

STATEMENT TO BE MADE BY THE PRESIDENT OF THE PRIVILEGES AND PROCEDURES COMMITTEE ON 7th JUNE 2005

The purpose of this statement is to update the Assembly on the progress of Shadow Scrutiny and on discussions which have been held between the Scrutiny Chairmen, the Shadow Public Accounts Committee Shadow Chairman and the Presidents of the Policy and Resources and Finance and Economics Committees, and myself, as President of the Privileges and Procedures Committee.

The rôle of Shadow Scrutiny has been to provide a learning environment during which processes and procedures are developed and members are trained in readiness for the introduction of a Scrutiny system with appropriate powers on the commencement of Ministerial Government at the end of 2005. In developing an open process of evaluation and assessment, there has been the need for significant culture change, and this has been particularly evident when deciding on timetables for Scrutiny and debate.

The joint meeting agreed that there was a need for joint planning, programming and scheduling of reviews. It was important for all stake holders to be aware of the forward programme so that they would be able to plan their own contributions. This in no way rules out the possibility of ad hoc reviews being conducted by Scrutiny Panels nor detracts from their selection of topics. What it does do is to ensure sufficient communication of the overarching programme which will enable Committees or Ministers to be aware of the bigger picture of reviews due to take place, the timing of those reviews and the opportunity adequately to prepare for full participation.

The meeting recognised that there is a need for Scrutiny to be involved in the development of policy at an earlier stage. This is recognised by all parties and it was noted that the Policy and Resources Committee is proposing a form of written consultation based on the UK Code of Practice on Written Consultations, to be implemented prior to lodging, along the lines of green and white papers, and that Committee anticipates that Scrutiny will become involved at the 'green paper' stage.

The second area explored by the joint meeting was the number of members involved in Scrutiny and the need to continue with a training programme so that those members who will be involved in Scrutiny in the future will have the necessary training. The meeting expressed dismay at the relatively small number of members involved in Scrutiny currently and made it clear that considerably more members will be required for the future in order to both increase the size of the Panel membership and to provide sufficient members for two additional Panels from December 2005. A number of very successful training events for members have been held during the Shadow Scrutiny period, and all of these events have been open to all States members regardless of whether they are involved in Scrutiny or not. The Committee believes that training should continue to be provided in Scrutiny skills and expert witness skills for all States members until the Scrutiny system has established itself, and thereafter as necessary.

The third matter that the meeting considered was the need for rules for Scrutiny Panels and the Committee would like to advise members that it has been considering this issue within the framework of the draft Standing Orders which will be lodged 'au Greffe' in the near future. In those draft Standing Orders it is proposed that the Chairmen's Committee have, as one of its terms of reference -

'to prepare, keep under review and lodge for approval by the States, a Code of Practice for the proceedings of the PAC and Scrutiny Panels...'

The Code of Practice will include such matters as the manner in which the PAC or Scrutiny Panel shall prepare and make public the terms of reference and timetable for any review it proposes to conduct; the manner in which a hearing by the PAC or a Scrutiny Panel must be organised and conducted, the time when any assessment of scrutiny of a policy of the Council of Ministers should be undertaken etc.

The Code of Practice will emphasise the right of scrutiny to select its own topics and, if necessary, to scrutinise at short notice. Also, a number of members seem unaware of the proposed power of 'subpoena' to require the attendance of witnesses which has already been approved by the States. Regulations to enable this power are currently under preparation and will be brought forward for approval in time for the start of the new system.

The Chairmen's Committee has already embarked on an in-depth review of the Shadow Scrutiny period and that report will be presented to the States early in the autumn of this year. Once that review has been completed, the Chairmen's Committee will commence work on the draft Code of Practice which will be lodged at the end of the session in 2005 for approval at the beginning of the first session 2006 and upon which full scrutiny will be based.

The Committee is mindful that the Shadow Scrutiny period has provided a learning environment both for those engaged in Scrutiny and for those fulfilling the Executive function and that there are lessons to be learned on all sides during this process. Once the report on Shadow Scrutiny has been presented and the Chairmen's Committee has prepared a draft Code of Practice then the Assembly as a whole will be able to agree how Scrutiny will be conducted in the future. The proposals for matters to be covered by the Code of Practice will become clear in the draft Standing Orders which are to be lodged as soon as they have been approved by the Committee.

The meeting was very useful in that there was agreement on several administrative proposals which should strengthen co-ordination between the executive and scrutiny. However, it must be recognised that it is in the nature of scrutiny that on occasions it will lead to divergences of view and, as such, requires an openness of thinking from both sides. Ultimately, good scrutiny can only lead to more robust and better informed debate.