



# St Helena

## Two Future Ways to Govern

Information from the Prof Sarkin report was examined by a Governance Commission set up by the Governor to begin the debate to define locally-workable options for elected representatives and people of St Helena to decide

August 2020

# Previously

- Various St Helenians told Prof Sarkin they wanted a change to the Present Committee system of governance
- St Helenians said better governance had to show:
  - Clarity on who is politically responsible for the policies and decisions made on each topic
  - Clarity on who is political accountability for the delivery and performance of services
  - Swifter decision making and delivery of services
- Prof Sarkin's report identified two workable options:
  - A 'Revised Committee' system (based on adapting the present system); or
  - A 'Ministerial' system
- Governor set up a short-term group (the Governance Commission) to translate Prof Sarkin's ideas & analyses into how the two options could operate on St Helena (May-July 2020)
- Governance Commission: 5 meetings, 5 people from the community, 2 youth members, legal advisors. No Councillors or senior SHG officials participated

# Executive Summary – Comparison of governance systems

St Helenians asked for	Present Committee system	Revised Committee system	Ministerial system
<b>Clarity <u>who responsible</u> for political making decisions</b>	<b>No one person is responsible for making a decision.</b> Committees of 4/5 take collective decisions, generally by seeking unanimity. Exco, Legco, other bodies endorse or vary decisions	<b>No one person is responsible for making a decision.</b> A Chair has increased powers to decide or refer to Exco. Committee could be reduced to say, 2/3 members	<b>Minister has the political responsibility for decisions.</b> Minister has responsibility to Exco to give a clear strategy and direction to their subject. Defends public service performance to Legco
<b>Clarity <u>who politically accountable</u> for delivering results</b>	<b>No direct supervision link between Committees and Administration.</b> Administration operates services. No Councillor has direct responsibility for results	<b>No direct supervision link between Committees and Administration.</b> More financial control by Committee. Administration directorates reduced to 5 & aligned with Committees' roles	<b>Administration directorates each work directly for a Minister.</b> Minister located with directorate and has direct accountability to Legco & public for services and achievements
<b>Decisions and results to be <u>achieved more promptly</u></b>	<b>No one person explicitly responsible.</b> Focus on consensus-seeking. Ad-hoc political fora debate decisions. Topics may take a lengthy time to be dealt with	<b>No one person explicitly responsible.</b> Consensus-building should be easier in committee of say, 2/3. Ad-hoc political fora debating decisions remain. Time to decide uncertain	<b>Expectation a Minister is directly accountable and responsible.</b> Decision-making in Exco and Legco should be swifter. Unlikely to need the ad-hoc political fora

# The Committee System – Present Committee system

Each Councillor elected to an all-island constituency, no single vision for 4y term of office, no designated Elected Leader of Government. Participation on Committees selected by Councillors.

Legislative Council (Legco) passes legislation, approves budget, debates policies, scrutinises public services

12 Councillors on Legco (+Chief Secretary, Financial Secretary, AG), of which

5 Councillors are selected by Legco to Chair 5 Committees – currently, Economic Development, Public Health, Social Affairs, Education & Employment, Environment & Planning. Chairs serve 2y after election, reselections by Legco for 1y at start of Years 3 & 4

Each Committee comprises Chair & 3-4 other Councillors, Chair has no explicit seniority in decision-making, seeks consensus & prefers unanimity, hence deliberations long take time on some issues

The 5 Committees not aligned with 8 SHG Directorates. No distinct leadership role over directorates

Executive Council (Exco) - 5 Chairs participate with Governor, Chief Secretary, Financial Secretary, Attorney General – sets the government strategy & legislative programme, adopts policies, final decider on difficult decisions, UK relations

# Revised Committee System - Changes to the present system

5 Committees would remain. Size could be reduced to say, 2 or 3 Councillors

5 Chairs continue to be members of Exco. Chairs given executive powers to make decisions on behalf of their Committee outside of committee meetings

SHG directorates reduced to 5, restructured to align with roles of the 5 Committees

Committees given direct accountability for the budget expenditure of their aligned Directorate

Committees not SHG Directors become responsible for deciding on changes to public services to avoid overspends and other resources limitations

Chairs may co-opt other talent temporarily to advise a Committee

Chief Secretary, Financial Secretary, Attorney General cease to be formal members of Legco but available to advise Chairs

# Ministerial System 1 – Chief Minister & Minister functions

12 Councillors elected to Legco ('Parliament') from one all-island constituency. 4y term of office

After election, Legco Legislators (Councillors) select a Chief Minister (CM) as Head of Elected Government

The newly appointed CM selects 4 Legislators to be Ministers. All bound by collective responsibility

CM & Ministers set out their vision and policies (a 'manifesto') to be progressed over the next 4y

5 ministerial portfolios are created by CM. Directorates (Ministries) aligned and become 5 ministries, led by a Director

A Minister has direct responsibility and accountability for all policies and services delivered by their ministry. Also, to justify to Legco the effective use of public funds appropriated to the ministry

CM + 4 Ministers serve on Exco ('Cabinet') with Governor as neutral chair. Chief Secretary & Attorney General attend as non-voting members. Others may be co-opted temporarily for specific topics

Governor consults with CM/Ministers on Constitutional, international and reserved matters



## Ministerial System 2 – Legislators' functions

Legco continues with 12 Legislators = CM + 4 Ministers + 7 other elected representatives. Chief Secretary, Financial Secretary, AG not formal members. Public servants brief Ministers to represent their ministry in Legco

Legco continues to consider and approve legislation, examine and approve government budget, debate and amend policies, enquire into ministers' actions and scrutinise public service activities

The 7 Legislators without ministerial portfolios would, in addition to their Legco functions:

**Represent constituents** - Each assigned a geographical district after a general election

**Scrutinise government** – Chair and members of ~2 Scrutiny Committees hold Ministers & senior officials to account for the performance of ministries

**Question Ministers** – CM question time (weekly), Ministers (monthly?)

**Financial oversight** – Participation in the Public Accounts Committee to review government finances & projections

**Represent the public** – Participation in non-government organisations and committees

**Freedom to comment** – Not bound by CM/Ministers collective responsibility for Exco (Cabinet) decisions

CM would have discretion to replace Ministers with other Legco Legislators

## Public Administration – Governance Commission suggestions

SHG is the public administration for St Helena & operator of public services. A separate but parallel reform from change in the governance system

It should change its name to 'St Helena Public Service' (SHPS). It should have 5 Directorates aligned to serve each of the 5 Committees/Ministries

Directorates and their Directors should have the role to advise & brief their respective Committee Chair/Minister

Directorates and their Directors should regularly confirm and have authorised with their respective Chair/Minister all strategic policies & decisions, approaches to implement policies, how to address significant problems, deployment of resources, service changes and reductions when resources become limited

SHPS must remain impartial and apolitical. Chairs/Ministers should have no authority to recruit, performance manage or discipline public service personnel. These are functions of the Chief Secretary role

All non-SHPS public bodies should be formally 'sponsored' by a Directorate/Ministry. SHPS sponsorship defines their expected annual performance, financial & delivery requirements when using public funds

Restructuring SHPS & governance should not increase budget. Savings in SHPS required to be found. More transfer of services to private & not-for-profit sectors encouraged



## Other Suggested Revisions – by the Governance Commission

Speaker remains an appointed not elected post. Neutral and non-voting. Required to control firmly Legco agenda, proceedings & conduct. Role should be strengthened to include a duty to progress business swiftly.

Voter registration should be compulsory, voting remains voluntary. Jury Service registration compiled in parallel, though separate to voter registration by automatic inclusion unless a person opts-out. No change to voting eligibility

To ensure proper separation of roles - A binding Public Service Code of Conduct should be prepared for SHPS + a Ministerial Code would be prepared. Ministers receive training

Ministers would co-locate into their ministry building, each assisted by a Minister's Secretary. Other Legislators provided with space in The Castle assisted collectively by a Clerk's Office

Governor retains existing Constitutional roles in public security, defence, international relations, international access, financial probity, good governance, judicial independence. As at present, the related operational roles would be delegated to SHPS personnel

Governor to discuss with FCO restoring Chief Secretary to be designated as a Deputy Governor

Possible remuneration to reflect responsibility – CM £35-45K, Minister £25-35K, Legislator ~£15K

## Next Steps – Indicative timetable

Recommendations from Governance Commission on governance systems, public information & public consultation/poll passed Councillors to consider (July 20). Report published after (Aug 20)

Councillors agree governance options, timetable for public involvement & approach to get 'an expression of public will' - a big consultation or poll (Aug 20). In parallel, London updated

AG Chamber's provides a draft Constitutional Amendment for the Ministerial option (Sep 20). Electoral list refreshed for a consultative poll. Poll recommended by Commission. To be decided by Councillors (Aug 20?)

Public information on 2 governance options + draft Amendment issued (Aug/Sep 20). Public forums arranged for discussions and views (Sep 20). If required, stage a poll (Sep/Oct 20)

Example consultation/poll question: Should St Helena continue with a [Revised] Committee or have a Ministerial system of government?

If Ministerial option, Governor's Office requests FCO permission to submit a Constitutional amendment to Privy Council (Oct/Nov 20?). Privy Council decides (finish by Jun 21?)

If Revised Committee option, Governor's Office work with AG, SHPS, Speaker to introduce (finish by Jan 21?)

4y term ends Jul 21 – General Election – Likely commencement of either governance option, as selected