



Scrutiny Management
Committee

SCRUTINY MANAGEMENT COMMITTEE

Handover Report 2025

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1. Introduction

This Handover Report summarises the work undertaken by the Scrutiny Management Committee (SMC) during the 2020-2025 political term, as well as detailing work to be carried forward. It also includes a section on considerations for the next term, made in the light of experience gained by the outgoing Committee.

The role of the SMC is to scrutinise Committees, Boards and Authorities of the States on policy and financial objectives, and the efficient delivery of services. This is achieved by examining and reviewing the work of Government, and by publishing findings and recommendations in the form of a report or letter of comment, as well as by conducting public hearings.

Good parliamentary scrutiny improves the effectiveness of government. A specialist scrutiny committee has the ability to focus in detail on specific issues and to maintain a persistent line of questioning on a given topic. This approach is one of the most effective mechanisms used by Parliaments to conduct meaningful scrutiny. Public hearings also permit the questioning in a public forum of not just elected members but also senior civil servants.

Scrutiny in Guernsey can only function effectively in its current form with the cooperation of States Members and the Public Sector. This requires recognition that the work of scrutinising policy, services, financial matters, and draft legislation is a vital function in our system of government.

The SMC consists of a President, a Vice-President and one further States Member. There are also two non-States Members whose appointment is recommended by the political members of the Committee and ratified by the States Assembly. The non-States Members have voting rights on the Committee.

2. Scrutiny Management Committee 2020-25

The SMC has undertaken some interesting and important work in this political term. A key focus has been to conduct as much business as practicable within the public domain. In addition, the Committee has taken action to significantly increase transparency within government by providing regular livestreamed public hearings which have contributed to improved public understanding and greater media reporting of the work of the Government.

The effectiveness of any parliamentary scrutiny function is principally reliant on the resources and the powers available to that function. The SMC believes that lessons learnt from those who have performed this parliamentary function should be considered if and when future structures of Government are reviewed.

During this term, the SMC continued to hold public hearings with Committees and Bodies of the States, with the aim of obtaining information and questioning progress on areas of their mandate in a public forum. Work has also continued on the standing sub-panels, namely the Legislation

Review Panel, the Financial Scrutiny Panel and the Freedom of Information Appeals Panel. Four reviews were also commenced.

Reviews

The SMC commenced four reviews and during the term and actioned one from the previous term. Reviews are undertaken when the Committee consider there is a need to examine certain matters or processes. This can be because it is in the public interest to do so, or as a response to a specific perceived failing in an area of government. Independent reviews are enhanced by including the perspectives of external experts, key stakeholders and, at times, the wider public, and they can be a useful way of creating a broader contextual argument for change in a given area.

Agilisys Review

In 2019, when the States of Guernsey agreed to sign a contract worth around £200 million over 10 years with Agilisys Guernsey Limited (Agilisys) for an all-encompassing IT services agreement, it was with the intention that the Public Sector could look forward to a much-improved use of technology generally, as well as the successful implementation of various technology-related programmes. The contract included almost all day-to-day IT support and Business as Usual. Dissatisfaction in many areas related to IT led the SMC to commencing a review of the contract.

Given the scale and complexity of the services covered by the Agilisys contract it was necessary to narrow the focus of the review to ensure the scope was manageable. The Panel therefore decided to principally investigate four specific areas: the major system outages in late 2022 and early 2023, the implementation of the IT elements of the Revenue Service transformation programme, the implementation of the IT elements of the MyGov transformation programme, and the provision of day-to-day IT support. The MyGov and Revenue Service areas were chosen because of their scale and importance in the transformation of Government IT services.

The SMC's review of the 'Smart Guernsey' – Future Digital Services (FDS) Contract with Agilisys commenced in 2022 with a Call for Evidence directed to all States' Committees, individual States Members, the general public, and relevant local contractors and suppliers. Meetings with key personnel from Agilisys and States' IT continued throughout 2023 and the report¹ was published in January 2025.

The Review scope included

- the transition of the IT service to Agilisys;
- any demonstrable improvement of BAU IT services;
- the transformation activities undertaken to date;

¹ <https://gov.gg/CHttpHandler.ashx?id=185969&p=0>

- the level of the investment in infrastructure;
- the current status of the programme of digital transformation;
- the effectiveness and value for money of the Agilisys contract;
- how the contract is managed by the States of Guernsey; and
- how the contract was affected by the period of the COVID-19 pandemic.

When the review commenced it was quickly determined that the SMC required greater technology expertise on its Panel to enable the analysis of the significant amount of technical information which would need to be considered. To this end, four additional members with current industry knowledge were identified to join the Panel, bringing extensive IT knowledge and experience. The final report contained the following recommendations:

Recommendation 1 - Leadership

The Panel believes it is essential that a credible, qualified, and empowered Chief Information Officer (CIO) or equivalent is put in place to guide and execute major strategic IT decisions.

Recommendation 2 – Strategy

This recommendation is to put in place a clear strategy for future action. The Panel found no evidence that a coherent IT strategy and target operating model for IT laying out the target enterprise architecture, and a set of principles to guide how changes are made covering topics such as hosting and security is currently, or has been previously, in place within the organisation.

Recommendation 3 – Investment

Once a credible CIO and a coherent IT strategy has been put in place, it is then essential to ensure appropriate investment is available to deliver the target operating model.

Recommendation 4 - Expert advice

The Panel recommends the establishment of an IT Advisory Board populated with both IT industry and business expertise, primarily to assist political decision making and also provide support to the CIO or equivalent in setting the correct IT strategy moving forward. This Board should be integrated into future governance arrangements to ensure the States' Committees can apply appropriate scrutiny over both business-as-usual IT and change projects.

Recommendation 5 - Management

The final recommendation of the Panel is that supplier management needs and specialist IT contract management needs to be improved to oversee an outsourcing contract of this nature. The commercial, procurement, legal and treasury functions all need to work closely and effectively together with the technology and change functions to operationalise the potential benefits associated with information technology initiatives.

Island Wide Voting Review

The 2020 island-wide voting election represented a significant change from previous systems which were based largely around parish or district representation. In September 2022, the SMC decided to review the election with the assistance of the States' Assembly and Constitution Committee. A panel was appointed to undertake the review and to present a report to the SMC for publication.

The review evaluated public opinion of the electoral changes that had been made in 2020 and considered the demonstrable and perceived advantages and disadvantages of the island wide voting election process. Evidence was gathered by three separate means: a public call for evidence, a comprehensive survey undertaken by Island Global Research which garnered nearly 1500 responses, and two public hearings with relevant parties including former States Deputies and experts in the field.

The review scope was designed to understand:

- any demonstrable advantages from using the island-wide voting system
- any demonstrable disadvantages from using the island-wide voting system
- the effectiveness of the election process
- the views of those who took part in the process.

In November 2023 the Committee released its final report² which provides an important evidence base to act as a resource to inform any future changes.

Review of the governance of the Investments of the States of Guernsey

The SMC commenced a review in 2024 of whether the States Investment Board (SIB) has delivered against the expectations set out in the 2021 Policy Letter on improving the governance of the States of Guernsey Investments, how the SIB is currently functioning within the overall current governance arrangements and whether the current governance arrangements in place for all investments of the States of Guernsey are appropriate. The review considered issues related, but not limited, to the

² <https://gov.gg/CHttpHandler.ashx?id=173086&p=0>

current political oversight & governance of the States of Guernsey Investments, the risk/reward appetite, and social and environmental investment considerations.

The Committee examined the following areas as part of its review:

- The clarity and suitability of the investment objectives and risk appetite set for the funds;
- The suitability of the investment strategies to deliver agreed investment objectives within agreed risk profile;
- The adequacy of monitoring to ensure appropriate reporting;
- The appointment of the investment advisor and whether the appointed party is operating in line with this appointment;
- The suitability of the investment adviser/consultant to support decision making;
- The adequacy of the annual review of investment adviser/consultant undertaken by the States Investment Board;
- The basis of any decisions to remove or appoint investment managers;
- The governance arrangements in place to enable the Policy & Resources Committee to effectively monitor the work of the States Investment Board; and
- The adequacy of the Policy & Resources Committee's wider reporting on the annual investment performance.

The review was undertaken by the Review Panel with officer level assistance and concentrated primarily on the political governance arrangements in place in relation to the management of the investments of the States of Guernsey. The Panel approached the task by interviewing key personnel involved in the management of investments and/or with responsibilities for the related governance, together with conducting a desktop review of the relevant information available.

The Panel's report is at preliminary draft stage and will be handed over to the new Committee for its consideration, completion of the factual accuracy checking process and publication of the final report.

Recruitment & Retention Review

The SMC commenced a review of the recruitment and retention processes across the States of Guernsey. Employee pay costs form the largest single area of expenditure for the States of Guernsey. The total expenditure on pay during 2023 including temporary, agency staff and States Members remuneration, was £312m. These costs totaled 36% of the consolidated total expenditure of £863.9m, for a paid work force of 5,058 Full Time Equivalent (FTE) staff.

Expenditure on the recruitment process of its workforce also comprises a significant cost to the States, which in 2023 totaled £5.3m. This cost was in excess of 63% of the total of staff related non-pay costs for the year. An effective intelligent approach to recruitment and retention of staff is crucial to the successful enduring employment of workers, particularly in the areas of nursing, teaching and law enforcement, to provide a consistent, robust delivery of an effective service. High turnover of staff can affect the quality of service in the public sector while also costing the States significant sums per annum.

The Committee considered the following areas as part of its review:

- States of Guernsey policies relating to recruitment and retention of its workforce;
- A comparison of the operating procedures throughout States of Guernsey Committees in relation to recruitment and retention;
- The effectiveness of the implementation of those procedures;
- Whether the relevant policies and procedures provide value for money; and
- A comparative analysis of similar jurisdictions regarding policies relating to recruitment and retention of employees.

The SMC formed a review panel tasked to consider this area on its behalf. The Panel included representation from the Committee and other members independent of the States. The Panel undertook an assessment of the current available information and undertook a call for evidence from which information was received from many of the principal committees, the States' HR department as well as trade unions, local recruitment agencies and details provided regarding individual experiences from members of the public.

However, due to ongoing changes currently underway in HR, the work has taken longer than originally envisaged. A comprehensive handover document to accompany all the evidence gathered has been prepared for the new Committee.

Public hearings

The SMC conducted a total of twenty-five public hearings during the term including seven with the Policy & Resources Committee, mostly regarding the progress and development of the Government Work Plan.

The Committee believes that public hearings offer an important opportunity to question Committees to gain valuable information on the progress being made against their mandates, all heard in the public domain. The livestreaming of public hearings on YouTube enables more people to watch the proceedings live or to view subsequently, which further contributes to the openness and transparency of government. The outgoing Committee strongly recommends that the new Committee continue this practice. The Committee has also noted that public hearings receive considerably more media coverage as a result of livestreaming which further adds to the transparency of Government. The livestream remains online until such time as the Hansard transcript of the meeting is published.

A full list of all the public hearings held this political term can be found at appendix 1, and links to YouTube and the Hansard transcripts can be found in the archive folders at <https://www.gov.gg/scrutiny>

Government Work Plan Scrutiny Panel

The Government Work Plan was first agreed by the States³ in February 2021⁴ and with it a resolution of the States to afford the Policy & Resources Committee full delegated authority over the capital budget which was over £500m. Previously the limit on delegated authority had stood at £5m. The SMC decided that it was important to ensure that this vastly increased level of delegated authority received additional scrutiny. Therefore, a dedicated Scrutiny Panel was established for this purpose. This Panel has included both members of the Committee and other elected members who have added specific expertise to the review process. Subsequently the delegated authority was reduced to £10m, but only for new projects on which a capital vote had not already been opened.

The Government Work Plan has developed and changed over the political term⁵ and the Scrutiny Panel has continued to scrutinise the leadership being provided by the Policy & Resources Committee. It has conducted seven public hearings throughout this timeframe. The Panel has also written to the Policy & Resources Committee on occasions to request additional information on particular matters as and when required.

3. Standing Panels

Financial Scrutiny Panel

The Financial Scrutiny Panel is one of the two main standing panels of the SMC. The Panel is vital to the work of the Committee, as it specifically focuses on the continuous review of the expenditure, revenue and assets of the States of Guernsey, from a fiscal perspective. The independence of this role is an important contribution to overall financial assurance and a key part of the demonstrable accountability of public services to the community.

Members of the Panel analyse the annual States of Guernsey Accounts and Budget and inform the Members of the SMC of any necessary points to highlight within the Chair's statement for the relevant Parliamentary debate, and items on which to seek further information from the Policy & Resources Committee. This term, the Financial Scrutiny Panel also considered the Strategic Portfolio Monitoring reports and the Tax Review Policy Letter. It is recommended that at the start of the new term, the Committee give considerations to re-designating the Financial Scrutiny Panel as the Public Accounts Panel, to better explain its role. This is outlined in detail in section 5.

³ <https://gov.gg/CHttpHandler.ashx?id=185969&p=0>

⁴ [Policy Letter - GOVERNMENT WORK PLAN – stage 1](#)

⁵ <https://www.gov.gg/GWP>

Legislation Review Panel

The Legislation Review Panel (LRP) has continued to review, approve, and direct legislation to be transmitted to the States for consideration. The LRP has reviewed 195 pieces of legislation over this term which has included several large and complex pieces of legislation including some of the discrimination law and many pieces of legislation relating to the MoneyVal evaluation which took place in April 2024.

The LRP is the only body checking proposed legislation and ensuring that the drafted legislation is in accordance with the Resolutions agreed by the States Assembly before it is presented in the States Assembly for approval, therefore, it plays a vital and important role in government.

In 2023 an important change was proposed to the way primary legislation is approved in the Bailiwick. Historically all Bailiwick Projets de Loi were approved by the Sovereign, acting through the Privy Council. However, after consideration of a Policy Letter in May 2023 by the States Assembly, and the subsequent approval by the Guernsey, Alderney and Sark parliaments, proposals to change the process for granting Royal Assent to Projets de Loi was made. This alternative process for granting Royal Assent is intended to result in faster processing of legislation, not reliant on existing schedules for Privy Council meetings, as well as underlining the Bailiwick's domestic legislative autonomy and international identity.

The modified process enables the ratification of some Bailiwick Projets de Loi by His Excellency the Lieutenant-Governor in the Bailiwick. There are no changes as to how Projets de Loi are debated or approved by the Bailiwick parliaments nor to the registration of legislation in the Royal Court. This order came into effect on 21st February 2024.⁶

Following the machinery of government changes implemented in 2016, the LRP is in effect a sub-panel of the SMC. A majority of the Panel consider that its important and statutory function of the States Assembly should be fully recognised because they believe that the scrutiny of new laws and changes to existing legislation is one of the primary functions of Parliament and that additional prominence should be afforded to this essential function. Others see the value in retaining the LRP under the umbrella of the SMC. This may be something the new Committee will wish to consider if a review of the machinery of government is undertaken in the new term. It is recommended that the new Committee review the report and policy letters which set out the reasons for the changes that were made in 2016 when coming to a view on the matter.

A full list of all legislation considered this term is detailed in appendix 2.

⁶ [Royal Assent to Legislation \(Delegation to Lieutenant-Governor\) \(Bailiwick of Guernsey\) Order 2024](#)

Freedom of Information Appeals Panel

The Freedom of Information Appeals Panel is not a standing panel in the terms of the SMC's mandate, but it is a permanent panel. The Committee acted upon the recommendations of the previous Committee's Freedom of Information Review which was published at the end of the 2016-20 term and submitted a policy letter to the States in June 2021. This resulted in various changes to the previous Access to Public Information Code, including the establishment of an Independent Appeals Panel in January 2022. This was achieved within existing resources, with secretariat support provided by the Committee's staff. The Appeals Panel offers a mechanism to challenge a refusal to release information requested through the Freedom of Information Code. Specifically, it adjudicates on appeals against a refusal to release requested information in accordance with one or more exemptions contained in the Code.

The Appeals Panel is an independent sub-panel comprising five suitably qualified and knowledgeable persons, whose task is to adjudicate on appeals against a refusal to release requested information in accordance with one or more exemptions contained in the Code. Should an appeal be upheld by the Appeals Panel, the relevant Committee or Body will be requested to release the information.

Since its inception there have been eight appeals submitted. It is the belief of the SMC that the very existence of the Freedom of Information Appeals process concentrates Committees' thinking across the States when considering whether or not to apply exemptions to refuse disclosure and therefore it provides a valuable service. SMC Members are not involved in any decision-making regarding appeals submitted to the Appeals Panel.

The Appeals Panel members submitted a report to the Committee in December 2024 regarding its progress to date and suggested recommendations. The full report can be found in appendix 3.

4. Work carried forward

There are two items of work carried forward into the new term, namely the Recruitment & Retention Review and the Investments Review. The new Committee will be fully briefed by Officers.

Recruitment & Retention Review

The Panel gathered evidence by a variety of means and compiled a handover document. However, it is important to note that central HR has recently undergone a substantial transformation process and the updated arrangements continue to bed in and develop. There has been additional resource investment within the HR function and a 'People Strategy' drafted which was shared with the Panel although not yet released to the wider organisation. The Panel decided that the review would benefit from a period of pause, perhaps six months, to allow for further development prior to any furtherment of the review. The Panel provided a detailed update at the final Committee meeting and the planned course of action was agreed.

The Committee wished to communicate its belief that there would be merit to the new Committee in inviting the Non-States Members who sat on the Panel to retain their Panel seats in order to provide continuity whilst also allowing the new Committee to progress the review at pace should it wish to do so. The option is of course open to the new Committee to further strengthen the Panel with additional persons with subject matter expertise, should it so wish. The Non-States Members who sat on the Panel are Ms Amber Burns and Mr Andy Castle.

Financial Investments Review

The Panel had undertaken significant evidence gathering by a variety of means and drafted and agreed an initial report. The Panel was active until the end of the political term and in the final weeks awaited release of the States' Investment Board's Annual Report to further inform the review. The Panel provided a detailed update at the final Committee meeting.

The Committee wished to communicate its belief that there would be merit to the new Committee in inviting the Non-States Member, Mr Paul Hodgson, who sat on the Panel to retain his seat on the Panel in order to provide continuity whilst also allowing the new Committee to progress the review at pace should it wish to do so.

The Committee also believed there would be merit in inviting any reelected Deputy and Non-States Member who previously sat as a Panel Member on the Financial Investments Review to retain their seat on the Panel in order to facilitate continuity and enable the swift completion of the review.

5. Commentary and considerations for 2025-2029

Scrutiny structure

This section sets out why Parliamentary Scrutiny is arranged in the way it is and why it was changed from the structure that existed prior to 2016.

The SMC believes that its current mandate and structure covering finance, legislation and policy has ensured that it is possible to undertake complex scrutiny work more effectively than under the previous (pre-2016) system, which featured separate Scrutiny, Public Accounts, and Legislation Review Committees. The Committee in its current form provides structured and coordinated scrutiny of policy and services, financial affairs, and legislation and there are cross cutting benefits of these three arms of the scrutiny process sitting under one umbrella. The Committee believes that work undertaken this term has had a direct influence on shaping existing and future government policy. Specific examples include research relating to electoral changes and the recommendations around the future management of the public sectors information technology estate identified within the Agilisys review.

The process of change essentially began in 2012 with the publication of the Independent Review into the Scrutiny Committees of the States of Guernsey (the Crowe Report). Subsequently, two policy letters were published, one in 2014 and one in 2015 by the States Review Committee. In these policy letters the broad recommendations of the Independent Scrutiny Review were taken forward into propositions, resulting in the arrangement we have today. Indeed, the propositions in the policy letter relating to the reorganisation of the parliamentary scrutiny functions were carried by an overwhelming majority of 40 members voting in favour with just two against.

One of the key advantages of the system that has been in place since 2016 is its immense flexibility to draw freely on those both inside and outside of the States to sit on panels and undertake scrutiny work generally. The outgoing Committee has used this flexibility widely, with local experts joining various panels, public hearings, and reviews. There is scope to enhance this aspect still further and, crucially, the system already allows it to happen. All the various parts of the Scrutiny function are overseen by the SMC which has ultimate responsibility to the Assembly. The current Scrutiny system is orders of magnitude more flexible than what preceded it.

Much of the comment around Scrutiny in the Assembly during the 2020-25 term has been about the Public Accounts function. In 2020, the new SMC continued with the Financial Scrutiny Panel arrangement that the previous Committee had established for this purpose, using both States and non-States members of the Committee and various individuals drawn from the community who sat as members because of their relevant experience of financial matters.

However, the designation given to the current Public Accounts function by the 2016-20 Committee of 'Financial Scrutiny Panel' is less than ideal. In hindsight, it would have been more appropriate to have renamed the function as the Public Accounts Panel at the outset, in the same way that the Committee asked the States Assembly to rename the previous Access to Public Information Code as the Freedom of Information Code, which states exactly what it does, and which enhances its visibility and accessibility. Therefore, it is recommended that the new Committee considers changing the name from the current Financial Scrutiny Panel to that of the Public Accounts Panel at the outset.

The key point here is that a Public Accounts function that is led by someone who is not a member of the SMC or not even a member of the States is perfectly possible under the current Scrutiny system if that is the way the Committee wishes it to be structured. No machinery of government review is needed for this to happen. Furthermore, whilst the use of experts from the community is an extremely valuable resource to the SMC, it must be remembered that the responsibility and accountability for scrutiny lies with political members generally and the SMC specifically and to entirely outsource it would not only put Guernsey out of step with established democracies but would remove elected accountability. It is recommended that members read the Independent Scrutiny review, policy letters⁷ published in 2014 and 2015 as part of their induction into the Scrutiny process.

⁷ <https://gov.gg/statesreviewcommittee>

Populating Panels

The mandate of the SMC provides for the inclusion of as many other States members in the Scrutiny processes as possible. During the 2020-2025 term, the President issued regular invitations to States Members, both by email and in the Assembly asking them to contribute to the scrutiny process by sitting on review and public hearing panels.

Members of the community were also approached for participation in public hearings and advertisements were placed and interviews conducted for subject matter experts to join specific reviews.

Non-States Members

The SMC includes two non-States members, chosen by the political members of the Committee after an interview process and subsequent ratification by the States Assembly. The outgoing Committee recommends that changes are made in the next political term to the period of service applicable to the Committee's non-States Members to run from three months post an election to three months after the subsequent one. This change would introduce a settling in period for a brand-new SMC with its two existing non-states members bringing a degree of continuity. This would also allow the new Committee members to assess any skills gaps they believe need to be filled to fulfil the Committee's forward work plan and thereby recruit its new members accordingly. This revised process would also allow a more relaxed time frame in which to advertise and conduct interviews.

6. Conclusions

Parliamentary Scrutiny is one of the central checks and balances in the constitution – arguably the most central one of all because it provides one of the core functions of government accountability.

Parliamentary scrutiny means that senior politicians must justify their policies in front of an audience, which provides transparency and accountability, and helps to ensure that policies are seen as legitimate.

Members are elected from diverse backgrounds and represent different political views. Mechanisms such as calls for evidence, enable specialist groups and individual citizens to hear about government policy and feed in their expertise, evidence and concerns. This process ensures that different perspectives are heard when considering government policy.

The mere existence of parliamentary scrutiny, given its public nature and diverse contributors, can have an important effect. Even where nothing visibly changes as a result (e.g. if a bill remains unamended) studies show that 'anticipated reactions' are important. Policy is more carefully thought through because senior politicians and officials know that it might be scrutinised by parliament or directly by the Scrutiny function. Hence the very existence of scrutiny improves the quality of decision-making; and if it is lacking, government policy may be poorer as a result.

Moving forward it is essential that Guernsey fully recognises the crucial importance of the wider scrutiny function and ensures that the relevant resources are available to deliver meaningful scrutiny within the context of Guernsey’s unique political system.

The subject specific reviews conducted by the SMC are unusual in international terms for conducting extensive and careful non-legislative scrutiny, for their largely nonpartisan ethos, and for generally producing unanimous reports. Review panels gather expert and other evidence (including some public views) and senior politicians are often called to give evidence, as well as the government being required to respond to their reports.

Research in the UK looking at select committees which operate on a similar basis shows that, while the select committees have little ‘hard power’ to force changes, they can be influential through putting topics onto the political agenda, feeding valuable evidence into wider debates, and having an anticipated reactions effect through forcing ministers to consider policy carefully, because they know they may have to publicly explain it to committees later. The Guernsey system offers similar benefits via its use of public hearings on either a specific topic or focusing on the role of a government committee.

Fundamentally, improved scrutiny often depends on better behaviour by government such as the provision of information and being honest and transparent with scrutiny functions. It also requires strong engagement by parliamentarians. Even seemingly ‘toothless’ scrutiny mechanisms can have important effects, by subjecting government policy to public exposure and debate. Parliamentarians therefore have important responsibilities to maintain the system of parliamentary scrutiny, in order to uphold good quality government decision-making, and the legitimacy of politics in the eyes of the public.

7. Appendices

Appendix 1 – Table of Public Hearings held this term

2021	Public Hearings held in the 2020-2025 political term
April	Policy & Resources Committee
June	Committee for Home Affairs
October	Committee for Health & Social Care
November	Committee for Economic Development
2022	
January	Policy & Resources Committee – GWP Hearing
January	Committee for Education, Sport & Culture
March	Committee for Employment & Social Security
April	Committee for the Environment & Infrastructure
April	Development & Planning Authority
May	Policy & Resources Committee – GWP Hearing

September	States' Trading & Supervisory Board
October	Policy & Resources Committee – GWP Hearing
November	Committee for Home Affairs
2023	
March	Policy & Resources Committee – GWP Hearing
March	Committee for Health & Social Care
July	Committee for Education, Sport & Culture
September	Committee for Economic Development
October	Island Wide Voting (as part of the SMC review)
October	Island Wide Voting (as part of the SMC review)
2024	
February	Committee for the Environment & Infrastructure
April	Policy & Resources Committee
November	Committee for Education, Sport & Culture
December	Committee for Economic Development (Ferries)
2025	
February	Policy & Resources Committee

Appendix 2 - Legislation Reviewed this term

The Legislation Review Panel (Legislation Review Panel) has reviewed, approved and directed the following legislation be transmitted to the States for consideration. The Panel also reviewed emergency legislation to be transmitted to the Policy & Resources Committee for enactment under provisions of Article 66A (1) of the Reform (Guernsey) Law, 1948.

2021

1. Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
2. Social Insurance (States Pension) (Amendment) (Guernsey) Ordinance, 2021
3. Police Force (Bailiwick of Guernsey) (Amendment) Law, 202
4. Income Tax (Charitable Donations) (Guernsey) (Amendment) Ordinance, 2021
5. Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
6. Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021
7. Charities etc. (Guernsey and Alderney) Ordinance, 2020
8. Land Planning and Development (Emergency Procedures) Ordinance, 2021 - to follow
9. Ordinance to be made by the Policy & Resources Committee
10. Companies (Guernsey) Law, 2008 (Miscellaneous Amendments) Ordinance, 2021

11. Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 (Amendment) Ordinance, 2021
12. Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2021
13. Ordinance to be made by the Policy & Resources Committee
14. Gambling (Channel Island Lottery) (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
15. Income Tax (Guernsey) (Amendment) Ordinance, 2021
16. Long-term Care Insurance (Guernsey) (Rates) (Amendment) Ordinance, 2021
17. Public Functions (Transfer and Performance) (Bailiwick of Guernsey) (Amendment) Law, 2021
18. Income Tax (Guernsey) (Amendment) Ordinance, 2021
19. Health and Safety at Work (Equality Provisions) Ordinance 2021
20. Public Thoroughfares (Guernsey) (Amendment) Law, 2021
21. Abortion (Guernsey) (Amendment) Law, 2021
22. Machinery of Government (Transfer of Functions) Ordinance, 2021
23. Court of Appeal (Guernsey) (Amendment) Law, 2021
24. Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
25. Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) (Amendment) Ordinance, 2021
26. Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Commencement) Ordinance, 2021
27. Protection of Investors (Bailiwick of Guernsey) (Commencement) Ordinance, 2021
28. Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) (Commencement) Ordinance, 2021
29. Banking Supervision (Bailiwick of Guernsey) (Commencement) Ordinance, 2021
30. Housing (Standards and Regulation) (Enabling Provisions) (Guernsey) Law, 2021
31. Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021
32. Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2021
33. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2021
34. Guernsey Revenue Service Tribunal Ordinance, 2021
35. Health Service Benefit (Amendment and Commencement) Ordinance, 2021
36. Severe Disability Benefit and Carer's Allowance (No. 2) Ordinance, 2021
37. Income Support (Implementation) (Amendment) (No. 3) Ordinance, 2021
38. Family Allowances (Guernsey) (Amendment etc.) Ordinance, 2021
39. Pilotage (Amendment) Ordinance, 2022
40. Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022
41. Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022

2022

42. Public Holidays Ordinance, 2022 Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022
43. Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2022
44. Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022
45. Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022
46. Capacity (Lasting Powers of Attorney) (Bailiwick of Guernsey) Ordinance, 2022
47. Capacity (Bailiwick of Guernsey) Law, 2020 (Commencement) (Guernsey and Alderney) Ordinance, 2022
48. Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022
49. Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 (Commencement) Ordinance, 2022
50. Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022
51. Long-term Care Insurance (Guernsey) (Rates) (Amendment) Ordinance 2022
52. Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020 (Commencement) Ordinance, 2022
53. Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022
54. Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022
55. Matrimonial Causes (Bailiwick of Guernsey) Law, 2022
56. Public Service Vehicles (Minimum Age) Ordinance, 2022
57. Beneficial Ownership (Miscellaneous Amendments) Guernsey Law, 2022 (Commencement) Ordinance, 2022
58. Environmental Pollution (Water Pollution) Ordinance, 2022
59. Environmental Pollution (Guernsey) Law, 2004 (Commencement) Ordinance, 2022
60. Prevention of Discrimination (Guernsey) Ordinance, 2022
61. Income Tax (Guernsey) (Amendment) Ordinance, 2022
62. Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2022
63. Public Highways (Temporary Closure) (Amendment) Ordinance, 2022
64. Reform (Guernsey) (Amendment) Law, 2022
65. Forfeiture of Money etc. in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Ordinance, 2022
66. Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2022
67. Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2022
68. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2022
69. Secondary Pensions (Guernsey and Alderney) Law, 2022
70. Fishing (Amendment) Ordinance, 2022
71. Human Tissue and Transplantation (Excluded Material) (Bailiwick of Guernsey) Ordinance, 2022

72. Criminal Justice (Miscellaneous Amendments and Provisions) (Bailiwick of Guernsey) Ordinance, 2022
73. Lending, Credit and Finance (Bailiwick of Guernsey) (Commencement) Ordinance, 2022
74. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022
75. Severe Disability Benefit and Carer's Allowance (Amendment) Ordinance, 2022
76. Family Allowances Ordinance, 2022
77. Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2022
78. Criminal Justice (Cybercrime and Miscellaneous Amendments) (Bailiwick of Guernsey) Law, 2022
79. Air Accident Investigation (Guernsey) Ordinance, 2022

2023

80. Land Planning and Development (Exemptions) Ordinance, 2023
81. Trading Standards (Fair Trading) (Guernsey) Ordinance, 2023
82. Employment and Equal Opportunities Service (Guernsey) Law, 2023
83. Income Tax (Guernsey) (Approval of Agreement with Qatar) Ordinance, 2023
84. Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2022 (Amendment) Ordinance, 2023
85. Income Support (Implementation) (Amendment) Ordinance, 2023
86. Long-Term Care Insurance (Guernsey) (Rates) Ordinance, 2023
87. Severe Disability Benefit and Carer's Allowance Ordinance, 2022 (Amendment) Ordinance, 2023
88. Family Allowances Ordinance, 2023
89. Criminal Justice (Defence Case Statements) (Bailiwick of Guernsey) Ordinance, 2023
90. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2023
91. Guernsey Financial Services Commission (Transfer of Functions) (Fees) (Bailiwick of Guernsey) Ordinance, 2023
92. Prevention of Discrimination (Employment) (Miscellaneous Amendments) Ordinance, 2023
93. Criminal Justice (Proceeds of Crime and Drug Trafficking) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023
94. International Coffee Organization (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2023
95. Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023
96. Criminal Justice (Miscellaneous Amendments - Preventative Offences) (Bailiwick of Guernsey) Ordinance, 2023
97. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 4) Ordinance, 2023

98. Criminal Justice (Proceeds of Crime and Drug Trafficking – Money Laundering, etc) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023
99. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 3) Ordinance, 2023
100. Social Insurance (Guernsey) Law (Amendment) Ordinance, 2023
101. Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2023
102. Limited Partnerships (Guernsey) (Amendment) Law, 2023
103. Limited Liability Partnerships (Guernsey) Law, 2013 (Amendment) Ordinance, 2023
104. Machinery of Government (Transfer of Functions) Ordinance, 2023
105. Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Law, 2023
106. Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 (Amendment – Enforcement etc) Ordinance, 2023
107. Foundations (Guernsey) (Amendment) Law, 2023
108. Foundations (Guernsey) Law, 2012 (Amendment) Ordinance, 2023
109. Charities etc. (Guernsey and Alderney) (Amendment) Ordinance, 2023
110. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 3) Ordinance, 2023
111. Sexual Offences (Transitional Provisions) (Bailiwick of Guernsey) Ordinance, 2023
112. Criminal Justice (Miscellaneous Amendments - Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023
113. Public Notaries (Bailiwick of Guernsey) Law, 2023
114. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2023
115. Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2023
116. Sanctions and Terrorist Asset Freezing (Bailiwick of Guernsey) (Amendment) Ordinance, 2023
117. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 5) Ordinance, 2023
118. Income Tax (Guernsey) (Amendment) Ordinance, 2023
119. Severe Disability and Carer's Allowance Ordinance, 2023
120. Family Allowances Ordinance, 2023
121. Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2023
122. Transfrontier Shipment of Waste (Bailiwick of Guernsey) (Amendment) Ordinance, 2023
123. Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2023
124. Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2023
125. Income Tax (Guernsey) (Approval of Agreement with Montserrat) Ordinance, 2024
126. Income Tax (Exemption of Benefits) (Amendment) Ordinance, 2024
127. Publication of Official Notices (Guernsey) Law, 2024
128. Sexual Offences (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2024
129. Taxation of Real Property (Guernsey and Alderney) (Amendment) (No.2) Ordinance, 2023

2024

130. Terrorism and Crime (Bailiwick of Guernsey) (Amendment)(No.2) Ordinance, 2024
131. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2024
132. Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024
133. Criminal Justice (Proceeds of Crime – Seized Assets Fund) (Bailiwick of Guernsey) (Amendment) Ordinance, 2024
134. Prevention of Corruption (Bailiwick of Guernsey) (Amendment) Law, 2023 (Commencement) Ordinance, 2024
135. Income Support (Implementation) (Amendment) Ordinance, 2024
136. Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024
137. Income Tax (Guernsey) (Amendment) Ordinance, 2024
138. Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance, 2024
139. Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024
140. Social Insurance (Guernsey) Law (Amendment) Ordinance, 2024
141. The Transfer of Funds (Guernsey) (Amendment) Ordinance, 2024
142. Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2024
143. Reform (Guernsey) (Amendment) Law, 2024
144. Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2024
145. The King George The Fifth Memorial Playing Field Trust (Amendment) Law, 2024
146. Ro-Ro Sea-links (Guernsey) Law, 2024
147. Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024
148. International Criminal Court (Bailiwick of Guernsey) Law, 2019 (Commencement) Ordinance, 2024
149. International Criminal Court (Remand Time) (Bailiwick of Guernsey) Ordinance, 2024
150. International Criminal Court (Enforcement of Fines, Forfeiture and Reparation Orders) (Bailiwick of Guernsey) Ordinance, 2024
151. International Criminal Court (Immunities and Privileges) (Bailiwick of Guernsey) Ordinance, 2024
152. Electoral Roll Ordinance, 2024
153. Elections Ordinance, 2024
154. Tobacco Products (Guernsey) (Amendment) Ordinance, 2024
155. Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024
156. Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2024
157. Publication of Official Notices (Guernsey) Law, 2024 (Commencement) Ordinance, 2024
158. The Competition (Time Limited Exemption) (Guernsey) Ordinance, 2024

159. Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2024
160. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2024
161. Vaping Products (Enabling Provisions) (Guernsey) Law, 2024
162. Waste Management Services (Charging) (Amendment) Ordinance, 2024
163. Family Allowances Ordinance, 2024
164. Severe Disability Benefit and Carer's Allowance Ordinance, 2024
165. Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2024
166. Land Amenity Improvement Notices Ordinance, 2024
167. Income Tax (Gratuity Schemes) (Guernsey) (Amendment) Ordinance, 2025
168. Electoral Expenditure Ordinance, 2025
169. Sanctions (Director Disqualification) (Amendment) Ordinance, 2024
170. Income Tax (Guernsey) (Budget) Ordinance, 2024
171. Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) (Amendment) Ordinance, 2024

2025

172. Advance and Super Polling Station Ordinance, 2025
173. Postal Voting (Amendment) Ordinance, 2025
174. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2025
175. Animal Welfare (Guernsey) (Amendment) Ordinance, 2025
176. Veterinary Surgery and Animal Welfare (Amendment) Ordinance, 2025
177. Housing (Standards, Landlord Registration and HMO Licensing) (Guernsey) Ordinance, 2025
178. Income Support (Implementation) (Amendment) Ordinance, 2025
179. Road Traffic (Causing Death or Serious Injury by Driving) (Guernsey) Law, 2025
180. Road Traffic (Guernsey) (Amendment) Ordinance, 2025
181. Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Amendment) Ordinance, 2025
182. Open Market Housing Register (Guernsey) (Amendment) Law, 2022
183. Telecommunications (Bailiwick of Guernsey) Law, 2001 (Amendment) Ordinance, 2025
184. Reform (Guernsey) (Amendment) Law, 2025
185. Excise Duties (Amendment) Ordinance, 2025
186. Criminal Justice (Proceeds of Crime) (Access to Beneficial Ownership Information) (Amendment) Ordinance, 2025
187. Machinery of Government (Transfer of Functions) Ordinance, 2025
188. Bank Resolution (Bailiwick of Guernsey) Law, 2025
189. Social Insurance (Guernsey) Law (Amendment) Ordinance, 2025
190. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2025
191. Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) (Amendment) Ordinance, 2025
192. Children (Guernsey and Alderney) (Amendment) Law, 2025

193. Vaping Products (Guernsey) Ordinance, 2025
194. Capacity (Commencement and Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2025
195. Criminal Justice (Cybercrime and Miscellaneous Amendments) (Bailiwick of Guernsey) Law, 2025



Scrutiny Management
Committee

Freedom of Information Appeals Panel

Summary Report: December 2024

Introduction

The Freedom of Information Appeals Panel (the Panel) was established on 1st January 2022. The purpose of the Panel is to determine appeals against decisions made by a Principal Committee or other States Body against the release of information made on the application of exemptions under the Freedom of Information Code (the Code).

The Freedom of Information Appeals Panel is a sub-panel of the SMC with a Secretariat provided by its Office. The Panel aims to provide an independent appeals process which is accessible to all and offers a fair and transparent determination of an appeal on the application of exemptions under the existing Freedom of Information Code.

The purpose of a submission to the Panel is to allow an independent review of a decision made by the relevant States Committee. All appeals will be determined on the basis of a review of the relevant States Committee's decision. A merits review will involve a full reconsideration of the facts of the decision on the application of exemptions under the existing Code which is the subject of the appeal.

There are two grounds for appeal:

1. That an exemption has been wrongly applied.
2. That the exemption is correctly applied but that the public interest overrides its use.

Now that the Panel has been operating for three years this report summarises the work undertaken to date and views of the Panel on how they consider it is functioning and suggesting recommendations going forward.

The Chair of the Panel Advocate Chris Green also wished to pay tribute to the excellent work that has been undertaken by Panel Members from the formation of the panel over the last three years, demonstrating a genuine commitment to public service.

Background

At its meeting held on 16th June 2021⁸ the States of Guernsey agreed by resolution⁹ to implement a strengthened Freedom of Information Code with the addition of an independent appeals mechanism as contained in Proposition 1(b) detailed below:

1(b) that the current Code of Practice on Access to Public Information should be strengthened by means of the addition of an independent process for appeals against the application of exemptions, and the current Code of Practice on Access to Public Information should be renamed the Freedom of Information Code and to direct the Scrutiny Management Committee and the Policy & Resources Committee to implement this change not later than 1 January 2022.

⁸ <https://www.gov.gg/CHttpHandler.ashx?id=139344&p=0>

⁹ <https://www.gov.gg/CHttpHandler.ashx?id=140998&p=0>

An expression of interest for Panel Members was advertised at the end of 2021 and after interviews the following Members were appointed.

Panel Members

Advocate Chris Green (Chair)

Ms Rachel Masterton (Vice-Chair)

Advocate Simon Howitt

Advocate Ian Kirk

Ms Susan Gordon-Hardy

Work of the Appeals Panel to date

The Panel has now been operating since January 2022 and had its first meeting in February 2022. There were no appeals submitted during 2022, but the Panel did meet quarterly to discuss and prepare the process and paperwork required as it was a new process.^{10 11}

- The first appeal was received in February 2023 and there were a total of four appeals received in 2023 and two in 2024.
- Of the total six appeals received four had a determination made and two were not progressed as:
 - 1) In one case, the correct process had not been followed i.e. no Freedom of Information request had been submitted and had exemptions applied (instead questions were asked as Rule 14 questions in the States).
 - 2) In the other case, the responding Committee supplied the original requested information during the appeals process so was not progressed further.
- Of the four valid appeals, one was upheld, one was partially upheld and two were not upheld.¹²

Although the Appeals Panel worked within its own timeframe of 30 days to adjudicate the appeal and 7 days to issue its decision, there were delays in the process as some of the Committees took long periods of time to respond to the Panel when it requested additional information. This delay was frustrating at times but was outside the control of the Panel.

¹⁰ [Guide to the Freedom of Information Appeals in Guernsey](#)

¹¹ [Appeal against a Freedom of Information Code Decision - Application Form](#)

¹² <https://www.gov.gg/information>

Moving forward consideration could be given to imposing specific time limits for a Committee response. However, at this time the Panel are not minded to suggest any changes to resolve this issue.

Conclusions

The creation of the Freedom of Information Appeals Panel has had a positive effect of soft power on the Freedom of Information process and overall the Panel consider that the appeals process has given the whole Freedom of Information process a more professional standing.

In addition, it must be recognised that effective democracy depends not just on Open Government, but also on an informative and critical media, and an engaged civil society.

The Panel notes that there are limits on the extent of an active and engaged civil society (with some notable exceptions, organised around specific causes).

Civil society and campaigning groups are limited in Guernsey. The scarcity of such organisations in Guernsey means that there is often nothing between the States as the service provider and the citizen as recipient, which can articulate and elevate individual grievances into broader concerns. The absence of such bodies in Guernsey leaves a gap and is a barrier not just to an effective Freedom of Information regime, but to the scrutiny system as well.

These are not gaps that the States can plug on its own, if at all; but the Panel is of the view that they should be acknowledged, and that future States should give consideration as to what more could be done to stimulate active, informed participative citizenship.

Hence it is clear to the Panel that the appeals process which has been created is a significant improvement on the previous arrangements.

The Freedom of Information policy letter noted that there was universal agreement that the absence of an independent appeals process, through which the application of exemptions could be challenged, was a weakness of the previous Freedom of Information code. The Panel believes that, without such a mechanism, it is not unreasonable for the public to lack full confidence in the States' commitment to openness and transparency.

It appears that Freedom of Information requests are being dealt with efficiently by Committees as the appeals being generated are low in number. The Panel consider that this could be attributed, in part, to the introduction of the appeals process itself. In the system that has been put in place now Committees know that they may be asked to justify the decisions taken on whether to release information. It seems likely that this has positively influenced Committee behaviour.

The Panel considered that the public and some Committees are not fully aware of what 'public interest' is and how it is assessed and applied. The 'public interest' may refer to a wide range of values and principles relating to the public good, or what is in the best interests of society. The UK Information Commission explains in its guidance, that while the public interest of an informed and involved citizenry promotes good decision-making by public bodies, those bodies need space and time to consider their policy options away from public interference.

The Panel has experienced some resistance. In one case the response from a Committee was quite hostile. In this case the Committee continued to refuse to release information after receiving a written judgment setting out the Panel's determination.

The Committee after receiving the judgment also chose to cast the Panel's decision in a somewhat negative light in the media. This negativity appeared to be largely because the Committee who received the judgment did not fully understand the determination provided.

However, as the Panel's decision is not binding this did ultimately show a weakness in the structure of the appeals process. The Panel believes that if in future appeals a number of Committees choose to ignore the determinations of the panel then it may be necessary to consider providing the panel with additional enforcement powers.

Additionally in certain contexts it is clear to the Panel that some information requests from members of the public have been turned down on the basis that the information requested is not being routinely collected in the specific format requested. The Panel believes that it would be helpful if Committees could proactively publicise the information which is collected, and in what format, together with the basis for that collection alongside the rationale for other information not being collected. If this was done routinely it would avoid the need for Committees to respond to information requests for information that is not being collected.

The Panel considers that overall, the balance of the existing process is about right. This is a particularly positive conclusion given the very limited costs associated with the creation and maintenance of the Panel when opposed to the potentially extensive costs associated with the introduction of a statutory regime as described in the May 2021 policy letter. In summary what has been put in place has been shown to be an effective Freedom of Information appeals mechanism.

Recommendations

1. **Committees consider applying their exemptions carefully** - the Panel has sympathy with some of the appeals submitted and consider some information which was not supplied could have been supplied with limited additional work or an explanation of similar information which was available.
2. **Data collection** – the Panel queried how effective is the existing data collection, especially by the Principal Committees, and further consideration should be given to informing the public what information is available.
3. **Additional powers** - consider giving the Panel some additional power of enforcement to enhance and give it some 'teeth' to compel Committees to comply with its requests.

Appendix 4 - Memberships of the Committee and its Panels

Scrutiny Management Committee Membership

Deputy Yvonne Burford – President
Deputy Simon Fairclough – Vice-President
Deputy John Dyke – Member
Grace Ruddy - Non-States Member
John Whittle - Non-States Member (2020 - March 2024)
Christa Feltham - Non-States Member (May 2024 - 2025)

Legislation Review Panel Membership

Deputy John Dyke (Chair)
Deputy Simon Fairclough (Vice Chair) Deputy
David De Lisle
Deputy Aidan Matthews
Deputy John Gollop (left in December 2023)
Deputy Chris Le Tissier (joined in July 2023)
Deputy Carl Meerveld (joined in January 2024)
Advocate Simon Howitt
Advocate William Simpson

Financial Scrutiny Panel Membership

Deputy Yvonne Burford (Chair)
Deputy Simon Fairclough (Vice Chair)
Deputy John Dyke
Deputy Heidi Soulsby (from July 2023 to January 2024)
Deputy Lyndon Trott (from August 2023 to January 2024)
Deputy Gavin St Pier (from August 2023)
Grace Ruddy (SMC Non-States Member)
John Whittle (SMC Non-States Member to January 2024)
Christa Feltham (SMC Non-States Member from June 2024)
Gill Morris (Panel Member from April 2021 to October 2022)
Paul Hodgson (Panel Member from August 2023)

Agilisys Review Panel Membership

Deputy Yvonne Burford
Deputy John Dyke
John Davidson

Anita Kilby
Mike Ozanne
Camilla Smillie

Island Wide Voting Review Panel Membership

Deputy Yvonne Burford
Deputy Simon Fairclough
Deputy Carl Meerveld
Advocate Chris Green
Michelle Le Clerc

Investments Review Panel Membership

Deputy Simon Fairclough
Deputy John Dyke
Grace Ruddy – SMC Non-States Member
Christa Feltham – SMC Non-States Member
Deputy Gavin St Pier
Paul Hodgson

Freedom of Information Appeals Panel Membership

Advocate Chris Green
Advocate Simon Howitt
Advocate Ian Kirk
Susan Gordon Hardy
Rachel Masterton

Government Work Plan Scrutiny Panel Membership

Deputy Yvonne Burford
Deputy Simon Fairclough
Deputy Gavin St Pier
Deputy Adrian Gabriel

Recruitment & Retention Review Panel Membership

Deputy Yvonne Burford
Deputy Simon Fairclough
Deputy John Dyke
Christa Feltham – SMC Non-States Member
Andy Castle
Amber Burns

Appendix 5 - Scrutiny Management Committee Mandate

Constituted as a committee of the States with effect from the 1st of May 2016 by resolutions of the States of the 9th of July 2015 and the 27th of November 2015.

- **Constitution**

A President who shall be a member of the States: provided that the President of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of any of the six Principal Committees; and two members who shall be members of the States: provided that a member of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of more than one of the six Principal Committees; and two voting members who shall not be members of the States and who shall be elected by the States.

- **Duties & Powers**

To lead and co-ordinate the scrutiny of committees of the States and those organisations which are in receipt of public funds, or which have been established by legislation, by reviewing and examining legislation, policies, services and the use of monies and other resources.

As far as is reasonably practicable, to appoint scrutiny panels (whether task and finish or standing panels) to carry out the work of reviewing and scrutinising committees' policies and services and their management of monies and other resources entrusted to them: provided that neither the President nor the members of the Policy & Resources Committee shall serve on such scrutiny panels and also provided that the Committee retains the power, if it so wishes, to carry out any review itself rather than through an appointed panel and also provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Committee and any panels it has appointed, including the content of any report issued under its name.

To appoint a Legislation Review Panel to carry out the functions of legislative scrutiny in Article 66 of the Reform Law and also to recommend any changes to legislation from which it believes the Island may benefit: provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Legislation Review Panel; and to constitute the Legislation Review Panel as follows: a President who shall be a member of the Scrutiny Management Committee and also a member of the States, a minimum of four other States' members, a minimum of two non-voting members who shall not be members of the States, and any number of additional and occasional non-voting members as the Scrutiny Management Committee sees fit for the purposes of review of any item of legislation or any other matter: provided that such additional and occasional non-voting members may or may not be members of the States and also provided that neither the President nor the members of the Policy & Resources Committee shall serve on the Legislation Review Panel.

To scrutinise any matter contained in a policy letter which has been referred to the Committee by resolution of the States in accordance with any terms set out in the resolution and to submit to the

States its findings thereon within a period of time set out in the resolution, which findings, together with the original matter, shall be laid before the States.

To promote and facilitate the participation in scrutiny of the widest possible range of States' members and persons independent of the States.

When determining the subject of its reviews and examinations, to pay particular attention to the performance of committees in contributing to States' objectives and policy plans and to matters which are of substantial importance or of significant public interest.

To recognise that the carrying out of scrutiny in public where possible is likely to contribute positively to public perceptions of scrutiny.

To submit a report to the States annually which reviews the work of the Committee and its panels over the previous 12 months, and which sets out the Committee's objectives and, to the extent that it is possible while retaining a flexible and responsive approach to scrutiny, an indicative programme of work over the next 12 months.

To represent the work of scrutiny in the States, and publicly to promote and champion the value of scrutiny.

To advise the States if and when in its opinion circumstances justify the establishment of a Tribunal of Inquiry in accordance with the Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949, as amended.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Scrutiny Management Committee and which conferred functions on the former Legislation Select Committee, Public Accounts Committee and Scrutiny Committee.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.