule 2(4) again is not significantly changed from the current version of Rule 23, except that it takes the specific dates out. It is different from Policy & Resources' proposed changes in that it does not contain this new idea that the Policy & Resource Plan is one 20-year strategy to which each Assembly contributes its own four-year bit.

2230 I loved Deputy de Sausmarez's term yesterday, 'cathedral thinking', and I think we do need to engage in a bit of 21st century cathedral thinking, as she said, but it is also, I suppose, 'orchard thinking'. We are planting the seeds and we have to hope that they grow; we will do what we can to nurture them for the four years of our term but if somebody else comes in, digs up the bed and plants something else well, in four years' time that is their prerogative.

2235 23(5) relates to Policy & Resource Plan, phase two. The innovation in this bit is that all authorities, boards and other States' bodies will be involved in the creation of the Policy & Resource Plan and you will see that at the start of the creation of the Policy & Resource Plan and at the end, so in the end-of-term reports, we felt it was important to make sure that every bit of this political organisation that makes up the States has the opportunity to say, 'This is our agenda. This is what we are expecting to prioritise over the next four years.' And that the Assembly, as whole, has the opportunity to say, 'Okay, go with it', or, 'No, change direction.' That again avoids certain parts of the States sidestepping scrutiny.

2240 There is probably not a great deal to add in respect of Rule 23(5), except that it tries to honour the principle in a way that the proposals in the P&R Plan did not do, of I think what the States' Review Committee's original conception of a Policy & Resource Plan should be, in that it is a space for each part of ... We talked this morning about the States being a Committee-based form of Government and nobody had more primacy than the Committees. Committees will not always agree in their areas of overlap on what the right way to solve a problem is or what the priorities are and the forum for resolving that conflict is the States.

2245 Conflict is valid in politics and it is important to have spaces where we can surface that conflict, hear the arguments on both sides, because there are genuine arguments on both sides in many cases, and then work out a collective way forward. The risk in the alternative version that was being proposed in the P&R Plan was that we would have too much attempting to be smoothed over behind the scenes and not surfacing these legitimate areas where Committees can have differences of opinion and where we can eventually reach a common way forward.

2255 Rule 23(6) just separates out what happens in every subsequent year of the Policy & Resource Plan because, in the current Rule, phase two and then subsequent years' reporting are kind of mashed into each other. So that just makes it a little bit clearer, what the process is for establishing the Plan in the first place and then what the process is for reporting back.

2260 I have had conversations with Deputy Tindall in the drafting of this amendment because I know that she is unhappy with part (a)ii of Rule 23(6), which says that annual performance reports *must* be submitted by Principal Committees but only *may* be submitted by other Committees of the States. I think that part of Deputy Tindall's unhappiness stems from something that is more of a question about whether we got the status of the DPA correct in the States' hierarchy than with this Rule itself, but just to try and explain it, the 'must' and the 'may' is about allowing this to be tailored to different non-Principal Committees.

2265 For example, the Transport Licensing Authority probably does not want to have to bring a report to the Policy & Resource Plan every year and it would be completely disproportionate for it to be expected to do so. The Development & Planning Authority, by contrast, may very well want to and would be quite justified in doing so.

2270 To make myself the scapegoat, if the Overseas Aid & Development Commission turned around and said, 'No, we can opt out of reporting to the Policy & Resource Plan every year', but we were

2275 up to something that P&R felt the rest of the States really needed to know about, there is also the opportunity for P&R to request that non-Principal Committees bring their annual reports forward. Again, from a scrutiny perspective that tries to find a balance between not putting a disproportionate burden on Committees that do not require it and bringing important policy issues to light where there is need to do that.

2280 Deputy St Pier criticised Rule 23(7) in particular, as providing excruciating detail, although not I think any more detail than Policy & Resources' version of the report. It very nearly did include font size for exactly the kind of behaviour that he alluded to. But this part of the Rule was included in discussion with representatives of a number of Principal Committees who have been deeply frustrated at the amount of time and officer resource that has been taken up in developing the P&R Plan.

2285 Now, page size and numbers of pages is very much a proxy guideline for trying to get it down to a sensible size, but the alternatives would have been excruciating. So I think, just by giving ourselves a very simple rule of thumb to work within, it may help to make future versions of the P&R Plan as flexible and unbureaucratic as they were envisaged to be.

2290 I put this Rule to Members as a more pragmatic alternative to the version that is in the P&R Plan, as a version which takes out concerns about policy supervisory boards and which should help the Plan to get closer to its original idea of a flexible and unbureaucratic report that gives every States' Committee the opportunity to share its agenda with each other and with the public and to set a common direction for the term ahead. I ask Members to support it.

The Bailiff: Deputy Fallaize, do you second the amendment?

2295 **Deputy Fallaize:** Yes, I do, sir.

The Bailiff: Deputy St Pier, do you wish to speak at this stage? No.
Deputy Tindall.

2300 **Deputy Tindall:** Thank you, sir.

I am very much in support of this amendment, despite the allusion to the fact I was dissatisfied in respect of one particular aspect. I will get to that in a second. But generally to say that, for me, I totally agree as Deputy Fallaize said in the previous debate on the defeated amendment, we have got a Rule written here, very well written if I might say, in front of us. I see no reason why this should not be debated and hopefully approved.

2305 There are a couple of observations. As I say, I cannot thank Members enough for taking on board my points even in the defeated amendment about the role of what I would say, rather than 'smaller' committees, 'junior' committees. For example, in 23(2), as drafted, it says:

It should focus on significant policy matters and lay down a framework of overall policy assumptions in order to assist Principal Committees ...

Clearly it assists junior committees as well, but I am not going to take instance on that. The point being, in 23(3)(b), we have got:

(which includes Authorities, Boards and other States' bodies)

2310 So, again, that suits me fine.

I should also add, and this may help Members to decide whether or not to approve this, if this is approved, the DPA are not intending to lay our amendment because we feel this does actually successfully cover what we are after. And that leads me to the point that Deputy Yerby mentioned in respect of 23(6)(a)ii. 'On their own initiative', actually we think that is sufficient, because one of our biggest gripes is this year's Plan.

We would have put forward our update. We were invited last year; we gave that update. But this year we were not. And to that extent, it was a lost opportunity to explain about our Action Plan and all that has since happened as a result. So 'on their own initiative', clearly that means we could and we will in future, so we are satisfied that that, certainly from the DPA's perspective, will cover our concerns.

2320

Another observation, though, in 23(5)(c) it talks about:

... Policy & Resources Committee facilitates cross-committee working where policy areas span more than one Principal Committee;

Again, a gentle reminder that of course it may span Junior Committees as well.

Lastly, this is more on a personal note, is an amendment that myself and Deputy Lester Queripel laid with respect to the Policy & Resource Plan a while back now, in respect of our concern of approval of the whole Plan, *en masse*, all the words that it entailed in this massive, long document, and we asked if we could just note the contents of those documents. In effect, we were defeated and what ended up was a very short and sweet summary, which was then presented as the actual Plan, which is a shame in a way because, if I had known that, we would not have needed to have that debate.

2325

But I feel that the 'Submissions' section 23(7), which talks about the lengths of these documents, will enable us to feel a little bit more able to support each other's plans even if we are not actually on those Committees at the time.

2330

Sir, for me, it fits the bill and I would urge Members to support this amendment.

Thank you, sir.

2335

The Bailiff: Deputy Dudley-Owen,

Deputy Dudley-Owen: Thank you, sir.

This is a dry amendment but actually I think it is really necessary and I have no problem with the excruciating detail into which it goes, because actually I think it is quite helpful. But what would be more helpful, and I am really very happy to be corrected, is I think that this is the third time, it is like Groundhog Day, that I have got up in this Assembly at this time of year and said why are we not using a project management tool throughout the States, cascaded across every single Committee so that we are all using the same system? So that Deputies can have viewing access, so that everyone else has the execution access and then, obviously, as the policy makers, we have got the ability to be able to put down our policy aims for each Committee and overarching policy aims from the P&R Plan. Those all cascade down through the golden threads, down right through to the everyday delivery and the action that is done.

2340

2345

It means that those people who are delivering and executing the action can then update their action as and when it is completed, and that feeds back through and can be extrapolated for reporting purposes. It means that you can restrict it to 12 pages on A4, or font size 10, or 11 or 12, whichever you prefer; heading bold or however you wish. Then we are all starting from a baseline, we have all got a template of which to work from and it is easy.

2350

Now, Deputy Le Clerc told us before about the resources that they have got, meaning people, who were taken up in the ordinate amount of time that their officers spent on pulling together the report for the P&R Plan. They would not have had to do that if we had a common system that allowed us to update, the officers to update their action on a daily basis. We used to do it in finance, why we cannot do it here in the Civil Service I have no idea. The systems are out there. SACC in itself has a project management module, why are we not using the system that we pay a lot of money for every year to its best opportunity?

2355

2360

I wish one of Policy & Resources team might get up and explain to me why we are not using a common system across the States because it really does not make any sense to me. It would be

transparent; the lines of accountability would be clear. We have got one system and one approach. We would cut the bureaucracy, cut the time down and it is far more value for money than anything that we are doing at the moment.

2365

Thank you.

The Bailiff: Deputy Inder.

2370

Deputy Inder: Thank you, sir.

I think the Policy & Resource Plan has become Guernsey's largest industry, or second largest industry, next to finance. Just reading through this – another great piece of work by Deputies Yerby and Fallaize. My understanding of 'End of Term' anything is normally a handover document. Actually, if we did not have a debate like this three or four months before the election and it was just effectively a statement of progress – 'This is where we are' – my fear of having an end of term policy letter is it is going to get amended into oblivion with three or four months before the election.

2375

I am not entirely sure I can support this, because I am not entirely sure we should even be having a debate three months before all of us go into, effectively, recess; go into an election and some of us go away and some of us put ourselves forward again.

2380

I am struggling with this because we have got – what? – two or three days' debate on this. I am not entirely sure, when we leave this Chamber on Thursday/Friday, over the next year, or whenever it is, that this will have made a blind bit of difference to anyone, any Islanders outside of this.

2385

I am not entirely sure I am going to support this, purely because it says policy letter and as soon as you add policy letter into it, you get into amendments, sursis, all the other stuff that we have got in here and we are potentially going to have another three or four debates, some time in April/March of next year, for no apparent reason, because only three months later this Assembly dissolves.

2390

Actually what I would have liked to have seen is not to have had a Policy & Resource debate next year. I would have just liked to have seen a statement where that would have been a true handover document, where there would have been a statement of what the Committees and the various boards have done over the last three or four years and that would have been the handover document.

2395

To move this into a policy letter actually changes this beyond a handover document. It is just another debate with all of the various likely amendments, of which none of us could actually effect three or four days after it is submitted. So in that regard, I am not entirely sure I am going to support this at all.

2400

The Bailiff: Anyone else? No.

Deputy St Pier, do you wish to make what would be the penultimate speech before Deputy Yerby replies?

2405

Deputy St Pier: No, sir, the Policy & Resources Committee will oppose the amendment and support the original Propositions.

The Bailiff: Deputy Yerby.

2410

Deputy Yerby: Thank you, sir. And thanks to everyone who has spoken on the amendment.

Two substantive points to reply to: Deputy Dudley-Owen is asking why we are not using a project management tool across the States. As she rightly said, it is for P&R rather than for me to answer the question, but I would just reflect that we have been using templates for this version of

the Policy & Resource Plan and, without accompanying dialogue, they have been counter-productive.

2415 I completely accept what Deputy Dudley-Owen is saying about the day-to-day management of projects and the usefulness of a common approach and I agree that we should be able to work towards that. But I think that when it comes to putting the Committee's Policy & Resource Plan submissions together they will require a degree of Committee authorship and Deputy Dudley-Owen is nodding in agreement with me, so I will not go any further into that.

2420 Templates alone are not helpful. Dialogue at officer level and political level, if you think something has been omitted, if you think something is wrong, if you think something could be improved on, asking questions and speaking to each other is far likelier to result in a better outcome than having a template which attempts to prompt for every eventuality in the absence of such dialogue.

2425 In response to Deputy Inder's speech, I would just say I take his point about the risk of an End of Term policy letter. It would have been my personal preference to submit a policy letter such as this just before the election period, in effect, so that it would be the first thing that a new States can debate so that they can figure out where they stand on a whole range of issues. I can be persuaded out of that perspective to a certain extent by more experienced colleagues reminding me that actually it does take a lot longer to get to grips with what the States' Agenda means than just the first few weeks of your new term.

2430 But in respect of the comparison between this amendment and the original Propositions, both proposals involve an End of Term policy letter. So I would implore Deputy Inder to support this amendment as the better of the two options and if he feels strongly that a policy letter is not appropriate, to vote against the Proposition at the end of the day.

2435 Other than that, sir, I would ask all Members to support the amendment.

Thank you.

2440 **The Bailiff:** I have received a request for a recorded vote and the recorded vote is on amendment 5, proposed by Deputy Yerby, seconded by Deputy Fallaize.

There was a recorded vote.

Not carried – Pour 29, Contre 7, Ne vote pas 1, Absent 3

POUR

Deputy Merrett
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Kuttelwascher

CONTRE

Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Le Tocq
Deputy Brouard
Deputy Ferbrache

NE VOTE PAS

Deputy Le Pelley

ABSENT

Deputy Roffey
Deputy Oliver
Deputy Mooney

Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater

The Bailiff: The voting on amendment 5 was 29 in favour, with 7 against and 1 abstention. I declare it carried.

That brings us to amendment 9, to be proposed by Deputy Tooley, seconded by Deputy de Sausmarez. Deputy Tooley.

Amendment 9

To delete Proposition 2(f) and to replace it with the following:

'(f) To agree that a Special Meeting of the States of Deliberation shall be convened on Tuesday 21st April at which the sole business shall be to consider the handover report / 'End of Term' policy letter on the Policy & Resource Plan.'

2445 **Deputy Tooley:** Thank you, sir.

I will not ask for it to be read because it has already been mentioned a couple of times. This is a very simple amendment, designed in order to make better and more efficient use of the Meetings at the end of this term of Government. We anticipate that there could be a substantial amount of difference in the final States' Meeting of the term, that certainly seems to have been experience of the last few political terms, and it is likely that debate on the P&R Plan could take more than one day.

2450

We believe that moving this debate forward to the penultimate Meeting will help reduce the risk of important business being postponed into the next term or States' Members being unable to give such matters the critical scrutiny required due to the size of the agenda at that final Meeting. I understand from the conversations I have had with colleagues that there is general support for this amendment and I hope it is uncontroversial.

2455

Thank you, sir.

The Bailiff: And Deputy de Sausmarez, do you second the amendment?

2460

Deputy de Sausmarez: I do sir, yes.

The Bailiff: Deputy St Pier, do you wish to speak at this point?

2465 **Deputy St Pier:** No sir.

The Bailiff: No. Does anybody wish to speak?

Shall we go straight to the vote? Yes. We will vote on amendment 9. Those in favour; those against?

Members voted Pour.

2470 **The Bailiff:** I declare it carried.

Next, amendment 10, to be proposed by Deputy Tindall.

Deputy Tindall: Sir, as I said in my speech earlier, we do not propose to lay that amendment as we feel it is already covered.

2475 **The Bailiff:** You do not propose to lay it?

Deputy Tindall: No, sir.

2480 **The Bailiff:** Thank you very much.
We move on to amendment 17. Deputy St Pier.

Deputy Soulsby: Sir?

2485 **The Bailiff:** Have I missed one, sorry?

Deputy Soulsby: Well, no, it is just that 17 is really set to replace amendment 6, so I was wondering whether we were going to have a debate at the same time as amendment 6.

2490 **The Bailiff:** I have not had a request for that but, Deputy St Pier, are you happy for the two to be debated together, 17 and 6?

Deputy St Pier: Yes, sir.

2495 **The Bailiff:** Yes? So what order, will you go first and then Deputy Soulsby lay hers second, or the other way around?

Deputy St Pier: I am very happy for Deputy Soulsby to go first.

2500 **The Bailiff:** And in terms of voting, what order would you wish to have in terms of voting at the end?

Deputy Soulsby: Probably ours first, please sir.

2505 **The Bailiff:** Amendment 6, first and then 17? Yes.
So Deputy Soulsby goes first and we will also vote first on amendment 6.
So, amendment number 6.

Amendment 6

To insert the following Proposition:

'4. To agree:

a) To amend the Rules of Procedure of the States of Deliberation and Their Committees by inserting, after Rule 45(1), the following Rule:

"(1A) The Policy & Resources Committee shall designate its President or one of its members as the States' lead member for Corporate Services, with responsibility for the services that are provided by the Office of the Policy & Resources Committee to or on behalf of the Principal Committees and other Committees of the States.";

b) To direct the Policy & Resources Committee to set up a working group, involving one delegated representative of each of the six Principal Committees and the Policy & Resources Committee, to develop minimum service standards for each Corporate Service, which shall be agreed between the Committees and shared with all States Members by no later than the end of

this States' term, and reported on routinely thereafter in the annual report of the Chief Executive; and

c) To direct the Policy & Resources Committee to coordinate regular summits between itself and the Principal Committees, not less than twice a year, to be attended by two representatives of each of those seven Committees, and with other States' bodies invited where appropriate, which shall include formal consideration of:

i. Adequacy of resourcing, and any resourcing issues to be resolved, across the States;

ii. Current and emerging areas of policy development, and any cross-Committee issues to be resolved;

iii. Performance of Corporate Services provided to all Committees (including performance against service standards, where such exist), and any performance issues to be resolved; and

iv. Any other matters requiring cross-Committee discussion, coordination or resolution; and

d) That, for the purposes of this amendment, "Corporate Services" are defined as HR, ICT, Finance, Data Protection, Health & Safety and Communications, as set out on page 4 of Appendix 7 (Public Service Update 2019) of the Policy & Resource Plan."

Deputy Soulsby: Sir, before I begin I think I need to make it abundantly clear that I am totally supportive of the consolidation of what are called Corporate Services – HR, IT, Finance, Health and Safety, Data Protection and Communications. Indeed, I have been responsible in the past for doing that very same thing. In fact, I went further, by consolidating services across two Islands, Jersey and Guernsey, and I believe that there is clear opportunity to do the same between our respective public sectors.

It makes total sense to bring disparate, back-office functions together to standardise procedures and create greater efficiencies and I think that much has improved as a result. It is also important to point out that this amendment is not being laid as a criticism of anyone in Corporate Services either. This is about ensuring we have in place a structure that ultimately works in the best interest of the people of the Bailiwick.

This amendment reflects a need for recalibration, an acceptance across the States about the purpose of Corporate Services, who it serves and how.

Now, I will forgive Members for not remembering my speech when I was elected HSC President all those years ago – it was only three – but what I said then goes to the heart of why I have laid this amendment.

In my speech back then I referenced Deputy Brouard who had, a week before, in standing for a place on the Policy & Resources Committee, likened that Committee to the bridge of a ship, steering it on the right course. My response was to say that I believed he was right but only half-right. It may be the bridge in terms of policy but it is the engine room when it comes to providing the IT, HR and Finance resources that the Principal Committees would need.

This amendment is designed to ensure that we have a properly run and maintained engine that enables that to happen and the diagnostics to test whether they are.

So what does this amendment do? Well, 4a) is designed to ensure that there is a designated line of accountability at political level. The perception has been for some of us that corporate services are left more or less to the Chief Executive to manage, as part of what are called Operations, rather than Policy.

Now until I saw the proposed replacements to the ones Deputy Dorey and I are laying, I was happy to give P&R the benefit of the doubt regarding political oversight. But having read it and the explanatory note, I realise just how needed this amendment is. In particular, I draw Members' attention to this paragraph in the explanatory note:

It is misleading to think of these services as being provided by the 'Office of the Policy & Resources Committee' and it has proved to be unhelpful to those providing the services to be considered 'P&R officers'. Committees often

misunderstand the nature of the matrix relationship and consider that the work of the officers within the function is being directed by the Policy & Resources Committee.

2540 Now this view is reflected in the P&R counter-amendment. Where our amendment says the services are provided by the Office of Policy & Resources, the P&R amendment says they are provided by the States of Guernsey. What? That is not how our current system works, is it? If it is not P&R, which Committee is it? Which body provides political oversight if it is not P&R? Have I missed something? I will be interested to hear what Deputy St Pier says. I cannot recall that States' Meeting where we decided to create a new committee, which was responsible for oversight of these functions. Perhaps we should, actually, but I cannot recall us actually having voted in that way.

2545 But then this is not what that paragraph is saying. Basically, it implies that these functions should not have political oversight. They are above all that. Or does it mean that oversight is direct to this Assembly. Really? So if we have a problem with the service we are getting from, say, Health and Safety, do we have to bring a requête to debate it? How does that work, then?

2550 Remember these are all functions that used to sit within Principal Committees and for which those Committees were responsible. Now we are told when the staff and budgets move to the heading under Policy & Resources that it was not really Policy & Resources, that they are just a guardian, whatever that means. Now I do not see in any mandate that any Committee is considered a guardian, be it guardian of Corporate Services or *Guardian of the Galaxy* for that matter! (*Laughter*) (**A Member:** Superstars!)

2555 They all do reference a requirement for political oversight of operational functions, though. How does that work in relation to the Future Digital strategy? During that debate we were told about how much oversight there would be, with a nice black line leading right up to Policy & Resources, and I am now asking myself what that line means. Is it a line to tick the boxes or will there be proper political oversight? If so, what happens in relation to the £1.4 million worth of internal resources that we all approved? Will there be political oversight in relation to them? Not according to the explanatory note.

2560 If P&R is acting for the States as employer, surely Human Resources falls under the political oversight of the Committee?

2565 In Appendix 8(a) of the Plan, about three-quarters of the way in this time, Members will see that Corporate Functions run up an annual cost of £28 million. That is £10 million more than the combined budget for Environment & Infrastructure and Economic Development and just £4 million less than that for Home Affairs.

2570 These services have grown over the years and, whilst not separated in the accounts, you can see on page 68 that P&R is the fourth largest Committee in terms of staff, with 410 FTE. Putting that in perspective, the fifth largest is ESS with just 82. We are told that P&R are just a guardian and that is all they need to be because matrix management means senior leadership are not accountable to any Committee. Well, I know that will come up under Deputy Le Clerc's amendment later, so I will not go much further on that now, but even under matrix management somebody is in charge, or should be.

2575 So at the moment we understand Corporate Services can do their own thing. There clearly is no accountability and nothing to hold them to account, unless of course you have some means of measuring performance, and that is where the requirement for minimum service standards comes in. I am not talking huge, great service-level agreements. I have thought about that in the past. I understand and accept that is not required in here. But we do need meaningful service standards, such as production of the Finance Report within one week of a month end, say; provision of KPIs on a quarterly basis for staff recruitment/retention; adverts out for new staff with a certain number of days.

2580 The importance of this is to make it clear who is the client. Principal Committees and others, 2585 i.e. those bodies established by the States of Deliberation, are the client, not Corporate Services.

2590 Corporate Services are there to serve those bodies, not the other way around. Principal Committees and others are reliant on them to ensure operational functions that sit within their mandate can operate effectively and serve their client, the general public. That is really what this amendment is about, in a nutshell. To be told Corporate Services are nothing we should be troubling our little heads over is quite frankly unacceptable and truly astonishing. This amendment is needed and needed now and I ask all Members to support it.

The Bailiff: Deputy Dorey, do you second the amendment?

2595 **Deputy Dorey:** Yes, sir, I do, and reserve my right to speak.

The Bailiff: Deputy St Pier, do you wish to lay your amendment 17 and also speak on this amendment at the same time?

Amendment 17

To insert the following Proposition:

'4. To agree:

a) To amend the Rules of Procedure of the States of Deliberation and their Committees by inserting, after Rule 45(1), the following Rule:

"(1A) The Policy & Resources Committee shall designate its President or one of its members as the States' lead member for Corporate Services, with responsibility for the services that are provided by the States of Guernsey to the Principal Committees and other Committees of the States.";

b) To direct the Policy & Resources Committee to set up a working group, involving one designated representative of each of the six Principal Committees and the Policy & Resources Committee; and

c) To direct the Policy & Resources Committee to coordinate regular forums for the working group to be attended by the designated representatives of each of those seven Committees, and with other States' bodies invited where appropriate, which shall include formal consideration of:

i. Adequacy of resourcing of Corporate Services across the States;

ii. The development, if appropriate, of any service level agreements;

iii. Performance metrics of the organisation, including any minimum service standards, and any performance issues to be resolved; and iv. Any other matters requiring cross-Committee discussion, coordination or resolution.

d) That, for the purposes of this Amendment, "Corporate Services" are defined as HR, ICT, Finance, Data Protection, Health & Safety and Communications, as set out on page 4 of Appendix 7 (Public Service Update 2019) of the Policy & Resource Plan.'

2600

Deputy St Pier: Yes, I will, sir, it makes sense to do that.

2605 I think Deputy Soulsby has made great play in laying her amendment of the explanatory note to amendment 17 and in particular the comment about the Office of the Policy & Resources Committee. It is misleading to think of these being provided by that office and that in some way that abrogates the political oversight of the Policy & Resources Committee for those services. As it says at the end of that paragraph, it is being directed by the Policy & Resources Committee. So we accept the political accountability for these services but that paragraph is seeking to explain that those services are provided across the States, not by a central cadre of staff within this concept of the office, and this is again the mismatch or seeking to have a perfect alignment
2610 between the structure of the Civil Service and the political structure. That appears to be what is giving angst around that paragraph.

2615 The political oversight undoubtedly rests with the Policy & Resources Committee. We have sought to provide greater clarity on what lies within provision of these Corporate Services by the separation of the budgets between those functions and the rest of our mandate in an effort to distinguish between the two.

2620 Sir, our concerns in relation to amendment 6 really align again in to the level of bureaucracy that we are creating around dealing with this issue, and again we had proposed a more streamlined version in our amendment 17, of putting together a working group with one that we felt that a designated Member was more appropriate than a delegated Member. We were not quite sure what a delegated Member was – delegated to do what by each of the Principal Committees?

2625 We are also, in 4b) of amendment 6 seeking to increase the level of reporting. Once again, Members frequently complain at the length of the Policy & Resource Plan Update, with all its appendices, and each year we do continue to bolt on additional things, which we wish to be reported back, including a further extension of the report from the Chief Executive. So I think we are suffering with our split approach on that particular challenge, sir.

2630 Finally, we have this concept of regular summits between the Policy & Resources Committee and all the Principal Committees, not less than twice a year. Again, sir, that felt to us in an era of constrained resources, again principally focusing on people rather than anything else, that we are creating a level of bureaucracy around this issue which is not appropriate.

2635 Therefore that explains, as I say, this more streamlined approach in amendment 17, which seeks to address and give recognition to the concerns expressed by Deputy Soulsby in laying the amendment, but in a way which we felt was more readily manageable within the constraints that we have and that explains the rationale of the Policy & Resources Committee, sir, and we therefore on that basis, urge Members to support amendment 16 and reject amendment 6.

The Bailiff: And Deputy Le Tocq, you second it?

2640 **Deputy Le Tocq:** I do, sir.

The Bailiff: Thank you very much. You said amendment 16; I think it is amendment 17. (**Deputy St Pier:** It is, sir.) Do you second amendment 17?

2645 **Deputy Le Tocq:** Yes.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, thanks.

2650 I am all for streamlining Government but not at the price of a complete absence of political involvement. We have been told for many years that we should not interfere and we have to do it appropriately, in operational matters, but increasingly a large number of Members of the States, and I suspect even more in the year ahead, are saying, 'What role do we have in Government? Give us back our Government.'

2655 This is very much relevant to this because I think, on balance, the Soulsby/Dorey amendment gives us more safeguards and perhaps is a better path to institutional change than the St Pier/Le Tocq one, although there are one or two points I would wish to clarify that maybe I have misunderstood.

2660 If one goes through the Soulsby/Dorey amendment we have got this subtle difference, we have got designated President, or one of its Members as lead Member for Corporate Services. Now, obviously, that person will be an elected politician. It could be an Alderney Representative in theory, but it is one of us:

.with responsibility for the services that are provided by the Office of the Policy & Resources Committee ...

So I understand the first paragraph.
The second paragraph:

To direct the Policy & Resources Committee to set up a working group, involving one delegated representative

2665 I accept the difference Deputy St Pier has pointed out, as distinct from 'designated'. I think a
'delegated' – I actually touched on this earlier because certain Presidents, past and present, get
annoyed if they have got to send me as a delegate to a meeting or a designated representative,
because I come back minus a few biscuits and whatever, and they say, 'Did you put forward the
Committee's point of view?' And I say, 'No, I agree with them' – because they were a different
team.

2670 The reality is that you have to be very clear when sending a Committee Member, President,
Vice-President or otherwise, as to whether he or she is there as a permanent, named
representative – like I am, for example, to the Disability Project Group, and one or two other
things in the past – or whether that person is there symbolically representing, and in real terms
too, the view of the Committee in terms of policy, budget, resources and everything else.

2675 I can envisage the situation where I, for the sake of argument, was chosen as a designated
representative – I was named on some email that got sent upstairs or wherever – but the
delegation, in terms of accurately putting and voting for the Committee point of view would not
be there. So again I think the Soulsby/Dorey amendment, at least at this stage, is clearer on the
point.

2680 I agree with minimum service standards and I also agree they should be shared with States'
Members by no later than the end of term and that reporting on it routinely in the annual report
of the Chief Executive will be useful to Members, because it will give a further opportunity for
accountability, transparency and knowledge. As Deputy Merrett, I think said earlier, or somebody
said about Deputy Merrett, we want to give our scrutineers more and more knowledge of what is
2685 actually going on.

Regular summits: well, I remember years ago, when the Policy Council was being formed in the
last reshaping but one of the machinery of Government, that initially they thought the Policy
Council would be an honorary body that would meet two, three or four times a year, a bit like a
summit with lunches and visual speeches, almost like a Commonwealth Parliamentary Association
2690 conference. In actual fact it became a weekly, almost bi-weekly, phenomenon. This is basically
designed – 'summit' is possibly not the right word actually – for a permanent relationship of
dialogue at least twice a year, so that people on the Principal Committees do not feel left out. My
only criticism here, if I am honest, would be exactly what Deputy Tindall and other Members have
said earlier that we have an ambiguity about the Planning function.

2695 Back in the good old days – people get bored of hearing about the 1990s – but in those days
the DPA was called the Island Development Committee, but its mandate and coverage was
virtually identical, even though its structure was different. The Island Development Committee, we
will recall, was actually regarded as a Principal 'A' Committee in those days. So it has been
downgraded effectively, and we do need to be clear with Planning, with its nature – and
2700 sometimes Members in this very Chamber criticise delays in the planning process or they criticise
build-ups of resources or other issues – surely Planning should be part of that process. But that is
a side issue.

I agree with the rest of the sentence, and again a subtle difference between the Soulsby/Dorey
amendment and the P&R amendment is the dynamic area of including:

Current and emerging areas of policy development, and any cross-Committee issues to be resolved;

2705 I think that is useful because we know that the new-style, transformed Civil Service is extremely good at communicating to civil servants and it has public forums and all kinds of events, but they have not necessarily gone to the average States' Member. Indeed a pattern we have begun to see is sometimes Presidents have been involved in discussions of so-called senior Committees, or Principal Committees, not even of junior committees on occasion. So again I think a more general approach to all us will be useful.

2710 The area, though, that I want everybody to advise me on – Deputy Soulsby, Deputy Le Tocq and Deputy St Pier and so on – is both amendments talk about:

To direct the Policy & Resources Committee to set up a working group, involving one delegated *[or designated]* representative ...

I think we have had an implication that person will be a political Member but it could, the way it is written I think in both amendments – subject to advice from Her Majesty's Comptroller, or somebody else – very much be a senior staff member.

2715 Now, we know that it is very useful for directors of operations, or other senior staff people, to be involved at a regular function; for example, when we have seen successful new service developments in this term, like the growth of the revenue service, we know that it actually enhances that process if you have designated representatives. But I do not think we are talking here at directors of operations level and we are probably not talking about secretary to the Principal Committees level because that is still be developed. Presumably we are talking about political level, but I think we need to draw a distinction as to whether we mean political representatives or official representatives. So I need a little bit more clarity on that.

2720 Again, I think the subtle distinction between the States and the Office of Policy & Resources is a useful one in the Soulsby amendment because probably, one of these days, we need the equivalent of a chief minister's office; and I noticed there was a little bit of push-back earlier, when I was perhaps over-zealously comparing us favourably or unfavourably with Jersey. But actually a subtle distinction that I would wish to draw to the attention of Deputy Fallaize and other Members is, very recently, the States of Jersey, who separate on the Greffe level, their judicial and legislative functions, have redefined what they do at a council of ministers, presidential level, as the 'Government of Jersey', as distinct from the 'States of Jersey'.

2725 Again we have to consider ... sometimes we use the phrase 'States of Guernsey' in a very confusing way because sometimes it means what we are doing here; sometimes it means the employer as a whole; or 5,000 people; or the legal identity of the Island. I think here we want to be clear that Policy & Resources, for the foreseeable future, are providing these central facilities and indeed I must admit I have been under the misapprehension, when we have had officers from Policy & Resources, they have been accountable to senior political and/or staff representatives of that Committee, rather than directly accountable to other Committees. Again, I think the Soulsby amendment, although not perfect in that respect, gives us stronger corporate governance.

2740 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

2745 I obviously am going to support amendment 6 but I would first like to thank P&R for proposing an amendment which takes a lot of the points that are made in amendment 6 forward. But there are some subtle differences and I just want to emphasise those differences.

2750 Deputy Soulsby has mentioned about the Office of P&R and the States of Guernsey, so I do not really wish to repeat those but I wish to just concentrate on a couple of things. They both have 4b) in them and it is that word which Deputy Gollop has touched upon, ours says 'delegate' and amendment 17 says 'designate'. 'Delegate' means sends a representative while 'designate' means appoint to a specific post – and that is an important difference.

2755 Having sat on the Review Committee with Deputy St Pier, one of the key changes was to
remove the Policy Council and create P&R. If you start appointing to a specific post of a working
group in b) and presumably also in c) I think you are then effectively forming another Policy
Council, admittedly with fewer Members. While, when you send a representative, and I think
Deputy Gollop mentioned it just now and he mentioned this morning about the fact that the
persons there representing the Committee they sit on, are not their own personal views; but, if
you appoint somebody to a specific post they are effectively representing their own specific view.
That is a subtle difference but it is a very important difference and it is very important in what we
2760 create.

I was slightly confused by Deputy St Pier saying about streamlining that in 4b) they both talk
about forming a working group. So there is no real difference in terms of that but there is a
difference in the membership, as I said, by having a representative, as opposed to appointing
somebody to a specific post.

2765 The other difference is in c) where amendment 6 says 'regular summits', and amendment 17
talks about 'regular forums'. Again the situation between representative, which is in our
amendment 6, and their amendment 17, talks about 'designated'. Again, you have that difference
between being a representative and somebody appointed. I think that is really important. Ours
talks about two representatives; theirs does not, It says 'designated representative' and it does not
2770 actually say the number.

So I am struggling to see how one of the main points Deputy St Pier made – streamlining –
how it makes a difference. But I think the key difference, other than the point about the Office of
P&R and the States of Guernsey, is this not trying to create another Policy Council. So I urge
Members to vote for amendment 6 and not amendment 17.

2775 Thank you.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

2780 I was slightly disappointed with Deputy Soulsby's opening speech. Not in any shape or form
because I do not support amendment 6 over amendment 17, it is simply the fact that she was
describing the work that was going to come out was not going to be service-level agreements
because they would be too complicated.

2785 Something I have been working on during this term is to try and get the States to use a
template service-level agreement, because they can be so much more useful and easily
distributed across the whole of the States and then just have simple schedules, depending on
what service is being provided.

2790 I was informed when I was on the Committee *for* Economic Development that such a template
had indeed been conjured up and it was taking out all of the usual paragraphs in that contract
and literally just having this short appendix which describes the services of individual contract
suppliers. I do hope that will be pursued because, to be honest, I still think that would be a really
useful tool. As Deputy Dudley-Owen mentioned earlier, there are some things in the States we
could do a lot better if we just streamlined them and had documents such as those.

2795 However, I will also raise, and it is actually a question for both Deputy St Pier and Deputy
Soulsby in relation to what I seem to be, not so much the *Guardian of the Galaxy* but I do feel a
responsibility of being guardian of the junior committees, in the sense that although the Office of
the Policy & Resources Committee etc. are services provided to all of us but obviously the working
group only has representatives from the six Principal Committees and also the regular summits in
relation to those are having two representatives from those.

2800 I just would appreciate some confirmation that, first of all, it says, '... with other States' bodies
invited where appropriate'. I am assuming you are not going to invite the whole of the

2805 Committee, so again if it could be how many and when. That may well be just a simple case of having one representative but more to the point it is 'where appropriate'. Can I have reassurance from Deputy St Pier, because obviously it is his Committee who would make the invitations, and just to say that at the moment there is a feeling that it is a bit of a lottery whether or not a Committee gets invited to these things, rather than as of right; and I would just appreciate some clarification? That is in both amendment 17 and amendment 6 so, clearly, that was something they contemplated.

2810 Otherwise, as I say, for all the reasons that have been articulated by Deputy Soulsby and Deputy Dorey, I very much support amendment 6.

Thank you, sir.

The Bailiff: Deputy Le Tocq.

2815 **Deputy Le Tocq:** Sir, yes, there is not a lot to add to what is being said here but back when I joined the States and a number were there at that time, and are longer in the tooth than me, the idea of Corporate Services to some degree was far less than it is today. If you look at the definitive lists under both of these amendments, HR was certainly there, finance was there, but a lot of the others did not really exist in those days.

2820 Nevertheless, the Advisory & Finance Committee, as it was at the time, had a certain pool of individuals and responsibilities that covered a number of the other Committees. Although the Civil Service Board which existed at the time was responsible for HR, as well as obviously things related to that like pay and conditions.

2825 In the 2004 changes to the machinery of Government, the Civil Service Board ceased to exist and that responsibility was split to the degree that HR was taken on by the new Policy Council and to a large degree the rest of its responsibilities were taken on by a new invention, the Public Sector Remuneration Committee and I was its first Chairman, for my sins, I think with a big emphasis on 'sins'. I described it pretty quickly, because I was aware of the Civil Service Board, as 'the Civil Service Board without any of the glossy things'. That is meant to be funny! *(Laughter)*
2830 Anyway! There were no prizes to give or any awards to be made for long service or any of those things.

I raise that point because I said at the time, 'I think we are going to end up going around in circles on this.' That was done because of pressures at the time and actually it did not resolve things very easily because the staff that reported to us in the Public Sector Remuneration Committee, as Deputy Brehaut will remember, were actually employed and line-managed by Policy Council staff.

2835 I am saying this, though, just to say there is not a simple solution to these things. P&R have admitted that these Corporate Services do not sit very well under P&R but effectively what we are seeking to do is to create another committee by any other name, to be sort of managing some of these areas and that may improve things. I hope it will, but I am raising this as a warning shot that it is, and certainly under amendment 6, it would become increasingly more bureaucratic because with every attempt to codify this in some way requires more Civil Service hours and time, and therefore will become more expensive and it will require more of our time.

2845 Many of us, and I am not speaking about P&R, I am speaking about Members of other Committees, particularly their Presidents and Vice-Presidents, are involved in a number of Sub-Committees and working parties and groups already. So I raise this, sir, just to say I am not convinced that this will succeed in improving matters to the degree that those who are in favour of amendment 6 suggest.

2850 However, I do recognise quite clearly that there are improvements that we could make and therefore I urge Members to support amendment 17, which is less bureaucratic, first of all; and, secondly, easier and more flexible to amend as we go forward if we see that there are further

2855 things that we could do to improve matters. So, sir, that is why I would encourage Members, if they want to achieve the objectives that have been set, and I think we are pretty clear about those, the problems that currently exist and the way in which we could do things better – then I think amendment 17 is preferable to amendment 6.

The Bailiff: Yes, lots of people jumping up. Deputy Yerby.

2860 **Deputy Yerby:** Thank you, sir.
I did not hear anything in Deputy Le Tocq's speech which explained how amendment 17 could possibly be any less bureaucratic than amendment 6 and I fear that the opposite is the reality. Deputy Le Tocq said, 'We are creating a committee by any other name'. Certainly, if we adopt amendment 17, we are.

2865 A small group of permanent, designated representatives from each Committee definitely has echoes of the old Policy Council. I was involved in a conversation about the development of amendment 6 and the aim of it was very much to avoid the creation of new committees and to make sure the responsibility stayed where it belonged, with the committees that own it.

2870 You can see that the meetings that are envisaged in amendment 6 are designated summits. They are not the creation of a permanent committee apart; they are a forum in which committees that already exist can come together. I bring Members back to this morning's conversation, when we were talking about the need for better cross-Committee working. Fundamental to that, sir, I think is dialogue and there needs to be spaces in which dialogue can happen.

2875 We have a fair bit of bilateral dialogue, we have Committees sitting down with each other, Committees sitting down with Policy & Resources and talking about areas of common interest but we do not have multi-party dialogue with lots of Committees around the table about areas that concern us all. Certainly Corporate Services concern us all and 'concern', once you see the explanatory note to amendment 17, is absolutely the operative word. Of the various amendments that I was involved with or consulted in the development of, I was relatively relaxed about this one, but I thought Deputy Soulsby's instincts were good, as they always are and, my goodness, 2880 has she proven it with the response that we have had from Policy & Resources!

To say that Policy & Resources are not responsible for Corporate Services, to say that we misunderstand the nature of the matrix relationship – well, I feel condescended to. I do not know if anyone else does! If there are problems with the current set-up, it is because the matrix relationship is not delivering what we need to effectively perform our mandates as Committees. 2885 That is feedback. Take it as feedback and help us to find a mechanism that does work.

2890 Amendment 6 proposes a much better forum and much better structure for that kind of dialogue, for that kind of ongoing feedback and sharing of insights and opportunities to resolve challenges between Committees than amendment 17 does, and if Members are inclined to support either I urge them to support amendment 6.

The Bailiff: Deputy Meerveld and then Deputy Fallaize.

Deputy Meerveld: Thank you, sir.
I would like to start off by addressing Deputy Le Tocq's comments and just remind the 2895 Assembly how we got to this position. Back in the day, each Committee had its own IT people, had its own HR people and everything else. We were, I believe quite rightly, persuaded that there would be considerable savings and – I give way to Deputy Le Tocq.

2900 **Deputy Le Tocq:** Sir, I am sorry to interrupt, but that just is not true. Committees did not have their own HR. Some did, Education years ago had its own HR people, but that changed in the 1990s and IT certainly has never been delegated in that way.

Deputy Meerveld: I will take that point on board. But each Committee controlled its own resources, certainly.

2905 **Deputy Le Tocq:** Sorry sir, that again is not true. I think it is important, in fact, that has never been the case in those matters.

Deputy Meerveld: Okay. Anyway the centralisation of the services was put into place because it was going to create economies of scale. Sorry, I give way to Deputy Soulsby.

2910

Deputy Soulsby: I thank Deputy Meerveld. I think people are speaking at cross-purposes here. Yes, we did have different functions within different Committees. HSC, for one, we see the budgets are all over the place and that caused us a problem last year because certain functions that were held – and the budgets that were held within HSC were moved to P&R. We had HR, IT, finance and data protection was moved last year. So they were functions that sat within those Committees.

2915

Deputy Meerveld: Thank you for that interjection; I agree.

At the end of the day, centralisation of these services was done for economies of scale and to reduce duplication etc. and to make these services more efficient, and that is all well and good. But at the end of the day each Committee also needs to have some route to enable that it is receiving back the quality of services, the level of service it needs to fulfil its functions. That is why a working group of this nature is required.

2920

You need to have some way of each Committee being able to feedback into the system whether or not the services they are receiving are meeting their expectations and enabling them to achieve their policies and run their Departments or Committees.

2925

The issue I have is, again going back to my previous comments about my concerns about executive Government: under Proposition 17 we see more centralisation of power and control of these functions and actually a denial of responsibility for them. Whereas I will be supporting Proposition 6 because, with its minimum service standards, which I agree with Deputy Tindall I hope will eventually turn into service-level agreements, each of the Committees will have the ability to be able to come back to that central group and express their desires.

2930

All Members of this Assembly will have awareness of the minimum standard levels that have been agreed and if those standards are not met there will be recourse and also we will be able to point at P&R and go to them and say, 'You are in charge of these services, please correct this.' Therefore Proposition 6 makes every sense, Proposition 17 sets off alarm bells.

2935

Thank you, sir.

The Bailiff: Deputy Fallaize.

2940

Deputy Fallaize: Thank you, sir.

I approached this debate recognising, as I think most Members did, that there is obviously a problem or there are weaknesses in the current arrangements which need to be resolved. But at the same time I have to say, and I do not think that my experience is shared by all Presidents of Principal Committees, but I have to say that the Corporate Services, if that is the right term for these services, provided to my Committee I have absolutely no complaints about.

2945

I am not going to go through and list them, but I think generally the business partners serving my Committee are outstanding and where there have been one or two problems I have been able to communicate that very directly with Policy & Resources and/or the Chief Executive or the States' Treasurer and have found them willing to listen and to respond very positively.

2950

So although I accept there are problems around responsibility for and the provision of Corporate Services, my own personal experience is almost wholly positive and so, if somebody said to me, 'Would you like to go back to the way things were before the business partner model was developed?' I would say, 'No.'

2955 The two amendments, actually, are not that different and I think the Policy & Resources Committee has made a very good effort to respond to most of the issues which are addressed in Deputy Soulsby's amendment. I think there is a bit of a problem in the Policy & Resources Committee's interpretation as it appears to be, that there are a load of services which exist
2960 somewhere for which the Policy & Resources Committee is sort of nominally politically responsible but does not really have any control over.

I just do not think that is a tenable position to hold in our system of Government. The States are a single legal entity. They discharge all of their business through Committees and I think everything that is done by the States has to be done to some extent in the name of one or more States' Committees otherwise the whole thing just breaks down. There just cannot be something
2965 that exists somewhere in the ether under this body called 'the States of Guernsey', because the States of Guernsey is one legal entity and the pre-eminent part of the States of Guernsey must logically be the States of Deliberation, which operates through Committees. So I think the Policy & Resources Committee has to rethink its interpretation of the governance and the control which sits around Corporate Services.

2970 I am quite attracted actually to amendment 17, the Deputy St Pier amendment because I do think it is a simplified way of trying to respond to these issues. I am not very keen on part b) in both amendments actually because I do not think the best way of resolving the issues around Corporate Services is to set up a permanent working group. Certainly, if it is a thing which replicates the Policy Council then it is a very bad idea, but I am just not sure that some kind of
2975 permanent working group is the right way to do it.

Now actually both of the amendments provide for, to '*direct* the Policy & Resources Committee', to co-ordinate meetings at regular intervals where there would be representatives of P&R who could come together with representatives of Principal Committees to discuss the provision of Corporate Services and resourcing and that type of matter. That seems to me the
2980 right way to go about it; that requires some kind of dialogue where all of the participants, as it were, are in the room at the same time, discussing the right things.

It probably makes sense that the Policy & Resources Committee should allocate or designate one of its Members to be a lead Member for Corporate Services, because I think that would give the whole thing some kind of impetus. So the real difference between – I will give way to Deputy
2985 Tindall, although I think I know what she is going to say,

Deputy Tindall: Maybe not! Thank you to Deputy Fallaize for giving way.

I just want to clarify something that he just said earlier in respect of b). He is saying that it was set up and he did not use this phrase but, *ad infinitum*. To me, I read b) as set up just to agree the
2990 minimum services standards, full stop. Then once that is done it is just reported on the Chief Executive. But perhaps he could clarify – in amendment 6.

Thank you.

Deputy Fallaize: Yes, but I am speaking to both of the amendments and all I am saying is if
2995 you read the Deputy St Pier amendment that does direct the Policy & Resources Committee to set up a working group, which does not have any terms of reference. The working group that the Deputy Soulsby amendment is proposing does not constrain it to developing minimum service standards. It says that it would have to develop minimum service standards but it is not abundantly clear that, at the end of having done so, that working group then collapses and

3000 nothing more is heard of it. I do not know, perhaps Deputy Soulsby could advise at the end when she sums up on her amendment.

So I am torn slightly between these two amendments. I want a solution which captures that some Committee of the States has got to be responsible in a conventional sense for these Corporate Services and it makes sense that it is the Policy & Resources Committee, because we do not want to create a completely new committee and we do not want to recreate the Policy Council.

I do not want to set up a permanent working group that oversees these corporate services because I think that will, in effect, create a new committee. But I do want to direct the Policy & Resources Committee to set up regular forums for Principal Committees and P&R representatives to discuss ways in which the provision of these Corporate Services can be improved, where that is necessary.

So, whichever of Deputy St Pier and Deputy Soulsby can convince me in their summing up speeches, that their amendments best represent what I am after – then I will give way to Deputy Dorey first of all. (*Laughter*)

3015 **Deputy Dorey:** Thank you.

He spoke about the working group. The working group in amendment 6 it says to 'develop minimum service standards for each Corporate Service', so it has a specific purpose and it will presumably not exist after it has achieved that. So it is not a permanent group, it is a working group to do a specific task and then it is complete. So it is not a permanent group.

3025 **Deputy Fallaize:** Right, well, if Deputy Soulsby confirms that is her intention then that does deal with my concerns about part b) of her amendment and I suppose probably tips the favour slightly in favour of amendment 6 as opposed to amendment 17. If the difference between the two amendments is that the Deputy St Pier amendment would set up a permanent working group to oversee these Corporate Services, which does look a bit like a Policy Council, I think that is really a very bad idea. If the Deputy Soulsby amendment avoids that by time-limiting the working group and that it collapses once the service standards are set up, then it probably is a better amendment.

3030 **The Bailiff:** Deputy Ferbrache.

3035 **Deputy Ferbrache:** Sir, both the amendments have something to commend them but I prefer the Soulsby/Dorey one. But really what attracts me to the amendments generally, and I will read from the Soulsby/Dorey one, c):

To direct the Policy & Resources Committee to coordinate regular summits between itself and the Principal Committees, not less than twice a year, to be attended by two representatives ...

I would have preferred it was by 'such representatives as are necessary', because you can have 14 people in a room, (*Interjection*) we can debate everything and I know some people really like debating to the ultimate syllable and the sub-syllables. I am not quite like others and previous speakers in relation to that.

3040 What it does, what Deputy St Pier tried to do valiantly, and was wholly unsuccessful when we set off on the road with this new Assembly was to have informal meetings between the Presidents of the Principal Committees to discuss things. He made valiant efforts and we got nowhere. Deputy Lowe proposed that it be on a more formal basis, I agreed with her, but we were in the minority, sadly.

3045 What this gives the opportunity to do, it is not so much 'Adequacy of resourcing' etc., it is:

ii. Current and emerging areas of policy development ...

3050 Now would it not be good if, on a periodic basis, all the Principal Committees met and talked about such things on a formal basis? It does not bring in a cabinet Government, it does not bring in an executive Government. It has committees sitting down, regularly talking to each other about those kinds of things. Therefore it makes sense to approve one of these amendments and, as I say, I am going to the vote for the Soulsby/Dorey amendment.

The Bailiff: Deputy Le Clerc.

3055 **Deputy Le Clerc:** Thank you, sir.

I will be voting for the Soulsby/Dorey amendment because of, again as Deputy Ferbrache has highlighted, Proposition c), and I like proposition iv:

Any other matters requiring cross-Committee discussion, coordination or resolution;

3060 Because we will come on to the amendment that I am going to lay next, but I think under this new matrix style of Civil Service it will be even more important, going forward, to have ongoing dialogue and an opportunity to discuss any concern that might arise under that new format.

But also, last time we met in this Assembly we agreed to spend a *huge* amount of money on a new IT contract, with Agilisys and again I think this is really important that we have an ability and a forum that the Committee can understand exactly where we are on that project (**A Member:** Hear, hear.) because it does affect all of us.

3065 So I think this is a really important amendment and I urge you to support it.
Thank you.

The Bailiff: Deputy Trott.

3070 **Deputy Trott:** Sir, thank you.

A number of speakers have conveniently, when offering their support for amendment 6, used the word 'forums'. I suspect it is because they are as embarrassed as I am about the use of the word 'summits'. It is quite extraordinary. It sounds like a complication at Davos with the *illuminati* arriving in on their private jets, or whatever. Quite extraordinary language – language which I believe is wholly unsuitable for this place. I give way to Deputy Tindall, sir.

3075 **Deputy Tindall:** I just wondered why we call the Bailiwick Council summits then?

A Member: Because they are summits!

3080 **Deputy Trott:** Yes, they are summits with leaders – (*Laughter*) as opposed to ... (*Laughter*).

The criticism of the old Policy Council is in many cases justified. There were lots of reasons why it did not work particularly well, although there was a period between 2008 and 2012 (*Laughter and interjections*) when a benign dictatorship was in place and it did have a modicum of success during that period, I concede!

3085 The point is the reason it did not work was there were 11 people in the room, 11 politicians in the room, at least three permanent aides there – the Chief Executive, the States' Treasurer and the like – all of whose attendance was necessary. Fourteen people; complete disaster.

3090 This particular summit, this regular summit will have 14 political Members, should all choose to attend, and potentially seven advisers – 21 people in the room; and that is the sort of mechanism that is doomed to failure. But I think possibly one of the most objectionable aspects of this is in the explanatory note in the second paragraph that reads:

The creation of a lead member role for Corporate Services within the Policy & Resources Committee

3095 So one of the five Members' of the Policy & Resources Committee, it might be the President it might not, will be the lead Member. That, it goes on to say:

... will provide more of a focal point for political accountability

3100 So the political accountability of this will potentially be a Member of the Policy & Resources Committee. No, it will not. Surely, the reason for this is to have political accountability for all of the Committees? I say not all, because if we really wanted this to work arguably there should be three representatives from each but then of course you would have decision-making bodies rather than a gradual of individuals that, if they so choose, could hide behind this construct.

No, it goes without saying, sir, that for the reasons of a smaller number, alone, the St Pier/Le Tocq amendment is a far better alternative and it will be that one that I shall support.

3105 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

3110 I do not see these two amendments really as either/or. For me, it is a plague on both their houses, really. I think they are both inherently bureaucratic and unnecessary. I thought Deputy Fallaize was going my way, but he jumped ship half way. I do actually share his experience. I am on two Principal Committees. The Corporate Service provision to one works exceedingly well, it could work better on the other. That suggests to me it is not the set-up it is the way it is being made to work or not to work.

So I shall vote against both of these amendments.

3115

The Bailiff: I see no one else rising.

We said earlier that the voting would be first of all on amendment 6 and then amendment 17, so Deputy Soulsby do you wish to reply to the debate on 6? Then we will vote on that and then I will give Deputy St Pier the opportunity to reply to the debate on 17.

3120

Deputy Soulsby: Thank you, sir.

3125 Just to go briefly through various points. Deputy St Pier was trying to imply forget the explanatory note, he did not really mean to say what he said in there, it was not really what was intended. But it does say within that amendment how Corporate Services really are not part of P&R. I mean, it is embedded in that amendment.

What I do not think they understand is we have a political system, something as Deputy Fallaize said earlier, you can have a different Civil Service structure but it must fit the political one, and that is what we are trying to do here.

3130 Many have spoken about the desire not to recreate a Policy Council and that is definitely front and centre of our thoughts here, which is why we ended up with this idea of a summit.

3135 And in fact, why do we use the phrase 'summit'? We did bash around with names – what they mean as semantics. We did not want to use 'meeting' or 'forum' but we thought 'summit' really summed up what we wanted. We wanted it to be a high-level meeting. We did not want it to get into lots of detail and get very bureaucratic, it was just so we could deal with things at that high level. I really do not understand why Deputy Trott is getting so worked up about it.

On that front, he had a go about political accountability and does not like our explanatory note about lead Member. But it is in the P&R amendment the term 'lead member' of P&R is in amendment 17 and 6. So I do not why he is getting so worked up about that either.

3140 Really, what we wanted from this is to have that opportunity of feedback that we do not have, which was lost with Policy Council. We have no formal mechanism for the Presidents to get together and talk about these things, which are of common interest. All of those functions, that are important to all the Committees are something that we might all have issues that we can share and feed into the mix and get things to change.

3145 At the moment one Committee might find something is not working, but perhaps it is just our Committee and it is working somewhere else. But if we come together we can actually understand where it is not working for Committees, where it might be and actually have that dialogue. I forget who it was, it might have been Deputy Dudley-Owen who was talking about dialogue? Anyway, I think many did.

3150 Deputy Tindall, thank you for your comments. I always had this great idea about service level agreements and certainly from a corporate business point of view, yes, I get it. I do not want, though, it all to become too bureaucratic, which is why the whole idea of minimum service standards was thought of. We want there to be measures that actually mean something to us. All the other background things you get with service level agreements, this is really just about so we know that things are working for us.

3155 If things are not working this will help P&R or help the Chief Executive and say, 'Yes, we are not meeting these standards because we have not got the resources to do it. So give us the resources.' It will work both ways. I think that is important to say there.

3160 Deputy Le Tocq says this is creating another committee. It is not. It is actually telling P&R to do the job. We are not saying create a new committee. And no, this may not be perfect, but that is because the current system is not perfect, which is why we do need a bigger review, but that is for another day. This is why we are trying to sort things out now while we can.

Thank you to Deputy Yerby and Deputy Meerveld.

3165 Deputy Fallaize, I agree, the centralisation of the Civil Service is better. That is what I said in my opening speech, it makes more sense. This is more down to the accountability side of things.

No, what we are proposing in our amendment is not a permanent working group and, a lesson to P&R, I think they were trying to change this to meet a), b) and c) of our amendment; but actually if you look at b) they have ended up creating a permanent group. But actually b) would not be needed at all. You could go just for a) and c). So, that really did not make much sense.

3170 This is not any more bureaucratic than that for amendment 17; it does not need to be bureaucratic. All we are doing is saying, 'Let's get some minimum service standards in place and run with that; get the CEO to report on it' – which is important because it would be more meaningful than the report we are currently getting, which is nice on lots of things but it does not actually say what *really* is happening behind the scenes, that would be of interest to Members of this Assembly, necessarily.

3175 It is also the issue about dialogue, making sure that we can talk to each other, understand what the issues are and help each other to make things work better, and that has really been the intention of amendment 6 all along. I do ask Members to support it.

3180 **The Bailiff:** So we vote on amendment 6, proposed by Deputy Soulsby, seconded by Deputy Dorey. Those in favour; those against?

Members voted Pour.

The Bailiff: I believe that is carried, but if anybody wishes to challenge that there can be a recorded vote. No? I will declare that carried.

Deputy St Pier, do you wish to reply?

3185 **Deputy St Pier:** Yes, briefly, sir.

3190 Deputy Tindall spoke about template service level agreements and Deputy Soulsby, when she was speaking, was keen to emphasise minimum service standards, rather than being service level agreements. I think it should be noted that obligations would exist with either and those obligations are likely to be mutual, of course. In order to meet standards it is likely that information will need to be provided to enable that to be discharged. That is one of the challenges.

3195 I think actually Deputy Graham has spoken the most sense in this debate so far. That actually, of course, amendment 17 was intended to seek to address some of the concerns expressed by amendment 6 but actually 'a plague on both your houses' is probably the right response to both amendments and therefore, sir, I would encourage Members to vote against the new Propositions which have just been accepted by amendment 6, and do what they will with amendment 17, sir.

The Bailiff: Deputy Tindall.

3200 **Deputy Tindall:** I just wanted him to give way. He has not answered my questions –

The Bailiff: Okay.

3205 Yes, so I think we need to read amendment 17 now as substituting the Propositions attached to those that have just been approved and on that basis we go to the vote on amendment 17, those in favour; those against?

Members voted Contre.

The Bailiff: I declare it lost.

We move on, then, to the next amendment and I do not know whether it is desired to take 18 and 7 together in a similar way to what we have just done with 17 and 6. Is that would you would like Deputy Le Clerc?

3210 Deputy St Pier, is that what you would prefer or would you prefer to take 18 first?

Deputy St Pier wishes to take 18 first so we will take amendment 18, which is to be proposed by Deputy St Pier, seconded by Deputy Le Tocq.

Deputy St Pier.

Amendment 18

To insert the following Propositions:

'4. To resolve that:

(a) The Policy & Resources Committee should be directed to prioritise the action required by Resolution 14 of Billet d'État XII of 20151 and having consulted with other States Committees (including for the avoidance of doubt Authorities and Boards), report back to the Assembly with its recommendations no later than December 2019;

(b) The Policy & Resources Committee should be directed to consider the conventions that apply in other democracies in respect of the relationship between elected members and the civil service especially as regards employment matters and to ensure that its recommendations reflect best practice.'

Deputy St Pier: Thank you, sir.

3215 This amendment is a response to amendment 7 which is, I would suggest, the most significant and far-reaching amendment of this debate and some legal advice has been obtained from St James' Chambers, which is appended to our amendment, sir, amendment 18, and I will ask a little later for Her Majesty's Comptroller to take us through that advice because I do believe that it is important –

3220 **Deputy Yerby:** Point of order, sir.

The Bailiff: Point of order, Deputy Yerby.

3225 **Deputy Yerby:** If Deputy St Pier has just asked for the two amendments to be debated separately, surely he should not be bringing the other amendment into this debate at this stage?

The Bailiff: Deputy St Pier, you are opening on your amendment.

3230 **Deputy St Pier:** Yes, and I am bringing the advice which was attached to my amendment into the debate.

Deputy Ferbrache: Point of order.

The Bailiff: Deputy Ferbrache.

3235 **Deputy Ferbrache:** This really follows up on what Deputy Yerby said. I am not sure how we can debate these two amendments separately because they overlap. They should, surely, be debated together otherwise we could end up with some nonsensical result, duplication.

3240 Sir, I would ask you, because I think it is ultimately a matter for you, to direct looking at the two amendments, that they be heard together.

The Bailiff: Maybe I have misunderstood what Deputy St Pier was saying earlier. Apparently what he was saying was that he was happy for the two to be debated together but he wishes to open first.

3245 **Deputy Ferbrache:** I do not think anybody objects to that.

The Bailiff: Sorry, that was my misunderstanding.

3250 **Deputy Ferbrache:** Sorry, sir.
So they will be debated together?

3255 **The Bailiff:** So they are being debated together. Deputy St Pier will open on 18, I obviously misunderstood, then Deputy Le Clerc will open on 7 and then the voting order will be – 7 or 18 first?

Deputy Ferbrache: Well, 7 or 18 together. Well, I would have thought 7, sir. It does not make any difference as hopefully people will know. And I would have thought if Deputy St Pier is opening on 7, we vote on 7 first.

3260 **The Bailiff:** No, he is opening on 18.

Deputy Ferbrache: Whichever! *(Laughter)* I am confused.

3265 **The Bailiff:** So we will debate both together. Deputy St Pier.

Deputy St Pier: Sir, I apologise for any confusion. I was very happy for both amendments to be debated together but I did wish to make the arguments for why amendment 18 is better than

3270 amendment 7 because of what we believe to be the risk associated with what is a very far-reaching amendment.

The amendment that is presented in the alternative from Deputy Le Clerc does seek to bring about greater political involvement in the recruitment and performance management of senior civil servants, by introducing new requirements into the States' Rules of Procedure. Of course, in principle, the involvement of specific Presidents in recruitment can be very helpful and, of course, ministerial involvement in recruitment of senior civil servants does happen regularly in other jurisdictions.

3275 But elsewhere, there are principles and procedures around the appointment of public servants that are set out in Law or are underpinned by clearer frameworks that explain the nature and extent of that involvement of the political representatives and others in the recruitment process. Adherence to those frameworks is independently monitored, providing assurance that recruitment is being carried out according to those agreed values and principles.

3280 The amendment does not provide that certainty and clarity and can be open to interpretation, which I would suggest could potentially lead to a misuse of the Rule and that is what is concerning the Policy & Resources Committee, sir, and hence the approach that we are presenting in our amendment as an appropriate next step as an alternative.

3285 Whilst an appropriate involvement of politicians in the recruitment process should not be resisted it does need, we would suggest, to be framed a little differently. There are some relevant principles that are appropriate to take into account when considering how to achieve the intent. Some of them are general principles and some of them are specific and there are also relevant principles to which the States of Guernsey has signed up.

3290 So paragraph (a) of Deputy Le Clerc's amendment I think overlooks the fact that the Chief Executive has other accountabilities, for example, to act lawfully and also to challenge unethical behaviour. There is a risk that in focusing on only one aspect of the accountability of the Civil Service, the ability to challenge appropriately, which is of course a pre-requisite of good governance, might possibly be compromised.

3295 Paragraph (c) also ignores the fact the Chief Executive is responsible for managing staff and, consequently, it will be for him or her to decide which set of conflicting instructions civil servants should follow. We are concerned that the amendment could put civil servants in a difficult position of having to share possibly confidential information with one Committee about why he or she had been instructed to do something other than that which they wanted. The responsibility for resolving those conflicts, when civil servants cannot do that for themselves for whatever reason, I think does have to rest with a single individual, namely the Chief Executive.

3300 In terms of specific principles, the Nolan principles, which are a little old now but have stood the test of time, established by the UK's Committee on Standards in Public Life, set up in 1994, chaired by Lord Nolan, formulated a number of principles, objectivity being one of them. In carrying out public business, including public appointments – critically, awarding contracts for recommending individuals for awards and benefits – holders of public office should make choices on merit.

3305 There is a risk that this principle might be eroded owing to the number of people who could potentially become involved in the recruitment and performance management of senior civil servants as presented in the alternative amendment. Some of those who would be involved might not necessarily have the appropriate and sufficient training in good recruitment and selection processes, which are going to become increasingly important, that we do follow due process, particularly as we have equality legislation rights, quite rightly giving those greater recognition, that actually due process and the way we go about our appointments process is important. It could also be difficult for officers to challenge a recruitment decision that contravened established processes or those that might be motivated by other reasons.

3310

3315

3320 If we look at other jurisdictions, and I think this is important, to learn from the way other
people tackle this problem, which of course is one that is faced by all democracies, they tend to
have legislation covering the recruitment of public servants. In the UK, enshrining in legislation I
3325 think does provide a stability that does not exist when they can potentially be altered at short
notice as part of a political debate.

In the UK that is dealt with through the Constitutional Reform and Governance Act, 2010.
Section 10 requires the selection of people for appointment to the Civil Service to be on merit, on
3325 the basis of fair and open competition, and section 11 requires the independent Civil Service
Commission to produce recruitment principles, explaining and interpreting this requirement.
Those are all set out on a government website, which I will not go through. There is some detail
around how that process is managed.

3330 In Jersey meanwhile – I will give way sir.

Deputy Fallaize: I am grateful to Deputy St Pier for giving way and I respect the point he is
making about the UK, and I think actually the issue that is set out in his amendment about
needing to take into account arrangements which apply in other jurisdictions is right and proper.
But does he not accept that there is a significant difference between the example he is giving of
3335 the UK and Guernsey, because of the existence in the UK of special advisers who operate
alongside elected members within departments, appointed by the elected members, whose
accountability and service is emphatically to the elected members and are able to assist elected
members and the government of the day in such a way that the relationship between the Civil
Service and the politician can be more easily protected? And that the absence of all of that in
3340 Guernsey puts elected Members at a significant disadvantage, and perhaps means that the
arrangements in Guernsey *vis-à-vis* between the Civil Service and elected Members needs to be
different unless his Committee or colleagues are going to propose some mechanism to allow
committees to appoint special advisers?

3345 **Deputy St Pier:** Sir, I do accept the UK is different, with the presence of special advisers,
although of course political special advisers are a relatively recent construct in the UK political
sphere and I certainly would not advocate that in our system. The additional layer of cost alone I
am sure would not attract any support from Members of this Assembly.

But I think Jersey is an appropriate alternative to look at, where public sector appointments are
3350 governed by the Employment of States of Jersey Employees (Jersey) Law 2005 and are overseen
by the Jersey Appointments Commission. The main role of that commission is to regulate the
appointment process for senior staff, except for the Chief Executive, where the Jersey
Appointments Commissions appoints the CEO with oversight from an external appointments
regulator.

3355 So whilst the respective approaches of the UK and Jersey are not identical, the very existence
of legislation and regulation, an approach mirrored in other jurisdictions, shows how seriously the
matter of public sector appointments, and in particular those of the senior Civil Service, are taken
of course crucially to ensure and maintain the concepts of the requirement for civil servants to be
impartial.

3360 The involvement of ministers in the UK is welcomed but that involvement is carefully built into
a set of principles based on statute, in order to ensure that the extent and nature of their
involvement is well understood by all the parties involved in the process, and ultimately such an
approach must serve to protect the interests of everyone involved in the process, not least the
politicians and the ministers themselves.

3365 So I think there is certainly, consequently, I think Policy & Resources do accept that there is
merit in formalising Guernsey's recruitment processes for public servants but the amendment as

currently drafted, we do not believe will result in clarity and transparency and may not actually improve the situation.

3370 If we look at the principles that do currently apply in Guernsey I think we should go back to 2011 when the States of Guernsey adopted the six Core Principles of Good Governance, as determined by the UK Independent Commission on Good Governance in Public Services. The 2011 policy letter at that time identified a number of supporting principles underpinning the core principles and, without repeating them all here and now, I think it is fair to say that the issue of clarity surrounding roles and responsibilities was considered central to upholding some of those
3375 core principles.

A formal code of practice for recruitment, perhaps ideally based in legislation, would represent a good way of ensuring that the involvement of Committee Presidents and others in the recruitment process is proportionate but in keeping with good governance. In other words, perhaps now is the right time for a legislative solution.

3380 I think we should also look at the consideration that the States' Review Committee gave to this in 2014-15. A lot of time was spent on this and it set out the ways in which the Committees of the States and officers should work. This is acknowledged in the amendment, which says, 'as resolved in the Billet, senior officers serving a Committee are accountable to that Committee in respect of policy areas and services within the mandate of that Committee'.

3385 But that is not quite accurate in terms of what the Proposition that was agreed actually said, because it said, as set out in the policy letter, that

senior officers of the States shall be accountable to any committee of the States which they serve in respect of policy direction.

– which is a slightly more subtle and focused provision. I think the amendment suggests that accountability to a Committee goes beyond what was actually intended by that Proposition and I think we do have to challenge that interpretation.

3390 The States' Review Committee – I will give way, sir.

Deputy Merrett: Thank you, Deputy St Pier.

I am a bit confused, sir, because I thought we were debating amendment 18 but when Deputy St Pier says the amendment I am not sure whether he means amendment 18 or amendment 7, and as we are not taking both amendments together –
3395

Several Members: We are!

The Bailiff: We are.

3400

Deputy Merrett: Oh, I am so sorry, sir. I went out for a comfort break, I do apologise.

Deputy St Pier: So the States' Review Committee policy letter in question also includes the following statement:

A permanent, politically-impartial civil service exists to serve the elected States of the day while remaining sufficiently flexible to serve their successors. [And] The Civil Service is bound by a code of conduct.

3405 Crucially that paragraph acknowledges the necessary impartiality of the Civil Service, which I referred to, and if politicians become closely involved in the recruitment and performance management of civil servants – particularly I would suggest the latter, performance management – there is a risk that that impartiality and independence of the Civil Service will be eroded.

3410 Now, I know politicians are involved in providing feedback to some of their senior officers and that does happen regularly, that is not the same as performance management in terms of their

line management. I would suggest if that were to occur it could undermine good governance because the relationship would no longer be apolitical.

I do not think that is the intention of the amendment, and no doubt we will hear that in due course, as it would go against the SRC policy letter, which also states that:

The Chief Executive is accountable for the performance of the civil service, including the distribution of its resources in order to serve the elected States and their committees.

3415 That of course, in turn, has given rise to a considerable amount of dialogue between Committees and their Presidents, and the Chief Executive, over recent months to ensure that the changes are in a way that Committees are supportive of and understand. That has obviously been enabled by the provisions that already exist in the SRC policy letter.

3420 In view of the need for impartiality in the Civil Service, it would not be appropriate for a Principal Committee or a President to become embroiled in the performance management of individual civil servants; although in the case of very senior officers it is expected that the President of the Policy & Resources Committee would have a role to play.

3425 So the Le Clerc amendment, as drafted, takes no account of that important governance issue, I would suggest, sir, acknowledged by the States' Review Committee and agreed by the States at that time.

So taking all of that into account is the reason that we are presenting our amendment to find a different solution that will give comfort to those who are seeking this amendment and supporting it but without running the risk of interfering with governance.

3430 It is a very long preamble, I accept, sir, for me introducing the amendment and why we have structured it in the way we have. I think it is clear that States' Members are keen to have a role to play in the recruitment and performance management of senior civil servants and the issue is how to achieve this in a proportionate way that does not interfere with the necessary independence and political impartiality.

Resolution 14 of the second SRC policy letter says that:

the Policy & Resources Committee, once constituted in May, 2016, shall, following examination of the issues, lay recommendations before the States to reform the political arrangements in connection with the States' role as an employer.

3435 Now we clearly have not done that, as Members will know. This Resolution has not been taken forward yet, simply because of other priorities, and that is why we are proposing that actually it should be prioritised in response to the concerns that have been expressed and that have led to amendment 7 being lodged.

3440 So that is the first part of our amendment, to prioritise the work, to consult with Committees, Principal and junior, to coin a new term that has been picked up by Deputy Tindall, and indeed to report back by no later than December of this year. And importantly to take into account to consider the conventions that apply elsewhere in respect of the relationship between elected Members and the Civil Service, especially as regards employment matters.

3445 So we do believe that this is a safer approach and I think at this point, if I may, sir, I would before I will very, very briefly sum up, I think it would be appropriate perhaps to ask Her Majesty's Comptroller to explain the advice which the Policy & Resources Committee has received and that we have shared with Members by appending it to the amendment, sir. Perhaps you could ask the Comptroller to do that, sir?

3450 **The Bailiff:** Yes. Comptroller?

The Comptroller: Sir, with your permission.

3455 Members I think will have with their papers, or appended to the amendment 18, a copy of some advice that was given by Her Majesty's Procureur and Advocate Bamber from our Chambers, on 19th June 2019, in relation to the issues that arise in connection with amendment 7. I would not propose to read that out, Members have had the opportunity themselves to read it, but I would perhaps just highlight four issues.

3460 The first one is the constitutional issue that Deputy St Pier I think has alluded to already. This relates to the appointment, retention and promotion of civil servants generally. I just note the advice given by H.M. Procureur and Advocate Bamber at paragraph (a) under 'constitutional issues' where the advice is that:

It is a key constitutional principle that civil servants are impartial and that appointments to the civil service are made on merit and through open competition.

I think I would add that that seemed to be the case as well, because very often perception is perhaps a more important issue than the practice. I am not sure I expressed that very well, but it is a perception issue.

3465 The second issue I would raise is governance and this is a matter that is raised at paragraph (c) under 'constitutional issues'. Again I will just read the text:

As a matter of good governance, the States Rules of Procedure are not the appropriate forum for introducing the employment related provisions proposed in the Amendment

3470 And again I think Deputy St Pier alluded to other alternatives, such as legislation. I think there are other options as well, there are directives and there are perhaps agreements between Committees that could be reached on these things. So again, that is just an issue that I think Members may want to be aware of and that is governance.

3475 There are employment-related issues and these are referred to on the second page of the advice provided by Her Majesty's Procureur and Advocate Bamber and in particular these relate to potentially increasing the number of claims that there might be for constructive dismissal where there is a breach of the trust and confidence, perhaps, between an employer and employee. Again, I would highlight those for Members.

Finally, it was the reputational issue that, if there is a perception of political interference, I think that would be rather damaging unless the right method of addressing the issue and then enabling the States to adopt that method is found.

3480 So I do not know if that is helpful and, unless there are other Members who have any queries on the issue, I was not proposing to address the States any further.

The Bailiff: We need that amendment to be formally seconded. Deputy Le Tocq, do you formally – ? Oh, sorry you have not finished? It was just a give way, was it? Right.

3485 **Deputy St Pier:** Thank you sir and I thank the Comptroller for that sir. I have very nearly finished.

3490 I think what the Comptroller's advice and the Procureur's advice, particularly in relation to employment-related issues does raise the question and risk that actually in the execution of the arrangements which might arise following amendment 7, if that were to prevail. There could be an increased risk of financial liability for the States in terms of claims against the States, if people feel that they have been unfairly or constructively dismissed as a result of their political management through this process, and that I think would create a political exposure for Members who were perhaps involved in that. So I think it is perhaps something that Members need to be conscious of as well.

3495 Briefly, before I sum up, I think it is also worth drawing attention to comments received this afternoon from the Association of Guernsey Civil Servants also expressing concerns, which I shall just briefly read, falling into the following areas:

Elements of the proposed amendment potentially blur the lines between the policy-making function of Deputies on committees and the responsibility of the Civil Service for operational delivery of those policies by introducing formal mechanisms for committees to provide feedback on the performance of senior roles.

The potential compromising of the impartiality of senior civil servants to deliver objective advice in the knowledge that, should the provision of that advice be unpopular for any reason or conflict with the policy direction desired by the committee, it could result in the loss of political confidence and then enforced transfer to another role.

The extent to which the States as employer is modified; as far as senior staff are concerned it is no longer to be solely discharged by Policy & Resources.

The potential size of interview panels where a role serves multiple committees.

The extent to which committees are effectively to be able to exercise a vote or veto on senior appointments that have followed a proper recruitment process.

And I referred to process earlier.

3500 A lack of clarity which already exists as to what reasonable procedures are to be followed where a committee has lost confidence in a senior officer providing the support.

Then also, for existing staff, the amendment may alter the contractual provisions, the operation of existing staff handbook policies, without there having been proper consultation and negotiation with the normal recognised parties.

3505 So, sir, I think it is worth drawing attention to that together with the advice of the Law Officers to say that these are legitimate concerns that have been raised, that do deserve some significant consideration; and we would strongly urge the temptation of the Assembly to rush at this issue, hence our amendment suggesting that perhaps we just do take a little bit more time and allow us to return back by the end of this year, rather than triggering unforeseen consequences with the risks that are associated with this, given all the advice that has been received.

3510 We do think that there is an appropriate role for political involvement in public sector recruitment but I am not sure that the amendment takes sufficient account of some of the risks and we think that our amendment is a safer and more proportionate way to take the issue forward in a way that will help enable Members' concerns to be addressed without triggering unforeseen consequences.

3515 With that, sir, I do urge Members to support amendment 18.

The Bailiff: Deputy Le Tocq, do you formally second the amendment?

Deputy Le Tocq: I do, sir.

3520 **The Bailiff:** Deputy Le Clerc, do you wish to lay your amendment 7?

Amendment 7

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'État 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.'

Deputy Le Clerc: Yes, I do, sir.

3525 I remember in the last Assembly, Deputy Bebb laid a requête and I signed that requête and I remember at the end of that requête, or during that debate, Deputy Harwood at that time said this was a debate that needed to go ahead. I think that if anything comes out of this amendment and the P&R amendment, it is a debate that needs to be had and needs to be aired. So I will start with that.

3530 I would like to say that this is not an amendment to take control of the Civil Service, it is an amendment that gives some political input for the recruitment and appraisal and performance review process. Many of you will know that I have become frustrated by the process and implementation of the recent Civil Service reforms. I state and reiterate that I am not opposed to change, indeed I have in the past supported and voted in this Chamber for reform; but it is the continued blurred lines of accountability and responsibility that continue to trouble me in the new management structure.

3535 I think if most of us were honest, we would agree that the root of many of our issues are those lines of accountability and the public perception of exactly what we are responsible for. **(Two Members: Hear, hear.)** The Chief Executive in his appendix report section on Supporting Government, which is page 9 and then repeated on page 10, indicates that an outcome of his changes will be that:

States' Members and civil servants understand their roles including their authority and accountability for decision-making. There is a clear separation of policy development and operational delivery of services;

3540 There are two problems. One is that the public do not neatly distinguish between operational matters and policy matters. When something goes wrong they contact a politician or the media and the media contacts a politician for a response. The second problem is that the new matrix style of organisation does not easily clarify those lines of responsibility.

3545 The Chief Executive has opted for a matrix, flatter style of Civil Service. Firstly, I must say that this style of management is more suitable to project work, rather than the ongoing business as usual model. We have a combination of the two, policy or project work to bring policy papers to the States and ongoing business as usual. But what has not been given to us is the clear management reporting lines within the matrix model.

3550 We know with this style some individuals report to more than one supervisor and this can bring increased complexity in the chain of command, which is why, despite many attempts to receive clarification from the Chief Executive, and P&R, the reporting lines are still not clear to me in the new matrix structure. In fact the organisation chart that I requested and this is a copy of that chart, which is just a whole load of circles with dotted reporting lines, is almost incomprehensible. Yet the Chief Executive in his report, page six, says:

This combination of roles ...

3555 – the newly created roles, where outlined above, and it is the various new positions –

... with clear lines of accountability, will ensure Committees receive well-rounded support from the senior Civil Service, while better joining up the development of strategy and policy across Government.

At the moment I think the jury is out on whether this will be the outcome.

I think the amendment proposed by P&R adds very little to this amendment and concentrates too heavily on the employment issues. I must add that the Chief Executive, through his reforms, has radically changed employment contracts in the last few months.

3560 Throughout our amendment we clearly express that the actions should only be taken after exhaustion of reasonable processes and procedures and with both P&R and the Chief Executive being fully involved in those processes. This aligns with the recommendation made in 6.4.21 of the Billet 2015 and we must remind ourselves of Rule 56, Accountability of Officers.

3565 It will not be for a rogue committee to have sole powers to hire and fire civil servants. In fact Committee Presidents are usually involved in the recruitment process for positions such as Chief Secretary and senior Committee appointments. This amendment just ensures that relevant politicians have a seat at the table in respect of performance appraisal, giving 360° feedback.

3570 It is also worth noting that some politicians already have seats on some appointment boards. It was therefore a surprise that in the appointment process of the senior positions within the new matrix structure, Presidents were not asked for input. They have been asked for input in the committee secretary roles, I must point that out.

3575 I have also been asked for feedback during appraisal times on our Chief Secretary. I therefore believe that being involved in the recruitment and ongoing performance evaluation of all the senior staff that provide direct support and services to the Committee under the new matrix structure is continuing a process that is either formally or informally in place at the present time.

3580 The fact that it involves more people is just because of the number of reports to each Committee under the new structure. Political involvement in performance management is nothing new and this amendment does not seek to change the fact that the Chief Executive is responsible for managing the Civil Service. He is still accountable to P&R, acting as the employer. We have simply broadened the range of people they need to ask to seek input from in order to make those decisions.

In July 2015, P&R were instructed to come back with proposals and I will read an extract from that report and Deputy St Pier has already alluded to the final Resolution, 7.6.9 of that report:

The *[States Review]* Committee recommends that initially, i.e. from May, 2016, the Policy & Resources Committee should assume responsibility for all of the States' employment functions, including oversight of the role of Chief Executive and, through him, of the civil service generally, but this is not considered to be a particularly satisfactory or sensible long-term arrangement in view of the other broad responsibilities of the Policy & Resources Committee. Therefore, the Committee also recommends that the States direct the Policy & Resources Committee to set out proposals for a revised structure.

The Assembly agreed the Resolution that Deputy St Pier has read out, and I will read it again:

To agree that, as set out in section 7.6 of that Policy Letter, the Policy & Resources Committee, once constituted in May, 2016, shall, following examination of the issues, lay recommendations before the States to reform the political arrangements in connection with the States' role as an employer.

3585 That is part of the problem. This has not happened and that is why we are where we are today

3590 But we must also remember that last year, in the Budget we made some Resolutions, following Resolution 52, and it goes on at length and I can see time is ticking away, but I just want to highlight a couple of areas and I am being selective in what I am highlighting. In respect of the relationship between the Civil Service and the States of Deliberation the last paragraph in that says:

In addition that "the Chief Executive and other senior officers must obtain the views of the President of a Principal Committee, and through them the members thereof, when appointing and appraising senior staff in the service of that Principal Committee";

Then there is another, (b) but again I will highlight section (c):

To note that an inappropriately-structured civil service would be as detrimental to the ability of the States of Deliberation and its Committees to fulfil their mandates and functions as an inappropriately-resourced civil service would be. Therefore, the States have a legitimate political interest in the structure of the civil service.

Then it goes on to say that there should be 'organisational design requirements of each Office of the Committee', because Committees differ and that is a point we have made during the restructure of the Civil Service.

3595 Lastly it says:

... to assure restructuring of any Offices of the Committee and other parts or offices of the civil service is carried out in liaison jointly between the Policy & Resources Committee and the relevant Committees, with due respect given to the principle that the responsibility for organising the public service, ensuring that it is fit for purpose, lies with the Chief Executive, accountable to the Policy & Resources Committee.

Sir, P&R will make a strong case to reject this amendment on the grounds that the proposals do not comply with good governance rules and expose the States to reputational risks and potential legal challenges. I think we have got some answers that we can respond to that and I think the first one that Her Majesty's Comptroller said, that there was a constitutional issue, but we are not arguing about the impartiality.

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The governance, we have already got Rules in Rule 56 of our own Red Book that have set a precedent for us being involved in the governance. I think the in employment process, again, I would just like to reiterate that politicians are already involved in the recruitment and appraisal process of many of the senior civil servants that we work with.

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Sir, I think it is going to be an interesting debate. I expect it is going to be a long debate. But I just urge people to vote for our amendment, rather than the P&R amendment because, as I have already pointed out, this work has been neglected for some time and that is where we are today. I note that they will say they will bring it back by December but again I know the workloads of every committee and I doubt that will happen. I urge you therefore to vote for this amendment.

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The Bailiff: Deputy Soulsby do you second the amendment?

Deputy Soulsby: Yes I do, sir, and reserve my right to speak.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

This is a complex issue and I want to start by asking a question, and I think it is more appropriately aimed at Deputy St Pier, rather than Deputy Le Clerc. I will add some substance to that question in just a moment.

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But my question is this: if either of these amendments is approved, in regard to the Civil Service Reform Agenda that is taking place, will that continue unabated, regardless of which amendment is approved? Will it temporarily halt it or will it slow it down? I am looking for an answer to that question. What will happen to the Reform Agenda if either of these two amendments is approved? So I just wonder if both proposers, and perhaps even the seconders, can think about that.

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To add some substance to that question, the reason why I am asking it, sir, is in my opinion and I could be totally wrong and if I am wrong some of my colleagues will probably cry me down or at least one will interject and look to correct me, but in my opinion the Reform Agenda is in danger of, to some extent, politicising the Civil Service anyway. My example of that would be the strategic policy leads. I think it is a team of six officers who will be, first and foremost, answerable to the Chief Executive Officer.

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Now, I can see a problem there and it is a problem that other colleagues have alluded to before. If that superteam, those strategic policy leads, are answerable to the Chief Executive Officer, first and foremost, and therefore I assume that he will have to allocate where that resource is used at any one time, if for example one of those strategic policy officers is allocated to HSC, because they have a really big piece of policy work that they want to develop but at the same time Education, Sport & Culture need access to that strategic policy officer, but they cannot get it, then the Chief Executive will have to make a decision who that policy officer works with or which work stream he concentrates on.

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That in turn, if HSC is chosen for that strategic lead and Education, Sport & Culture cannot get access to him, that means in effect one policy area will be developed while another one is put on hold or hindered. That seems to me, it has an effect on which policies are going to be developed and how quick they are developed and it will slow down the work of one Principal Committee or the other. Now, that almost seems like a political decision to me, because it means one set of policies are going to be developed, while another, which is just as important to the other Principal Committee, will be put on hold, will not be developed.

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There are probably other areas where the Reform Agenda will potentially politicise the Civil Service but I think that is one area in particular. There is only so much resource within those strategic policy leads, those officers that will be answerable to the Chief Executive Officer. They cannot be spread too thinly. There is only so much they can do and so much time and attention they can give in any one work stream. So it seems to me that it is almost a political decision because it is going to slow down another Committee's work if that officer is fully allocated to a different Principal Committee. I hope I have explained that in a fairly understandable way.

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Also, this amendment in particular, Deputy Le Clerc's, Deputy Gollop this morning, several times, has spoken about the inadequacies of the political structure and how he thinks that needs to be revisited and reviewed and perhaps changed, because it does not match the structure of the Civil Service, which is changing again because of the Reform Agenda; and Deputy Fallaize interjected and said actually if there is an incompatibility or too much difference between the two structures, it is not the political structure that should change to accommodate the Civil Service Structure, it is the other way around. It is the Civil Service Structure that should change to accommodate, align itself with the political structure.

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It seems to me that these amendments are a way of trying to address that issue and realign the Civil Service structure with the political structure. So I think that the strategic policy leads are a good example of that.

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I think the other concern is and, once again my Vale colleagues who were at the Douzaine meeting on Monday night, will correct me if I am wrong on this, but there is a real concern, at least amongst some Douzaine members that there is – I do not want to make this sound like a conspiracy, I do not mean it that way – a sort of core at the centre, which includes P&R and the senior Civil Service, that is becoming almost impenetrable to Committees and to States' Members.

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They are wondering how States' Committees and States' Members can call that structure to account if there was no real mechanism of, not control, exactly, on behalf of politicians, but at least access or a mechanism where they can call into question and challenge – I give way to Deputy Fallaize.

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Deputy Fallaize: I am grateful to Deputy Queripel and I think he is raising a very important point, which I do not doubt was articulated at the Vale Douzaine meeting on Monday evening. But does he not agree with me that there is a very obvious response to that point? We established in a debate this morning that, to the extent that there is power – it is a horrible word – in Government in Guernsey, it is *here* in this Assembly.

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The Policy & Resources Committee has five Members and Members of the States who are not on Policy & Resources number 35. If there is some imbalance of power that has arisen, it is entirely in the gift of this Assembly to do something about it. It is not a structural problem, it is a problem of the extent to which we, as an Assembly, are prepared to ensure that Government is shaped in the way that we think it should be shaped.

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Deputy Laurie Queripel: I thank Deputy Fallaize for his very valuable intervention. I agree with him.

Is that not what is happening here, then, in regard to these amendments? This is the idea, to try and, not rebalance power, but to try and align the political structure or the Civil Service

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structure more closely to the political structure. I know I have rambled a bit and it is quite a complex thing to put across and to explain, but I think I have explained quite accurately what my concerns are and I think most of my colleagues share those concerns. I think this is a way to try and address the problems that we see emerging as time goes on.

3695 My question still remains and I hope it can be answered. I think I have tried to explain my concerns and hopefully the concerns of several of my colleagues, as to why these amendments are coming forward. It arises because, I think, we as politicians are concerned that we do not have an effective way at the moment of having input into this issue. We want to have the ability to have more meaningful input and it arises because not only members of the Vale Douzaine and other
3700 Douzaines probably, but members of the public are wondering how politicians can meaningfully hold the Civil Service structure to account. That is my point, sir.

Thank you.

The Bailiff: Deputy Ferbrache.

3705 **Deputy Ferbrache:** Sir, I do not see this amendment, brought by Deputies Le Clerc and Soulsby, as an attempt to interfere with the Chief Executive's Civil Service reforms. Frankly, in relation to those, he should be left, within the bounds of reason, to get on with those, because that is his job. He is the Chief Executive of the States and unless and until he is replaced, and I am
3710 not suggesting he should be replaced at all, he is doing a very diligent job, he should be allowed to get on with that job.

I do not see the evil that the Vale Douzaine may have had on Monday evening of the impenetrability of P&R or anybody else, because it is a misconception. As Deputy Fallaize says, there are five Members of that Committee and there are 35 other States' Members, so the
3715 majority clearly, by seven-to-one is with the other Members.

What I am concerned about, though, and I do not mean it disrespectfully because I hate to disagree with legal advice given by other people, even when I think it might be over-egged, (*Laughter*) is the comment made in the advice given by the Procureur and Advocate Bamber, where it says this at (c):

As a matter of good governance, the States Rules of Procedure are not the appropriate forum for introducing the employment related provisions proposed in the Amendment. The States Rules of Procedure ...

3720 – and these are the governing words –

... are designed to govern how business is conducted in the Assembly, not to prescribe the functions of the States as employer and its relationship with the civil service.

Well, the current Rule 56 is headed 'Accountability of officers' and I am going read it all.

Accountability of officers

56. (1) The States resolved on Billet d'État XII of 2015 that the President of a Principal Committee has the right to inform the Chief Executive that the Committee is losing confidence in a senior officer or in the level of support it receives. If, after the exhaustion of reasonable procedures, the Principal Committee still has no confidence in a senior officer there will be an expectation that the officer will be transferred out of the service of that Principal Committee.

(2) The States resolved on Billet d'État XII of 2015 that the Chief Executive and other senior officers must take into account the views of the President of a Principal Committee, and through them the members thereof, when appointing and appraising senior staff in the service of that Principal Committee.

(3) The States resolved on Billet d'État XII of 2015 that the senior officers of a Committee are accountable to that Committee in respect of policy direction.

So we have already gone in, for ill or good, matters of business in relation to functions of the States as an employer and its relationship with the Civil Service. I have got two people wanting me

3725 to give way; I am prepared to give way to both of them. I will give way to Deputy Laurie Queripel first.

Deputy Laurie Queripel: Thank you, sir.

3730 I know Deputy Ferbrache is reading directly from the Rules but I wonder how those apply when an officer is not appointed to serve a Committee, if that officer is appointed as a strategic policy lead but is not attached to a Committee, he is answerable directly to the Chief Executive Officer and those Rules seem to me to speak very clearly about an officer that is appointed to work with a Committee, like the chief officer. I do not think that applies when it is a strategic policy lead. *(Interjection)* Exactly!

3735 So I do not think those Rules apply to this new team that has been set up. The Rules are there but I think they need in some way – yes, exactly – to be amended to match the Reform Agenda that is taking place.

Deputy Ferbrache: And I give way to Deputy Fallaize.

3740 **Deputy Fallaize:** I thank Deputy Ferbrache.

I do not think Deputy Queripel is right about that because the words that Deputy Ferbrache read out were an 'officer in the service of that Committee', irrespective of where the officer is allocated, if he or she is in the service of that Committee then the Committee can invoke Rule 56.

3745 But the real reason I asked Deputy Ferbrache to give way, and I am grateful he did, is because of this point about part c) of the legal advice and I think there is a way of explaining why Rule 56 has appeared in the Rules in the way that Deputy Ferbrache points out. The legal advice we have available is:

The States Rules of Procedure are designed to govern how business is conducted in the Assembly ...

3750 That is an incomplete assertion, because the Red Book tells us that we have something called the Rules of Procedure of the States of Deliberation and their Committees. The Rules of Procedure are not designed to govern only how business is conducted in the Assembly they are designed to govern how business is conducted in the Assembly and in the States' Committees and that I think is a crucial point, omitted from the legal advice, but which explains the existence of Rule 56.

Deputy Ferbrache: I do not know if Deputy Inder wants to interrupt now? Go on!

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Deputy Inder: If he does not mind, it is sort the Vale chats to St Peter Port here!

3760 I am starting to wonder, if the advice is so solid from the Law Officers, why did not Policy & Resources bring in an amendment to actually delete 56 completely, because the Law Officer advice on constitutional issues for b) talks about retention? Well, 56 actually is about retention, it is about whether the Committees have confidence in their senior officers, so that is about retaining them. Rule 56 actually allows the Committees to suggest the chief officer has not got the right officer and that person is sort of 'dis-retained' and I think the word is redeployed. It was always 'redeployed somewhere else'.

3765 What I am not understanding here at all, if 56 is so foul, why did not Policy & Resources just bring one to get rid of it completely? We could have had that debate.

Thank you. Would you agree, sir?

Deputy Ferbrache: I would agree. I do agree with Deputy Inder and I am surprised.

3770 I fully accept what Deputy Fallaize has said, even though I was on the Rules Committee with gritted teeth and all that, he knows the Rules far better than I do in relation to this sort of thing. But Rule 56 in its current form is an employment-related matter because it might be far more

limited than what is proposed in the current amendment put forward by Deputies Le Clerc and Soulsby, but it is still an employment matter.

3775 Really, what Deputy Inder is saying, I think, is that it should not be there at all. It does seem to me that Rule 56, we should keep out any employment-related matters, so it is basically what largely are the Rules of Procedure, and that should be excluded. But therefore if you are ill, you are ill; there can be degrees of illness but you are still ill. And therefore Rule 56 does clearly, in my view as a lawyer of reasonable experience, deal with – I give way to Deputy St Pier.

3780 **Deputy St Pier:** Sir, I am grateful to Deputy Ferbrache for giving way, because I think Deputy Ferbrache and Deputy Inder were not in the last States and of course Rule 56, its origin, was from a quite hotly contested requête, the Bebb Requête, which was the genesis of that.

3785 I would agree with the analysis that it should not be there but you need to understand the history of how it got there, which was as a response to help to address that concern. Again it was perhaps a compromise to seek to address particular concerns that were there. But it should not be there, in my view, I agree.

3790 **Deputy Ferbrache:** I am grateful for that, but the fact is it is there and in my view it is wrongly there and it should be excluded, because employment matters should be kept away from any kinds of these Rules. As Deputy Le Clerc said, what she and her colleague are seeking to do is not in any way interfering with the impartiality of the appointment process and the discipline process and everything else. I do not see that, I just do not see it, reading her amendment several times. I do not see it has any concerns about that at all.

3795 And whether I am going to vote for it or not is a different matter, but I do not see that it interferes with the concerns of the Association of Civil Servants, and I do not see that it breaches any employment-related Laws. Other than governance should not be expressed in the way that it is in Rule 56 already.

3800 So, therefore, if I were minded to vote for the amendment put forward by Deputies Le Clerc and Soulsby, I would not vote for that last Proposition without replacing Rule 56 with the sub-paragraphs, because I think we could vote against that, and still have the other Propositions that we do have.

3805 I for the life of me, having dealt with contract law and employment-related law, and I have appeared before the odd employment related tribunal in the past, going back to 1981 when I came back and we had the magistrates' court sitting with all kinds of people – Deputies, some Jurat that had retired many years before was the chairman, he was still alive, he was 82 and he did a very good job – and, in relation to that, I have seen the whole manifestation of employment-related matters since then.

3810 I honestly do not see how this has got anything to do with interfering with that. And I end where I almost began, which is that the Chief Executive *must* be allowed to get on with these Civil Service reforms. They should be supported. This should not be seen to interfere with it. I do not believe that it does. It just sets out a process.

The Bailiff: Is there no one else? (**A Member:** Oh!) Ah, Deputy Fallaize.

3815 **Deputy Fallaize:** I am happy for someone else to speak if they want to.

The Bailiff: No, I thought perhaps we could wind up the debate.

3820 **A Member:** Why not?

Deputy Fallaize: Fine, if nobody else is going to speak, I will let the debate wind up.

The Bailiff: Right, Deputy Gollop. Are there more people who want to speak and they are just wanting to continue overnight, or shall we carry on and finish? Can I just have people stand in their places if they wish to speak on this? It is late in the day, that is why people are not rising.

3825

(Interjections)

Does anyone have a 10-minute speech that they would like to deliver now? Deputy Fallaize, do you wish to speak now so that people go home with your words ringing in their ears? *(Laughter and interjections)*

I think, then, is it the will of the States then that we rise now and resume tomorrow morning? We will do that then. We will rise and resume at 9.30 a.m.

3830

The Assembly adjourned at 5.18 p.m.