

**WRITTEN QUESTION TO THE PRESIDENT OF THE CHAIRMEN'S COMMITTEE
BY DEPUTY J.M. MAÇON OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 12th FEBRUARY 2019**

Question

Will the Chairman advise whether any Scrutiny training provided to members has established that one of the purposes of a public hearing is to obtain information in public; and will she further advise whether the Chairmen's Committee requires a consistent approach to be taken by Panels to the questioning undertaken at hearings in order not to confuse the public and witnesses?

Answer

A number of the training opportunities provided to Scrutiny members to date have covered matters relating to the underpinning principles (such as objectivity and transparency) and practical aspects of good, influential parliamentary scrutiny, including effective approaches to public hearings and other evidence gathering methods. This includes a workshop for Scrutiny members held in July 2018 called 'What is Effective Scrutiny', facilitated by the highly regarded Dr Hannah White from the Institute for Government based in the UK. A training session provided by H.M. Attorney General in October 2018 considered effective questioning techniques for Scrutiny hearings. Members can also rely on ongoing expert procedural and best practice advice provided by Scrutiny Officers.

Notwithstanding that training, it is clear that any public hearing held by a Scrutiny Panel will, by its public nature, result in the information generated being introduced into the public domain. The Scrutiny and PAC Proceedings Code of Practice establishes that '*As a matter of principle, Panel/PAC hearings are held in public...Normally only where there is information of a confidential or personally sensitive nature will a Panel/PAC hearing be held in private session*'. All public hearings are open to public and media attendance, and are streamed live on the States Assembly website where they are available to view for 6 months. A transcript of the proceedings is also produced and uploaded in perpetuity to the same website within days of the hearing. Most public hearings will also be accompanied by social media activity undertaken by the States Greffe to promote the proceedings.

As part of its overarching role to promote an effective system of scrutiny, the Chairmen's Committee concerns itself with and supports the training and advice referred to above. It also holds responsibility for oversight of the aforementioned Proceedings Code which provides the framework for some procedural consistency where appropriate. This includes a section on hearings as appended. It should be noted, however, that no two hearings are the same given the influence on proceedings of different witnesses, members, topics, objectives and context. This will inevitably and understandably lead to differences in delivery and execution when it comes to questioning.

In practice it is a matter for the Chairman of each Panel to conduct meetings as they wish within the guidelines as set out below. The Chairmen's Committee has not received any representations regarding public or witness confusion relating to questioning at hearings, but would welcome feedback should such situations arise.

O. Hearings

78. As a matter of principle, Panel/PAC hearings (evidence gathering sessions) are held in public and will be webcast live and the audio recorded, with transcripts being uploaded to the website at the earliest opportunity. Meeting rooms have been set up for this purpose in the States Building but the Panels/PAC may choose to hold a hearing at an alternative venue. Normally, only where there is information of a confidential or personally sensitive nature will a Panel/PAC hearing be held in private session. In such circumstances, a Panel will consider publishing a full or redacted transcript after the hearing if appropriate. Such decisions rest with the Panel/PAC concerned, in liaison with the witness concerned and advised as appropriate by the Scrutiny Officer.

79. Panels/PAC will decide who they wish to invite as witnesses. Witnesses may include individuals or organisations that have submitted written evidence, but do not have to be limited to those. No organisation or individual has the automatic right to give evidence – it is for the Panel/PAC to decide who it wishes to invite but Panels/PAC will make every reasonable effort to consider all relevant evidence.

80. Panels/PAC will arrange and publish dates for oral evidence to be given at public hearings, providing witnesses with reasonable notice of all the Panel's/PAC's requirements. The Panels/PAC will inform the witnesses of the key areas of questioning, as opposed to fully detailed questions, it wishes to focus on at least five working days in advance of the hearing. This is to enable witnesses to prepare themselves fully to address the objectives of the Panel/PAC.

81. The primary purpose of oral evidence sessions is to put questions to witnesses in order to elicit information and views which the Panel/PAC will subsequently consider in preparing its report. Panels/PAC should ensure that their questioning is related to the topic and their terms of reference. Panels/PAC must endeavour to put witnesses at their ease to provide an environment which encourages openness and a willingness to provide information.

82. Witnesses requested to attend on a Panel/PAC will not be remunerated for travel, loss of earning or other expenses. If a Panel/PAC feels that there should be an exception, a request will be made to the Chairmen's Committee.

83. Members of the public who are admitted to a Panel/PAC public hearing will be expected to comply with the conditions of behaviour as determined by the Chairmen's Committee. Their attendance will be on the basis of an observer. No intervention into the public hearing will be permitted.

84. The Chairman may request that any member of the public who does not observe these conditions be removed from the hearing room and excluded from the remainder of that public hearing. In the event that a member of the public refuses to leave, the Chairman may close the hearing.

85. Following the public hearing, a draft transcript will be uploaded to the website at the earliest opportunity, but witnesses will be provided with a draft copy of the transcription for correction of any inaccuracies in the text. Substantial revisions to the verbatim text will not be permitted. However, the Panels/PAC may accept further clarification from the witness regarding points made during oral evidence. Should changes be agreed by the Panel/PAC, the draft transcript previously uploaded to the website will be replaced.