

TERMS OF REFERENCE - Scrutiny Management Committee (SMC)

(Standing Committee of Chief Pleas - Appointments & Governance Body)

1. Status

The Scrutiny Management Committee (SMC) is a standing committee of Chief Pleas, constituted in accordance with the Constitution & Operation of Committees. It ensures that Chief Pleas serves Islanders effectively and transparently by checking, challenging, and recommending improvements, including considering whether public funds have been used efficiently, effectively and economically to deliver value for money for Islanders.

The SMC is responsible for the appointment, coordination and governance of the scrutiny system in order to strengthen scrutiny and accountability on Sark. Where scrutiny is required, the SMC shall appoint an independent Scrutiny Panel on a case-by-case basis to consider specific topics.

The SMC will operate in two phases. For the first two years, reviews will concentrate mainly on examining core functions of Chief Pleas and its Committees to improve the functioning of Chief Pleas. Work on reviewing policy effectiveness and committee performance will include themes such as:

- Considering the effectiveness of the policies of, and services provided by, Committees of Chief Pleas and any organisations paid by Chief Pleas;
- Assessing the performance of Committees in implementing their policies and services;
- Identifying areas of policy or service delivery that might be improved;
- Promoting changes in policies and services where the evidence persuades the Committee that these require amendment;
- Undertaking public interest reviews if appropriate

Reports prepared by the Scrutiny Panels shall be submitted by the SMC to the Committee or Committees responsible for the subject matter under review. Those Committees shall consider the recommendations and provide a response within a reasonable period.

During the initial two years, the SMC will also consider structures and processes for further improving scrutiny on Sark, including considering systems of scrutiny in other jurisdictions and will present a report to Chief Pleas on the scrutiny system including potential improvements or changes. This report shall be presented to the Christmas meeting in 2028, and any changes will be implemented thereafter.

The SMC shall not have direct input into proposed legislation, which shall remain the remit of the relevant individual committee and Chief Pleas as a whole.

Committees are required to respond to reasonable requests from the SMC and Scrutiny Panels for information and to provide a formal response to recommendations contained within any Scrutiny Report. Where a Committee considers that changes to policy, procedure or legislation are required, it shall be responsible for bringing the necessary proposals before Chief Pleas.

2. Membership

The SMC shall comprise three members drawn from sitting Conseillers, provided that they are not members of the Policy and Finance Committee, nor the Chair of any other Standing Committee. In addition, there shall be two non-Chief Pleas members with voting rights, chosen for their expertise in finance, governance and/or policy development and implementation. As approved by Chief Pleas on 8th July 2026, the non-Chief Pleas members may count towards quoracy.

The SMC is permitted to consult with other Conseillers and with any other Committee as it wishes and finds appropriate.

3. Responsibilities

Appointments & Governance

- Determine and oversee a programme of scrutiny, taking account of matters of public interest, governance, policy implementation, service delivery and value for money.
- Receive reports from Scrutiny Panels and transmit them to the relevant Committee or Committees for consideration and response.
- Determine topics for scrutiny and authorise the establishment of Scrutiny Panels.
- Appoint appropriately qualified individuals to serve on Scrutiny Panels on a case-by-case basis.
- Ensure that the skills, experience and expertise of panel members are appropriate to the subject matter under review.
- Appoint 3–5 individuals to each Scrutiny Panel. Members shall not be sitting Conseillers, but the non-Chief Pleas members of the SMC may serve on a panel if appropriate.
- Conduct an open, transparent and independent selection process for panel appointments where appropriate.
- Receive reports from Scrutiny Panels and transmit them to the relevant Committee or Committees for consideration and response.

Support & Oversight

- Prepare and approve individual Terms of Reference for each Scrutiny Panel established.
- Through the Committee Office, provide administrative, procedural and logistical support to panels.
- Where appropriate, to ensure panel members receive appropriate induction, training and development opportunities (e.g. via the CPA, and/or through Guernsey, Jersey or the UK).
- Ensure timely delivery of reports to the relevant Committee or Committees.

Scrutiny Programme

- Prepare and deliver an annual report to Chief Pleas.
- Accept written topic proposals submitted on the prescribed form by Conseillers, Committees, panel members, or members of the public.
- Maintain a record of all scrutiny activity and outputs.

4. Constraints

The SMC must not:

- review or influence the evidence gathered by Scrutiny Panels;
- amend, revise, or steer Panel findings or recommendations;
- participate in scrutiny interviews, evidence sessions, or investigations except in exceptional circumstances, and then only as individuals and not as a committee;
- act in any capacity that compromises panel independence;
- conduct scrutiny itself.

5. Two-Year Pilot and Review

The SMC will operate for a two-year period in the first instance. During this time, it shall itself consider structures and processes for improving scrutiny on Sark, including considering systems of scrutiny in other jurisdictions. At the end of the two-year period, it shall present a report Chief Pleas on the scrutiny system including proposing potential improvements or changes.

September 2026

TERMS OF REFERENCE - Scrutiny Panels

(Independent members appointed for a fixed term on a project basis)

1. Status

The Scrutiny Panels are independent advisory bodies, not committees of Chief Pleas. They shall consist of qualified individuals appointed by the SMC for a specific review and in accordance with the Terms of Reference established for that review. Support from the Committee Office may be provided for the panels as arranged by the SMC.

2. Composition

Each panel shall comprise 3 to 5 members appointed by the SMC according to the requirements of the review being undertaken. Once the relevant Scrutiny Panel has been selected, its members may seek assistance from relevant professional experts in the subject matter under scrutiny.

No serving Conseiller may serve on a scrutiny panel, but the non-Chief Pleas members of the SMC may serve where their expertise is relevant and their independence is not compromised. The Panel may also call upon topic experts for evidence if it wishes.

Each Panel shall elect its own Chair.

3. Responsibilities

Members of a scrutiny panel must:

- Maintain impartiality and confidentiality at all times.
- Undertake training as required.
- Uphold high standards of integrity, independence and fairness.

4. Standards & Conduct

Panel members must:

- Declare any conflicts of interest immediately.
- Not speak publicly on scrutiny matters without authorisation.
- Participate professionally in hearings, interviews, and evidence review.

Failure to comply may result in removal by the SMC.

5. Term

Panel members are appointed to serve on specific panels and will serve only through the completion of the work of their panel, but they may serve on more than one panel at a time. Panels dissolve automatically upon submission of their final report.

6. Responsibilities

Each panel shall:

- Conduct evidence-based scrutiny of the topic specified in the Terms of Reference issued by the SMC.
- Gather information, request documents, interview witnesses and hold hearings.
- Analyse policy effectiveness, financial stewardship and governance standards.
- Produce a written report including:
 - findings
 - conclusions
 - recommendations
- Operate transparently, holding public sessions where appropriate.
- Submit the final report to the SMC without alteration.
- The relevant Committee or Committees shall receive the report and be given the opportunity to provide a formal response to its findings and recommendations.
- Any resulting policy, procedural or legislative proposals shall be brought forward by the relevant Committee or Committees through the normal Chief Pleas decision-making process.

7. Independence

Panels act entirely independently of:

- Committees,
- Chief Pleas,
- the SMC,
- political influence, or
- any other external pressure.

Findings are the sole responsibility of the panel.

8. Constraints

Panels must not:

- Expand their remit beyond the terms of reference issued by the SMC.
- Interfere in committee operations.
- Act as advocacy bodies.
- Make policy decisions.
- Publish draft reports prior to completion and submission to the SMC.
- Be influenced by Chief Pleas, the SMC, Committees or any other body in forming their findings, conclusions or recommendations.