

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, including the appointment of a Scrutiny Panel Pool in order to strengthen scrutiny and accountability on Sark. Scrutiny Panels will be drawn from the members of the Scrutiny Panel Pool 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 will be presented to Chief Pleas by the SMC.

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, in consultation with the Scrutiny Panel Pool, 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.

Other Committees are required to respond to reasonable requests from the SMC for information and to respond to the recommendations of any Scrutiny Report to foster accountability.

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.

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

3. Responsibilities

Appointments & Governance

- Agree a programme for scrutiny with Chief Pleas.
- Present reports on the findings of the Scrutiny Panels to Chief Pleas.
- Identify and appoint a Scrutiny Panel Pool comprised of up to 12 long-term Sark residents, former Conseillers (at least one full term served), former Channel Island politicians and others with expertise in finance, governance and policy issues.
- Appoint one or more Scrutiny Panel drawn from the Pool to consider issues, review policies and procedures, take oral and written evidence from Conseillers, experts and members of the public and draft reports on agreed topics.
- Appoint 3–5 individuals from the Pool to form each temporary scrutiny panel. The panel members shall not be sitting Conseillers, but the non-Chief Pleas members of the SMC may serve on a panel.
- Operate an open, transparent and independent recruitment process for membership of the Scrutiny Panel Pool for approval by Chief Pleas.
- Match skills and experience of panel members to scrutiny topics approved by Chief Pleas.

Support & Oversight

- Issue topic-specific Terms of Reference to each temporary scrutiny panel.
- Through the Committee Office, provide administrative, procedural and logistical support to panels.
- 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 Chief Pleas.

Scrutiny Programme

- Prepare a draft Annual Scrutiny Programme for approval by Chief Pleas.

- Accept topic proposals from Conseillers, Committees, panel members or 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.

TERMS OF REFERENCE - Scrutiny Panel Pool

(Independent Members Appointed for a 2-Year Term)

1. Status

The Scrutiny Panel Pool is an independent advisory body, not a committee of Chief Pleas. It consists of qualified individuals recommended by the SMC for approval by Chief Pleas to be available for selection to scrutiny panels.

Members are not required for every review but must be available to serve when called upon.

2. Composition

The pool shall ideally include up to 12 independent members, drawn from:

- Long-term Sark residents
- Former Conseillers or other Chief Pleas members (minimum one term)
- Former Channel Island politicians with senior or scrutiny experience
- Subject specialists (finance, governance, education, medical, etc.)

No serving Conseiller may serve in the pool.

Pool members serve for a two-year term. Reappointment is at the discretion of the Chief Pleas.

3. Responsibilities

Members of the pool must:

- Make themselves available for service on scrutiny panels when appointed.
- Maintain impartiality and confidentiality at all times.
- Undertake training if required.
- Identify potential issues or topics to the SMC where scrutiny may be beneficial.
- Uphold high standards of integrity, independence and fairness.

Standards & Conduct Pool members must:

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

Failure to comply may result in removal by the SMC.

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 drawn by the SMC from the Scrutiny Panel Pool for a specific scrutiny panel. 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 drawn from the Scrutiny Panel Pool. 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 do if called upon. 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.
- Identify potential issues or topics to the SMC where scrutiny may be beneficial.
- 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 set by Chief Pleas.
- 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 for presentation to Chief Pleas without alteration.
- The relevant committee(s) considered in a report should also see the report, and have a right of reply, which will be presented to Chief Pleas for consideration.

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 SMC submission.
- Be influenced by Chief Pleas or the SMC in forming conclusion

