

**Response to a Question Pursuant to Rule 14
of The Rules of Procedure of the States of Deliberation and their Committees**

Subject: Senior Pay Review

States' Member: Deputy G A St Pier

Date received: 27th March 2023

Date acknowledged: 27th March 2023

Date of reply: 14th April 2023

Questions

In a response dated 19th January 2023 to a prior Rule 14 question, the Committee responded:

“The Committee, in consultation with the office holders concerned, has now agreed terms of reference for an independent panel to carry out periodic reviews in respect of Judges’ and Crown Officer pay and is in the process of appointing an independent panel of three suitably qualified and experienced individuals. Two panel members are already confirmed and it is anticipated that the first review will take place soon.”

“It has been agreed that the panel will carry out reviews of the office holders’ pay every three years, through a process of consultation with the Bailiff and others. In carrying out its reviews, the panel will have regard to a range of relevant factors, including: movements in RPIX locally; the need to recruit, retain and motivate high calibre candidates; an awareness of the financial situation of the States of Guernsey; and the terms and conditions of appointment (other than pay) attaching to each of the offices.”

1. Could the Committee please publish the agreed Terms of Reference for the independent panel to carry out periodic reviews in respect of Judges’ and Crown Officer pay?
2. Could the Committee please identify the members of the independent panel?

3. Could the Committee please explain the process by which the members of the independent panel were selected and appointed and the criteria used to determine that they are 'suitably qualified and experienced individuals?'

Response

1. In the interests of transparency, the Committee is pleased to provide the Terms of Reference, attached to this response.
2. Members of the independent panel are:
 - Mr John Steele
 - Sir Geoffrey Rowland, KC
 - Mr Allister Langlois
3. It was recognised at an early stage that the skills and knowledge required to carry out the pay reviews were quite diverse and that the panel itself would need to comprise members with varying experience. The Committee wished to ensure that as far as possible the panel should be deemed credible and acceptable to the office holders and should also, between them, have experience and knowledge of:
 - The roles of the office holders;
 - The Guernsey context; and
 - Pay review processes and employment relations

In addition, demonstrable independence was deemed important, which is why the chair of the panel is based in the UK.

The Committee asked senior HR officers to provide some CVs of potential panel members based on the above criteria, and this was duly done in respect of UK candidates. Members also considered and discussed potentially suitable local participants, and, as part of the process, the views of the office holders were also taken into account. The composition of the panel was approved by the Committee.

The Committee is confident that, collectively, the panel has the requisite knowledge and skills to effectively discharge the terms of reference.

Deputy Peter Ferbrache
President
Policy & Resources Committee

Terms of Reference – Pay Review Panel

To review, once every three years, the pay of the Bailiff, the Deputy Bailiff, HM Procureur, HM Comptroller, the Judge of the Royal Court and the Judges of the Magistrate's Court ("the office-holders") through a process of consultation with the Bailiff and others and to make recommendations for appropriate adjustments to the pay of each office holder. In reaching its recommendations, the Panel conducting the review should have regard to the following considerations:

1. The requirements that must be met to perform the functions attaching to each of the offices;
2. The importance to the community of the responsibilities and functions attaching to each of the offices and the extent to which the performance of the duties associated with those responsibilities and functions and the conduct of the office holders is scrutinised both locally and externally;
3. An awareness of the financial situation of the States of Guernsey¹;
4. The need to maintain the standing of the office holders in the community;
5. The role of financial security for the office-holders to ensure, as required by international standards, not only that they are shielded from inducements aimed at influencing their decisions and from the risk of corruption but also that they are, and are seen to be, independent and impartial in accordance with recognised constitutional and international principles;
6. The terms and conditions of appointment (other than pay) attaching to each of the offices;
7. The pay and, as applicable, other conditions of service enjoyed by persons in the Bailiwick who are eligible to apply for each of the offices;
8. The need to recruit high calibre candidates to the offices;
9. The need to retain, motivate and, where relevant, promote such high calibre office holders to exercise the responsibilities of the offices;
10. Movements in the domestic cost of living by reference, for example, to RPIX;
11. For the Crown Officers only, any increases in the pay of their Jersey counterparts;
12. Any relevant legal obligations, including anti-discrimination legislation;
13. Any other objective criteria that the Panel considers relevant.

¹ NB This consideration is not to apply on the first review establishing baseline pay.