

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

26th February, 2020

Proposition No. P.2020/24

Scrutiny Management Committee

Tribunal of Inquiry

AMENDMENT

Proposed by: Deputy G A St Pier

Seconded by: Deputy L S Trott

To delete Propositions 1 to 4 and substitute therefor:

1. To direct the Scrutiny Management Committee, having regard to the commencement of the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020, to resume its review of the facts and circumstances surrounding appointment to the post of Head of Curriculum and Standards in accordance with the following Terms of Reference:
 - (a) to inquire into the circumstances leading up to and surrounding the appointment of the Head of Curriculum and Standards;
 - (b) to examine whether the appointment made conformed to the current policies and procedures of the relevant Committees of the States of Guernsey;
 - (c) to examine whether good governance standards were maintained during the appointment process;
 - (d) to examine such other associated relevant matters as the Committee may think fit; and
 - (e) to make such recommendations as the Committee considers appropriate.
2. To direct the Scrutiny Management Committee to submit a report on the outcome of its review, together with such recommendations as it considers appropriate, under cover of a Policy Letter and accompanied by suitable Propositions before the end of September 2020.

Rule 4(3) Information

The Policy & Resources Committee has previously agreed to the transfer of up to £100,000 from the Budget Reserve for costs associated with the review into the circumstances centred on the appointment to the role of Head of Curriculum and Standards. This Amendment does not have any additional financial implications. Any need to revisit the allocation would need to be the subject of a request from the Scrutiny Management Committee.

Explanatory Note

The Scrutiny Management Committee has the mandate, tools and funding to complete the current review further to the introduction of new data protection Regulations. However it has some difficulties in publishing under these Regulations the evidence on which it may predicate its recommendations.

The Policy & Resources Committee is cognisant of forthcoming legislation, specifically the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 which will confer statutory powers on the Scrutiny Management Committee intended better to enable the Committee to undertake its independent scrutiny function. Those statutory powers would enable the Scrutiny Management Committee to overcome many of the challenges described in the Policy Letter.

Section 1 of the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 provides for the Scrutiny Management Committee to apply to the Royal Court for an Order imposing a formal requirement on a party to:

- (a) produce documents to the Scrutiny Management Committee, or
- (b) appear before the Scrutiny Management Committee or a scrutiny panel to give evidence, or to give evidence and produce documents,

where a request to do so from the Scrutiny Management Committee has not been complied with.

The Policy & Resources Committee notes that the timetable for the progression of the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 is such that the new Ordinance could be in force as soon as 4th May 2020. Further, if a Tribunal of Inquiry were to be established, it is unlikely that the Royal Court would be able to appoint the members before the scheduled sitting of the Full Court on 4th May 2020.

The Policy & Resources Committee is therefore confident that the Scrutiny Management Committee would have the opportunity to resume the investigation, to be undertaken by the independent reviewer under the political oversight of the Scrutiny Management Committee, with the additional powers and importantly the

legal protection provided by the forthcoming Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020, within this political term. In addition it believes that it should be in a position formally to submit a report back to the States by the end of September 2020.