



# **POLICY PROPOSALS: PUBLIC SECTOR PAYMENTS BILL**

Consultation Response Document

6 March 2023



## Contents

Contents.....	2
Executive Summary.....	3
Summary of responses.....	5
Proposal 1: Tax position of annual payments & allowances.....	8
Proposal 2: Consistency and transparency.....	10
Proposal 3: Consultative committee.....	13
Proposal 4: Travelling allowances.....	15
Proposal 5: Arrangements concerning members of tribunals and departmental bodies.....	17
Proposal 6: Members of Tynwald.....	20
Proposal 7: Non-Tynwald Members of Statutory Boards.....	22
Proposal 8: Members of Tribunals.....	24
Proposal 9: Members of departmental bodies.....	26
Proposal 10: Non-Executive Members/advisors (NEDs) to a Departmental Board.....	27
Appendix.....	28



## Executive Summary

### **Background**

The Payment of Members Expenses Act 1989 (the “1989 Act”) is the consolidated version of a number of pieces of legislation dating back to 1922.

It provides the framework for remunerating Members of Tynwald; non-Tynwald (and non-executive) members of Statutory Boards and departmental bodies, and members of tribunals. The 1989 Act also provides arrangements for the prescribing and payment of travelling allowances.

Proposals to amend the 1989 Act first came about as part of the 2016-2021 Programme for Government. At that time, it was recognised that the remuneration framework provided under the 1989 Act contained some fundamental issues which required modernisation to enable the legislation to operate effectively and fairly in the 21<sup>st</sup> century.

Progress on the project was put on hold whilst an independent review of Tynwald Members’ emoluments was undertaken, with the project re-commencing in 2021.

During the last 12 months, the key underlying tensions within the 1989 Act have been looked at afresh and 10 key policy proposal areas for review have been identified as follows

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- Overarching framework, proposals 1 to 5 comprising –
  - Proposal 1: tax position of annual payments and allowances
  - Proposal 2: consistency and transparency
  - Proposal 3: consultative committee
  - Proposal 4: travelling allowances
  - Proposal 5: arrangements concerning members of tribunals and departmental bodies
- Membership Groups – Remuneration Arrangements, proposals 6 to 10 comprising –
  - Proposal 6: Members of Tynwald
  - Proposal 7: Non-Tynwald Members of Statutory Boards
  - Proposal 8: Members of Tribunals
  - Proposal 9: Members of Departmental Bodies
  - Proposal 10: Non-Executive Members/advisors to a Departmental Board

The policy proposals have now been subject to public consultation.

### **Consultation responses**

The consultation on the policy proposals ran for 7 weeks from 21 November 2022 to 6 January 2023.



In addition to the publication of the consultation documentation on Government's Consultation Hub, and the associated media release, a number of key stakeholders were contacted directly for their views. These included –

- Members of Tynwald
- The Emoluments Committee of Tynwald
- The General Registry
- The Appointments Commission
- The Department of Health and Social Care
- The Office of Human Resources

A total of 53 responses to the consultation were received via the Consultation Hub and a further five responses were received in written form.

This is a pleasing response rate and it was reassuring to see that a broad spectrum of stakeholders and interested parties had submitted their views.

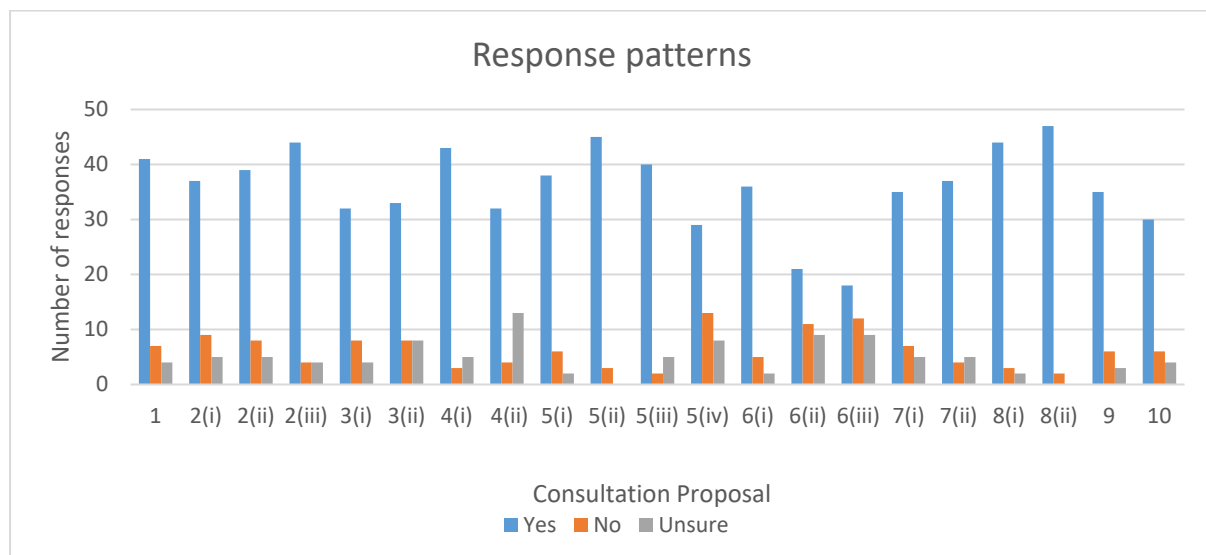
The appendix to this document provides a list of all consultation feedback in respect of which permission to publish the response has been received. All comments have been anonymised for the purpose of this response document.

## Summary of responses

### Executive summary

There was a high level of engagement from consultees to the consultation, with many providing additional comments to explain their support or objection to each of the policy proposals. This is extremely helpful and the Treasury is grateful to all consultees for the time they took to provide such detailed responses.

Each of the policy proposals set out in the consultation were supported by the majority of respondents. A snapshot of the levels of support to each of the consultation proposals is shown in the table below.



Whilst the positive nature of the response patterns is reassuring, the assessment of comments received in respect of the various policy proposals has been extensive and has prompted further policy considerations.

The feedback in respect of each of the policy proposals is discussed in detail in the following sections of this response document.

### Secondary Issues

The consultation document issued by the Treasury acknowledged the issues with the levels of remuneration that are currently available as annual sums and attendance allowances under the 1989 Act. An intention was stated in the consultation document that these matters would be explored in detail with key stakeholders following the legislative passage of the proposed Bill and as part of an implementation phase of the project.



Feedback received through the consultation (in particular in response to proposals 5 and 8) has reinforced the understanding the Treasury has of these shortcomings.

As part of the wider framework provided in the proposed new legislation, the proposal to make all remuneration payments subject to tax has brought into question how remuneration levels will be adjusted to accommodate any reduction in take home pay. This matter is further complicated in the case of attendance allowance levels, which have not increased since 2008.

In terms of the allowance payment structure, further issues concerning the lack of availability of allowances to members who are required to undertake duties other than attending meetings as part of their appointment terms require further consideration.

Finally, the absence of any formula for determining levels of annual sums to be payable to different makes it difficult to assess how remuneration levels for NEDs could be applied fairly (10).

Accordingly, the Treasury has reflected on whether the proposed legislation can proceed without matters being closely assessed and has concluded that it would be difficult to obtain support for the framework proposals.

Accordingly, the Treasury has determined to proceed with preparing a Bill for introduction to the branches before the end of the current (2022-23) parliamentary year. Coinciding with this, proposals in respect of remuneration levels under the new legislation will be developed. This piece of work will seek to provide stakeholders with a clear idea of -

- How the new taxable status of certain payments under the proposed legislation would be taken into account in determining levels of remuneration (proposal 1 refers)
- The methodology that will underpin the setting of levels of annual sums payable under the legislation (proposals 8 and 10 refer)
- The allowances that will be made available to members under the legislation (proposal 5(iv) refers), including -
  - What would hourly payments look like? Are any safeguards or minimum payments required in respect of these payments where meetings are likely to be short?
  - Whether additional allowances may be required for certain memberships
  - The financial impact of the new proposed arrangements on Government expenditure.
  - For tribunal members - should allowances be made available to all members for preparatory reading?



- For members of Departmental bodies - should allowances be made available for additional aspects of memberships, such as preparatory reading, 'on-call' duties and report writing?
- What would the cost impact of any changes be and can this be prioritised/accommodated from public funds?



## Proposal 1: Tax position of annual payments & allowances

### **Proposal 1**

All payments of annual amounts and allowances made under the new payments legislation will be subject to income tax.

### **Summary of responses**

Respondents were asked whether they agreed with proposal 1. Responses were as follows:

<b>Option</b>	<b>Total</b>
Yes	41
No	7
Unsure	4
No views / Not Answered	1

A number of respondents voiced their support for the proposal on the grounds that it would be fair and in accordance with income tax arrangements in the Island for these payments to be subject to income tax going forward.

However, a number of the respondents that supported the proposal in principle, disagreed with the proposed transitional arrangements concerning the introduction of the new measure. Instead, these respondents argued that the new tax status of the payments should apply to all serving members that are receiving payments under the legislation at the time the legislation is introduced.

A number of respondents also expressed concerns about how the change in the tax status of the payments might adversely impact the ability to recruit to vacant memberships if mitigations were not put in place. Many respondents suggested that the level of annual payments and allowances would need to be increased to take into account the reduction in 'take home' pay that would arise as a result of the change. Some respondents suggested that remuneration levels should be increased by up to 20%.

Conversely, some respondents felt that the tax exemption should be retained in recognition of the public services those holding the memberships were providing, the relatively low level of remuneration available in respect of these memberships, and that some memberships required work to be undertaken in respect of which no remuneration was available (i.e. reading time).





A couple of consultees commented on how the changes would impact Members of Tynwald. It should be noted that all payments made to Tynwald Members under the legislation are already subject to income tax.

### **Treasury response**

The policy principle that the tax status of payments under the legislation should be regularised was shown to have significant support.

It is noted that a review of the remuneration levels payable under the legislation will be required to take into account the new tax status of payments made under the legislation.

### **Conclusion**

Proposal 1 was supported by the vast majority of respondents and the Treasury will proceed to prepare draft legislation incorporating this change.



## Proposal 2: Consistency and transparency

### Proposal 2

There should be consistency across all groups of members paid under the new payments legislation as follows -

- (i) Where possible, levels of remuneration payable (whether determined by an annual sum or the payment of allowances) should be linked to a civil service spine point.
- (ii) When it is not possible to link a level of remuneration to a civil service spine point, the amount payable should nevertheless automatically increase in line with increases in civil service pay and the actual amounts payable (taking into account any increases applied) must be reported (publicly available).
- (iii) In relation to bodies whose members are paid allowances under the legislation; the total cost of payments made to each body shall be reported annually to Tynwald. This may be via an annual report to Tynwald on payments made under the legislation, or as a new element to the Government Accounts.

### Summary of responses

Respondents were asked whether they agreed with each of the proposals. Responses were as follows:

Option	Proposal 2(i)	Proposal 2(ii)	Proposal 2(iii)
Yes	37	39	44
No	9	8	4
Unsure	5	5	4
No views / Not Answered	2	1	1

A significant number of respondents provided comments to substantiate their views in respect of these proposals.

Although most respondents agreed in principle with the proposal to introduce a standard approach to setting remuneration levels under the legislation, some objected to the proposal that civil service spine points would provide the benchmarks for setting and uplifting remuneration levels.



These objections were largely centred around ensuring that it remained clear that those holding the memberships are not employees of Government and are instead public appointments.

Instead, some respondents suggested that levels of remuneration should all be prescribed. In terms of annual sums, it was suggested by some respondents that all memberships should be subject to a base rate payment, with additional sums being available depending on duties, responsibilities and any competitive market factors (i.e. rates paid for equivalent roles in competing jurisdictions). Similarly, it was suggested that allowances payable to members of departmental bodies should be variable depending on the experience and qualifications held by the serving member.

Proposal 2(ii) proposed that civil service pay increases should be used to determine levels of annual uplift applicable to remuneration levels under the legislation. A couple of respondents suggested that an inflationary marker should determine an appropriate level of annual uplift.

Some consultees raised the matter of how the performance of members was overseen and queried whether members' pay increases could be performance based as opposed to automatic. In addition, one respondent suggested that a system of percentage based annual increases was unfair to low earners.

The proposal that levels of remuneration paid to memberships and to bodies under the legislation should be more transparent was well received by respondents (proposal 2(iii) refers).

### **Treasury response**

Whilst the vast majority of respondents supported the various elements of proposal 2, some helpful comments were received regarding proposals to link remuneration levels to civil service spine points. Furthermore, the suggestion that annual uplifts could alternatively be linked to an inflationary measure have been considered.

The Treasury recognises the perception issues that could arise by linking arrangements for the remuneration of these members that are not public servants to those arrangements that impact civil servants.

It is relevant that the proposal is not decisive in that all remuneration levels must be linked to civil service pay levels, rather, it is a case that 'where possible'. We continue to hold the view that this will be very beneficial where the likes of levels of annual sums payable are to be determined and believe that such an arrangement will facilitate increased and improved transparency as to levels of remuneration payable from one year to another.

The proposal that annual uplifts to remuneration levels should be linked to civil service pay increase levels provoked some well-considered challenges from respondents.



We accept that it could be considered unfair to use civil servant pay increase levels as a benchmark for increasing these pay levels when those people occupying the memberships would not be a party to those negotiations and, further, are not employees of the Crown or civil servants.

Notwithstanding this, in introducing the new payments legislation, the Treasury is mindful that an agreement to increase these remuneration arrangements annually by a measure such as CPI, fails to take into account whether those increases would be affordable to Government. We are also mindful that the precedent on linking annual pay increases to civil service pay increases has been established as part of the existing remuneration arrangements applicable to Members of Tynwald under the legislation.

**Conclusion**

Overall, all elements of proposal 2 were supported by the vast majority of respondents and the Treasury will proceed to prepare draft legislation incorporating these.



## Proposal 3: Consultative committee

### **Proposal 3**

The value of a consultative body in the matter of determining the remuneration of members paid under the payments legislation will continue to be recognised in the new arrangements, which will -

- (i) Provide that the consultative body for all matters affecting Tynwald Members under the legislation shall be a Tynwald Management Committee.
- (ii) Provide that the Treasury may appoint a consultative body regarding remuneration arrangements affecting non-Tynwald members of Statutory Boards, tribunals and/or departmental bodies.

### **Summary of responses**

Respondents were asked whether they agreed with proposal 3(i) and 3(ii). Responses were as follows:

<b>Option</b>	<b>Proposal 3(i)</b>	<b>Proposal 3(ii)</b>
Yes	32	33
No	8	8
Unsure	4	8
No views / Not Answered	9	4

The majority of respondents supported proposals 3(i) and 3(ii).

It was apparent from the consultation feedback that some respondents felt that the purpose and impartiality of a consultative body for the purpose of remuneration of members required further consideration.

Indeed, some respondents suggested that a consultative body for these purposes would need to be entirely independent, rather than made up of Tynwald Members or public servants. With this in mind, some respondents suggested that a single consultative body should be set up to oversee remuneration arrangements for all members paid under the legislation. Conversely, some respondents suggested different committees should be set up to oversee the remuneration arrangements of different groups of members.

Some respondents suggested that the proposal under 3(ii) would essentially lead to a consultative body never being established.



### **Treasury response**

The Treasury has reflected on the comments of some respondents that a committee or multiple committees should be established for consultative purposes under the legislation. The concept of setting up such new committees is not supported by the Treasury on the grounds of costs. Furthermore, it is hoped that under the new payments framework, the legislation will largely run and maintain itself due to the enhanced features that will crystallise the methodology for payment levels and auto-uplift provisions.

This period of reflection has caused the Treasury to further consider proposal 3(ii) and in particular, the risk that no “consultative body” will likely become available for the purpose of a non-Tynwald member’s remuneration under the Act.

We note that it may be possible to identify a number of separate bodies or key stakeholders who should be consulted prior to any changes in remuneration levels under the legislation being progressed. These bodies/stakeholders may not sit together as an identifiable consultative body (in the singular). For this reason, it is proposed that the consultative provision provided in the legislation should be such to enable the identification of not just a consultative body, but also consultative bodies/stakeholders.

#### **Conclusion**

Both elements of proposal 3 were supported by the vast majority of respondents and the Treasury will therefore proceed to prepare draft legislation incorporating these. An amendment to proposal 3(ii) will be prepared to ensure a consultative body can extend to a group of bodies or key stakeholders as necessary.

## Proposal 4: Travelling allowances

### Proposal 4

It is proposed that the new payments legislation will -

- (i) Continue to identify the members of bodies that may claim travelling allowances and any circumstances where such claims may be limited.
- (ii) Omit arrangements for the determining of levels of travelling allowances. Instead these arrangements will be combined with existing arrangements for the setting of subsistence allowances. The new travelling and subsistence allowances Government Circular will continue to be subject to Tynwald approval.

### Summary of responses

Respondents were asked whether they agreed with proposal 4(i) and 4(ii). Responses were as follows:

Option	Proposal 4(i)	Proposal 4(ii)
Yes	43	32
No	3	4
Unsure	5	13
No views / Not Answered	2	4

There was majority support for both proposals 4(i) and 4(ii).

A couple of respondents queried whether travelling allowances should be available to members at all, as they did not feel that it was right for members to be able to claim for travelling to a meeting.

It was suggested by some consultees that parking costs outweighed travelling costs when members were attending business in Douglas and that this was not sufficiently provided for in the existing travel claim rate calculation.

There was evidence of some misunderstanding in the consultation responses where reference was made to these allowances being relevant to air transportation, which is not the case as travel costs, such as air transportation and hotels, are paid for in accordance with Government Subsistence Allowance arrangements (GC2019/0002 refers).

### Treasury response

As no substantial objections to proposal 4 were received, the Treasury intends proceeding with this as set out.



The Treasury does not support the suggestion that members should be able to claim an allowance for any car parking charges they incur.

**Conclusion**

Overall, all elements of proposal 4 were supported by the vast majority of respondents and the Treasury will proceed to prepare draft legislation incorporating these.



## Proposal 5: Arrangements concerning members of tribunals and departmental bodies

### Proposal 5

It is proposed that -

- i. whilst the Treasury shall retain overarching responsibility for the *Specified Bodies Order* under the new payments legislation, responsible departments will be required to maintain and update the list of specified bodies as necessary. Where the addition of a body to the order will result in an increase in expenditure, this will be subject to Tynwald approval.
- ii. the Treasury will continue to prescribe the amounts that may be paid in allowances to members of tribunals and departmental bodies.
- iii. prior to seeking to list a departmental body under the payments legislation the constitution of the body will have been subject to Tynwald consideration.
- iv. allowances paid under the legislation will all be based on a per hour payment going forward, with 'minimum payments' being removed.

### Summary of responses

Respondents were asked whether they agreed with proposal 5(i), 5(ii), 5(iii) and 5(iv). Responses were as follows:

Option	Proposal 5(i)	Proposal 5(ii)	Proposal 5(iii)	Proposal 5(iv)
Yes	38	45	40	29
No	6	3	2	13
Unsure	2	0	5	8
No views / Not Answered	7	5	6	3

Respondents were asked for their views on the proposals.

In relation to proposal 5(i), there was majority support for the proposal that responsible departments have a greater role in managing the bodies whose members can be paid under the legislation.

The majority of respondents expressed support for the proposal that responsibility for setting levels of remuneration should remain with the Treasury (proposal 5(ii) refers). The majority also supported the proposal that any new departmental body should have its



membership and remit scrutinised by Tynwald prior to authority to pay its members being provided under the payments legislation (proposal 5(iii) refers).

Some concerns about how these arrangements would work in practice were raised, with one respondent querying whether all tribunals and other bodies have a natural or obvious lead Department.

Proposal 5(iv) was supported by the majority of respondents with a couple of respondents advising that the level of pay was not a factor to some members, whose motivation for sitting in these roles was not monetary.

In considering the proposed move away from session based payment to hourly payments, many respondents highlighted the fact the current allowance rates have not been uplifted since 2008. It was suggested that this required regularisation before hourly rates payable could be determined to ensure remuneration was adequate under the new payment model.

One respondent identified that payment by the hour could dissuade people from applying to sit in memberships that have minimal meeting duration and frequency, and proposed that there should be a set fee paid for each meeting and then an hourly fee on top.

Proposal 5(iv) also attracted a significant number of objections, with many objectors explaining their position in their supplementary comments.

It was apparent from the feedback that many stakeholders regard the attendance allowance payment by session model as a means of remunerating members for undertaking membership duties that are not currently subject to any formal remuneration. In particular, the remuneration by session is considered by some as providing compensation to members for the time it takes a member to travel to a meeting and for any pre- or post-meeting reading and writing.

Because of this, a number of respondents felt that moving the attendance allowance payments to an hourly model would require either the hourly payments to be sufficient to cover off travel time and pre- and post-meeting work, or a new series of payments to be made available to members to cover off these aspects of their role.

### **Treasury response**

In response to concerns relating to identifying a responsible Department for the various tribunals and departmental bodies, we are reassured that, since 1989, the process of specifying bodies under the legislation has worked in practice. For this reason, we are comfortable that all tribunals and departmental bodies whose members are paid under the legislation will have a natural lead Department that will drive any process through Tynwald in this regard.



Notwithstanding this, the Treasury will need to formalise where these responsibilities lie for the purpose of the legislation, as this will be necessary in order to implement the new accountability and transparency proposals (i.e. the proposed annual reporting of the costs of these bodies).

The feedback received in respect of proposal 5(iv) was insightful. In particular, it was interesting to note the perception that the payment of attendance allowances by session was also compensating members for additional matters.

Whilst taking on board the perceived shortcomings in the current remuneration model, the underlying reason for the proposal was to provide greater fairness where payments are made. Currently, a member who attends a meeting that lasts 20 minutes is remunerated the same as someone who sits in a meeting for 4 hours.

This issue of fairness would only grow further if factors such as travel time and pre reading were accommodated in the per session payment. For example, one member could attend a 20 minute meeting with minimal travel time and no pre reading. Another could have 10 hours of pre-meeting reading, 1.5 hours of travel time and attendance at a 4 hour meeting. Both members would be paid the same amount for attending a single session.

Although the rationale for retaining the session payment frequency could be challenged, the feedback clearly indicates areas of the remuneration model that are considered inadequate.

In particular, the Treasury needs to further consider –

- Whether any safeguards or minimum payments required in respect of these payments where meetings are likely to be short?
- Whether additional allowances may be required for certain tribunal or departmental body memberships
- The financial impact of the new proposed arrangements on Government expenditure.

### **Conclusion**

Proposals 5(i), 5(ii) and 5(iii) were supported by the vast majority of respondents and the Treasury will proceed to prepare draft legislation incorporating these.

A detailed options assessment will be undertaken in terms of proposal 5(iv) and the conclusion will be reported accordingly.

## Proposal 6: Members of Tynwald

### Proposal 6

- i. The new payments legislation will enable Tynwald, by resolution, to reduce the pay of a suspended Member by up to 100%.
- ii. It is proposed that the new payments legislation will include powers for the Treasury to provide a Resettlement Grant Scheme to Members of Tynwald.
- iii. It is proposed that there shall continue to be a provision to enable the payment of a sum in lieu of expenses to the Lord Bishop, which will be subject to income tax.

### Summary of responses

Respondents were asked whether they agreed with proposals 6(i), 6(ii) and 6(iii).

Responses were as follows -

Option	Proposal 6(i)	Proposal 6(ii)	Proposal 6(iii)
Yes	36	21	18
No	5	11	12
Unsure	2	9	9
No views / Not Answered	10	12	14

Proposal 6(i) was widely supported, with only a small number of supplementary comments being received. It was suggested by a couple of consultees that a process or procedure would need to set out how suspension is handled in the case of Members of Tynwald, as this would provide more details about when pay can be reduced by 100% and what happens to a Members' pay if the suspension rationale is found to be unfounded.

Overall, there was majority support for the proposal 6(ii) to create powers for Treasury to provide a Resettlement Grant Scheme for Tynwald Members under the new payments legislation. Some respondents queried whether Members should be privy to such a scheme in the future and another queried whether payments made under the scheme were subject to income tax.

Proposal 6(iii) elicited the most closely split range of views, although a slight majority supported the proposal.

Of those that supported the proposal, a number suggested that the expenses should however be paid based upon receipted costs incurred by the Bishop in the course of their duties to Tynwald. Some of those against the proposal queried the application of public funds to an unelected official and also challenged the role of Government in paying these expenses in addition to any other prescribed remuneration the Bishop receives from other sources for the fulfilment of their duties as Bishop in the Isle of Man.



### **Treasury response**

In relation to proposal 6(i), some respondents highlighted the fact that the process and procedures concerning when a Member's pay could be reduced by 100% would need to be determined. Indeed, whilst the proposed payments legislation will enable such a variation in a Member's remuneration to happen; it will only be permitted in accordance with the Standing Orders of Tynwald.

Proposal 6(ii) has arisen at a time when many stakeholders will be aware of the need for the existing Resettlement Grant Scheme to be reviewed. Whilst this review is ongoing, and noting the possibility that this Scheme may not be called a Resettlement Grant Scheme in any future iterations, it is considered to be pragmatic to provide a more broad enabling power in the new payments legislation under which the Treasury may provide a Scheme to enable payments to Members upon their going out of office.

The Treasury is comfortable with the continuation of payments in their current manner to the Lord Bishop as set out under proposal 6(ii).

#### **Conclusion**

Overall, elements (i) and (iii) of proposal 6 were supported by the majority of respondents and the Treasury will proceed to prepare draft legislation incorporating these.

Proposal 6(ii) will however be modified slightly to provide the Treasury with broad powers to provide a Scheme to enable payments to Members upon their going out of office.

## Proposal 7: Non-Tynwald Members of Statutory Boards

### Proposal 7

It is proposed that

- (i) a non-executive member of a Statutory Board shall be remunerated for any memberships they hold.
- (ii) where an annual payment is made to a non-Tynwald member of a Statutory Board under the legislation the impact of suspension on pay will be consistent with the arrangements applicable to civil servants in these circumstances except in cases where provided for separately under terms of appointment of the member.

### Summary of responses

Respondents were asked whether they agreed with proposal 7(i) and 7(ii). Responses were as follows:

Option	Proposal 7(i)	Proposal 7(ii)
Yes	35	37
No	7	4
Unsure	5	5
No views/ Not answered	6	7

Responses to proposal 7(i) were largely supportive.

Whilst agreeing in principle with this proposal, it was suggested that the opening up of remuneration in this manner could result in the same people sitting on multiple Board memberships and controls to manage this may be required. It was suggested by one respondent that the advertising of these posts should be reconsidered to ensure a wider range of potential candidates in the Island become aware of the opportunities.

The vast majority of respondents also agreed with proposal 7(ii).

Some interesting feedback was received relating to the performance management of members of Statutory Boards and whether these arrangements were sufficient to enable suspension arrangements to proceed.

### Treasury response

Overall, the two elements of proposal 7 were supported by respondents and the Treasury therefore intends proceeding to prepare legislation incorporating these. The risk identified



as a result of proposal 7(i) requires further thought to ensure an unintended consequence does not arise where a small number of individuals occupy multiple public memberships.

**Conclusion**

Both elements of proposal 7 were supported by the vast majority of respondents and the Treasury will proceed to prepare draft legislation incorporating these.

The Treasury will undertake a further assessment of the risks associated with proposal 7(i) and will look to implement arrangements to mitigate these as appropriate.

## Proposal 8: Members of Tribunals

### Proposal 8

- i. The difference between memberships in tribunals and departmental bodies is recognised and it is proposed that to preserve this distinction, they should be provided for separately under the new payments legislation.
- ii. It is proposed that any chairperson of a tribunal will be able to claim an allowance for preparatory time and report writing going forward.

### Summary of responses

Respondents were asked whether they agreed with proposal 8(i) and 8(ii). Responses were as follows:

Option	Proposal 8(i)	Proposal 8(ii)
Yes	44	47
No	3	2
Unsure	2	0
No views / Not answered	4	4

Proposals 8(i) and 8(ii) were largely supported by respondents.

Additional comments were received in respect of proposal 8(ii) that the arrangements should also enable an acting chair to be eligible for the same payments.

A number of respondents also commented that this proposal omits to compensate members of tribunals for pre-reading, which can often be significant.

In addition, it was highlighted by one respondent that some departmental bodies undertake review/appeal processes akin to those undertaken by Tribunals and that the arrangements for remunerating members of these bodies should be aligned to the arrangements for remunerating members of tribunals (for example, independent review boards or ombudsman).

### Treasury response

Overall, the two elements of proposal 8 were supported by respondents and the Treasury therefore intends proceeding to prepare legislation incorporating these.





**Conclusion**  
Both elements of proposal 8 were supported by the vast majority of respondents and the Treasury will proceed with preparing draft legislation incorporating these.

A detailed options assessment will be undertaken in terms of the range of allowances available to members of tribunals out coming conclusion will be reported accordingly.

## Proposal 9: Members of departmental bodies

### Proposal 9

It is proposed that the new payments legislation will include a provision to pay members of a departmental body an annual payment in lieu of allowances where –

- it can be demonstrated that the body has a regular meeting schedule over the period of a year and that a move to an annual payment system will not increase costs to Government
- adequate governance arrangements, terms, and conditions are in place to manage any performance issues, including pay on suspension.

### Summary of responses

Respondents were asked whether they agreed with proposal 9. Responses were as follows:

Option	Total
Yes	35
No	6
Unsure	3
No views /Not answered	9

The majority of respondents supported proposal 9.

Regardless of whether a respondent supported or objected to the proposal, the matter of the adequacy of performance management arrangements applying to members of departmental bodies was raised a number of times.

### Treasury response

Proposal 9 was supported by the majority of respondents and the Treasury therefore intends to proceed with preparing legislation incorporating this change.

### Conclusion

Proposal 9 was supported by the majority of respondents and the Treasury will proceed to prepare draft legislation incorporating this.



## Proposal 10: Non-Executive Members/advisors (NEDs) to a Departmental Board

### **Proposal 10**

It is proposed that the new legislation should be designed to enable the remuneration of advisory members of Department Boards and sub-committees of the Board, on the same basis as is available to members of departmental bodies.

### **Summary of responses**

Respondents were asked whether they agreed with proposal 10. Responses were as follows:

<b>Option</b>	<b>Total</b>
Yes	30
No	6
Unsure	4
No views / Not Answered	13

A small number of additional comments were received in respect of this proposal. One respondent suggested that these members should be remunerated similarly to other members (i.e. based upon an attendance allowance structure). Another suggested that remuneration should be invoice based.

It was noted by some respondents that not enough information was available in the consultation document to explain the roles of these proposed members. One respondent expressed concerns that the roles could end up occupied by the people who have previous experience or relationships with Government.

### **Treasury response**

It is recognised that the consultation provided only a very high level overview of the function, duties and responsibilities of NEDs. The approach is a reflection of the fact that the proposed legislation will not provide the framework concerning the appointment of these members as those arrangements will be dealt with elsewhere. Instead, the legislation will provide the vires to enable the payment of NEDs within the framework established.

### **Conclusion**

Proposal 10 was supported by the majority of respondents and the Treasury will proceed to prepare draft legislation incorporating this.



## Appendix

### **Proposal 1**

They are part of folk's earnings and may be only one earning stream.
Income is income, and if we, as a nation, agree that Income should be taxed, it should all be taxed in a equitable way.
The application of income tax to such payments may render members above existing tax thresholds and therefore discourage application or continuation for bodies such as a tribunals etc.
If it is felt inappropriate, a substantial increase in the rate will have to be applied to ensure adequate remuneration enough to generate interest in such work.
All income should be taxed.
Provided non Tynwald members are not penalized financially by taxing allowances as they are modest anyway
Provided the amount of the remuneration adequately reflects the value of the work being done, including recognising that a large amount of work of some bodies is inevitably undertaken otherwise than during meetings and, as such, is not currently remunerated, and the rates of payment are subject to regular review, preferably tied to other public sector income payments.
I agree payments should be taxable. However, I disagree that existing members would be able to remain 'untaxed' on this income. If you have truly found "no justification" (as you say in your consultation wording, then that is surely the case whether an existing member or not? As long as the payments are of a market value and not a reduced sum, than taxation is perfectly valid for ALL recipients.
As long as the increase was more way than 20% to cover the tax as the current level of expenses are far too low.
To adopt this approach would seem consistent and therefore reasonable
I have been declaring my Tribunal income and been taxed on it
This is reasonable as long as the payments are adjusted to reflect this change.
There are huge ongoing problems getting advocates to apply to become chairs of Tribunals. The reason always quoted is that the rate of £89.50 per hour is derisory. Advocates can earn anything between twice and six times that amount per hour in the usual course of their work. IF - the hourly rate of £89.50 per hour continues, AND it becomes fully taxed, THEN no advocates would apply to become chairs of Tribunals.
In relation to those Members of Tribunals, the amount already paid has not been updated since 2008. Consequently, I believe taxing it will deter people from wishing to serve as Members of Tribunals since often, the pro-rated amount they receive for reading the papers, preparing, and then attending the Tribunal is well below the minimum working wage.



Yes if all existing remuneration is increased by 20%
Difficult to recruit to tribunals/committees and this may be a disincentive to attract people to serve on these committees
Whilst it seems reasonable on the face, it will amount to an immediate pay cut unless further adjustments are made.
Allowance payments should be discontinued wherever possible and move to the annual salary. This will allow all Boards, Committees etc to be more accountable and will ease the annual forecasting for their respective budgets. These payments were last laid in 2008 so inflation from that year onwards should be used to determine the revised payments.
Taxing the attendance allowance is likely to deter applicants further unless the rate is increased inline with the tax burden.
Income is income
This will be in line with Income Tax Legislation.
I have no objection to the imposition of income tax on annual payments and allowances. However, it has always been my understanding that no income tax was payable based on the fact that the amounts paid were lower than what would normally be expected of such a role. If, in the future, income tax is to be paid on these amounts it is important that the level of remuneration is - ~ increased to cover the tax to be paid; and ~ the amount is reviewed to take account of the current role and responsibilities of the post holder, some of which are out of date and have been for some considerable time.
Many appointments require specific experience and competence to undertake the roles and it is critical that persons fulfilling the criteria are not dissuaded from applying or remaining due to poor levels of remuneration.
If all payments of annual amounts and allowances are to be subject to income tax, then the payment mechanisms would become streamlined and more transparent. This is to be commended.  However, the current system where such payments are declarable but not taxable does provide an allowance "uplift". This "uplift" tries to compensate for the low level of remuneration especially for tribunal chair and members who are medically qualified.  Should payments become taxable on the current level of remuneration then the position of recruitment and retention would inevitably become more difficult. Recruitment and retention is difficult in the tribunal sector where payment is poorly matched or pegged to what can be received in other sectors.
There should be no exemptions. All payments should be subject to income tax.

## **Proposal 2(i)**

I'm nervous about 'automatic pay increases' especially if they are for 'on call services that may be used less often



<p>It is not true to say that members' pay is linked to a Civil Service spine point, as, twenty years ago it was pinned to HEO, and now it's pinned to OS7. if it can rocket up two grades, that's not a "pin"</p>
<p>I think there should be independently approved pay, and we should stop pretending that members' pay is "linked" to anything.</p>
<p>Perhaps all members should share out half the money they save the taxpayer each year?</p>
<p>I accept that a form of standardization is needed, between the various appointments, rates etc. etc. as there is a very wide variety in existence now both in terms of rates, annual payments and what is and isn't paid work often without any obvious justification for the differences, this will need to be carefully considered and amended to ensure adequate, good standard, interest in the positions.</p>
<p>All statutory boards should be paid the same base rate with additional sums for membership of other boards eg pension funds, audit committees etc</p>
<p>It is vital that amounts are known, but also that they have a suitable increase mechanism that is as automatic as possible, i.e. inflation linked / spine point linked / civil service pay increase linked. The allowances situation in the table provided is not at all sensible or sustainable.</p> <p>Good quality applicants will be put off applying due to the archaic pay levels. I recently was interested in a position until I realised the allowance was the same as it was in 2008, and had never increase since that date. That is simply unacceptable.</p>
<p>Declaring a conflict as member of PSC .... it would seem appropriate approach</p>
<p>As a Medical Member of two Tribunals the payments are hopelessly behind the times, to the point where new recruitment is hopeless and those remaining must consider opportunity cost when deciding whether to continue when more remunerative options are available elsewhere.</p>
<p>This should save considerable discussion about what the relevant pay should be and also would enable consistency of remuneration across Departments and Boards</p>
<p>Again in theory subject to the amounts set out.</p>
<p>The members of the Parole Committee are charged with reviewing and appraising complex documents and the flat fee paid does not recognise the difficulty.</p>
<p>Consideration should be given to none political committees when revising the salary to be paid, that the Chair and Vice Chair should be paid a sum commiserate with their added responsibilities and additional meeting they are required to attend.</p>
<p>This could imply that members are receiving the same benefits as Civil Servants. Members are independent, their appointment is not employment and there should be no reference to the pay spine as members are not public employees.</p>
<p>Fee paid work does not fit easily into spine points as fees need to be comparable with similar fees paid in other statutory bodies - such as Section 12 and SOAD fees need to be comparable with English rates across to be competitive.</p>
<p>It is presumed that the starting civil service spine point will be determined by Twywald.</p>
<p>Again, I have not objections to the linking of levels of remuneration to a civil service spine point, however, it is important that the assessment of the spine point takes account of -</p>



<p>~ the potential payment of income tax; and</p> <p>~ the responsibilities of the role being undertaken to ensure that the remuneration is appropriate and not out of date.</p> <p>Situations currently exist which have not been addressed for some years and I have raised my concerns on this point which will hopefully be addressed in the near future.</p> <p>sufficiently up to date to facilitate appropriate recruitment to these bodies.</p> <p>Many appointments require specific experience and competence to undertake the roles and it is critical that persons fulfilling the criteria are not dissuaded from applying or remaining due to poor levels of remuneration.</p>
<p>I am unsure whether persons in the tribunal sections who are legally or medically qualified and with considerable experience should be pegged into the civil service payment spine. Granted there is currently no automatic uplift; such a mechanism is highly recommended. However, will allowances pegged into the civil service payment spine secure recruitment?</p> <p>I believe that the situation for the Social Security Appeals Tribunal and the Mental Health Review Tribunal illustrates my above point. Both tribunals require members who are medically qualified. Currently, both tribunals can call on only two such members when the complement required is five such members. The Appointments Commission regularly advertises to secure a full complement of medically qualified members but without success. The situation is equally difficult for legally qualified chairs.</p>

## **Proposal 2(ii)**

for the reasons stated above
Civil Servants are assessed annually to determine whether they have delivered against measured objectives. Politicians are only assessed every five years; perhaps members' pay should be uplifted every five years then against productivity?
As above.
See response to 2(i)
The failure to increase has led to the Tribunals being close to collapse due to lack of medical members
There are huge ongoing problems getting advocates to apply to become chairs of Tribunals. The reason always quoted is that the rate of £89.50 per hour is derisory. Advocates can earn anything between twice and six times that amount per hour in the usual course of their work. There must be increases in the rate of pay or no advocates will apply to become chairs of Tribunals.
Rates should be reviewed annually and linked to the Consumer Price Index.
Yes – The same should be applied to local authority member allowances to increase annually in line with inflation or the civil service pay increase. Once current allowances are equitable across statutory bodies, then local authorities would be looking to seek parity.
For equity and transparency.



There may be a different payment spine to which legally and medically qualified members can be analogued. Therefore, an automatic payment uplift based on the civil service pay uplifts may not be appropriate.

### **Proposal 2(iii)**

Transparency in this area is paramount
There is nothing to fear from transparency. As business doesn't pay tax, it is literally all taxpayers' money, after all.
As above, save for the sums paid should already be transparent through Governments/Departments budget monitoring mechanisms.
Payments should be reported more frequently
Payments to individuals should be reported not just total cost
I'm astonished Tynwald has no overall information. I come under the "allowances" system, I believe, and these allowances should be linked as described in the other two parts.
The Courts and Tribunals should be fully independent. It is very easy for politicians to jump on a bandwagon to show they are saving money - and allege that payments for Tribunal members and for other items like Legal Aid should be slashed.
How does Treasury control the sums so this isn't uncontrolled expenditure.
As long as this isn't creating work and over bearing bureaucracy
The existing reporting system should be sufficient.
Yes – the Council undertakes a similar exercise to publish Member allowances annually, and for submission to the Department of Infrastructure.
For transparency and accountability
Each body should report its total costs to Tynwald for scrutiny via its annual report or, when an annual reports is not forwarded as in say Tribunals, a separate account needs to be sent to Tynwald.

### **Proposal 3(i)**

There may be an element of 'Turkeys voting for the abolition of Christmas'!
I think another shared mechanism should be found, where one body can review all groups.
This seems sensible
Without knowing the proposed composition of the recommended Tynwald Management Committee, how can we (the public) be sure it is independent and there will be no actual or perceived conflict of interest?
Note - I would certainly hope said committee be comprised of fully independent members.
A separate body of some Members and some lay members needs to have responsibility for overseeing the provision and arrangements for all payments.
this body should prepare an annual report to Tynwald.





## **Proposal 3(ii)**

Perhaps the consultative body is too close to the beneficiaries
I think another shared mechanism should be found where one body can review all groups.
I disagree because I believe Treasury should act as the consultative body in these circumstances, unless and until it appoints another body.
The absence of such a structure has contributed to the catastrophic failure to update remuneration.
Unless I am missing something, why would Treasury hold the discretion to appoint a consultative body for non-members et al, but not members, where surely the potential for conflict of interest is much greater?
Matters left to "the future" have a habit of never being completed. If a reform is to be carried out it should be finalised.
This will enable members of committees to be able to present their views on remuneration levels.
Fully agree
A consultative committee should be appointed but they should not be appointed by Treasury as this is a conflict of interest. Nor should the Appointments Commission undertake this task.
There should be a balance of civil servants and political members to appoint members of a consultative body.
My preference would be that remuneration arrangements affecting non-Tynwald members should be determined by Tynwald Management Committee. This will be less of an issue if Proposal 2 is in place
It is proposed that the new legislation includes a degree of flexibility in terms of a consultative provision relating to non-Tynwald members' levels of remuneration under the legislation. It is proposed that this will enable the appointment of a consultative body for one of these groups of members if a suitable body can be identified in the future.
It is not clear what will happen if a suitable body can not be identified in the future and I believe this requires further clarification.
Is there really a need to introduce yet another overarching consultative body to deal with three disparate bodies? For example, is there some merit in considering housing in a more robust way the tribunal section within the Courts of Justice.
Tribunals operate in a judicial construct where there is advocate representation of the parties involved within a legal framework. Presumably, the Courts of Justice operate with a consultative body to determine remuneration, fees etc.
As above.
There as to be a more open and transparent approach for how this aspect of public money is managed,



### **Proposal 4(i)**

There is a specific issue with these payments in that they are prescribed to cover both parking and traveling (mileage etc.), however they do not do so in practice. As an example a “member” (which includes otherwise unpaid persons) traveling in their car from Onchan to Douglas would receive £2.28, where a morning parking fee alone for such attendance is in the region of £4.30.

I don't think that travel expenses should be paid as it's time consuming & costly to administer for small amounts. It should be part of annual allowances if applicable

I assume that proposed new arrangements would maintain current position whereby members serving on Boards May claim travel expenses but aren't obliged to

The Tribunals use members from the UK. Though the discussion refers to Tynwald, their expenses should also be considered under this.

Members of committees can travel from all corners of the Island so travelling allowance is an important factor for non Tynwald members.

Travel to main place of work should not be paid under any circumstances. This includes to attend statutory board meetings or Tynwald

### **Proposal 4(ii)**

There is a risk the amounts may be spread too far across barely eligible participants who should otherwise be limited

See above.

The needs of travelling tribunal members are likely to be very different from those of Tynwald

Needs to be separated from public service mileage allowance for tribunal members. For example if you come to Douglas to attend a meeting and have to park in a car park the cost of parking in the car park and petrol can out weigh the mileage payment

Far less complicated.

Yes. The travelling allowances also apply to civil servants, however, the payment of local authority members travelling allowance can be paid using either the Local Authority Members (Travelling Allowance) or the Payments of Members Expenses (Travelling Allowances). The Council would support the Government Circular to apply to both local authority members and public servants. Or alternatively, give local authorities more control over the allowances paid, and to facilitate this through Local Government Legislation.

Working men and women have to pay to get to work, why should government workers be any different?

### **Proposal 5(i)**

Treasury is ultimately responsible for the actual paying of members, and it seems reasonable that the Treasury is at least consulted or aware that the particular body in question exists.



I do agree that it should continue to be subject to Tynwald approval (not the laying before process).
A Tynwald approval process is needed, but NOT decentralisation. It needs to be centralised.
Approval in ALL circumstances may be simpler. There is very little real difference so for simplicity why not have all with one method? (approval). In theory, then if you need to amend a name and increase expenditure you could do it all in one statutory document.
Provided it does not compromise independence where that is necessary to exercise its function eg DHSC should not be responsible for setting Tribunal funding.
The problem with having Tribunals and Panels and Schemes run by Departments is that the Department has a vested interest and the Tribunals etc cannot be shown to be completely independent.
Independent committees, such as the Road Transport Licensing Committee, set up under the Road Transport Act 2001, is currently sponsored by DEFA but is not a part of DEFA. How would this work under this proposal.
The current statutory provisions should be fully enforced and retained by Treasury.
Tribunals need to remain as independent from each Department, in every way. Departmental influence on how a particular body operates and /or is remunerated could potentially affect Tribunal decisions and must be avoided at all costs.

## **Proposal 5(ii)**

There's no better body
The system is already problematic; it would be best to retain a level playing field.
Provided adequate review of rates which have not changed for many years are brought in as a matter of urgency. These rates need to be sufficient to generate much greater interest in such work.
Will save any major differences arising between boards if set centrally but input from departments/boards should be sought & additional responsibility taken into account
To do otherwise could have effect of increasing anomalies rather than resolving
Please see my earlier comments in relation to relating patients to relevant civil service spines and payments.
The market rate must be paid for recruitment and retention.
but the amount paid to Members should recognise the contribution they make to the Tribunal process. For example, Members of Tribunals are often former staff who have considerable experience of the workings of the Dept and have a practical level of understanding as opposed to the pure legal contributions who often have no working knowledge e.g. Social Security Tribunal, Mental Health Review Tribunal. This working knowledge can often be influential in the decision-making aspects of the Tribunal.
The remuneration needs to be transparent so that prospective members understand how remuneration is determined.
This is vital to my committee, Road Transport Licensing Committee who are independent. We are sponsored by DEFA for any actions necessary through Tynwald.



<p>Yes, but this should be subject to an annual uprate by Consumer Price Index or similar.</p>
<p>A corporate structure should be employed in which a remuneration committee is established for each statutory board which includes treasury as independent third party but also the chief executive of the board. Remuneration should be based on “value” to the statutory board. Appointment and remuneration should be delegated to the board of the statutory board or tribunal. It will lead to good people, delivering value.</p>
<p>This will ensure fairness, equity, consistency and transparency,</p>
<p>However, this would continue to impose a responsibility on the Treasury to ensure that the amounts paid to members of tribunals and department bodies is kept sufficiently up to date to facilitate appropriate recruitment to these bodies.</p> <p>Many of these appointments require specific experience and competence to undertake the roles and it is critical that persons fulfilling the criteria are not dissuaded from applying or remaining due to poor levels of remuneration.</p>
<p>Setting of rates etc for remuneration needs to be retained by Treasury and subject to an annual report for each individual amounts / costs to Tynwald.</p> <p>There does need to be a levelling out of remuneration for bodies - some members are on monthly honorarium and some on sessional payments but there is no reasonable explanation why some lay members receive more than others for their valuable roles and inputs.</p> <p>Consideration could be given for appointing lay members with some expertise in the ares they scrutinise. It would help some scrutiny bodies if some lay members had actually had front line working experiences in the field of the body concerned and were remunerated on that basis.</p>

### **Proposal 5(iii)**

<p>To make sure there are no 'hangers on'!</p>
<p>Whilst in principal this seems a good idea; I do worry that Tynwald will be called upon to scrutinise bodies which are well understood, potentially of long standing, or somewhat obscure. Industrial Courts of Inquiry are extremely rarely held, and, in my view, quite badly defined, would it be appropriate for a specific Tynwald Scrutiny if one was required? Whilst this seems sensible, I do feel there would be many cases where little value would be added. It might be better if Tynwald had the option to debate the list of appropriate bodies, and thereby actively choose to review a given body, rather than forcing Tynwald to scrutinise each one, and thereby wasting a great deal of Tynwald time and public money?</p>
<p>Consistency is required.</p>
<p>This would be subject to a full resource, financial, public appointment and staffing, impact assessment which would need to take into account any new body that is created.</p>
<p>This will help to protect the integrity of the payments legislation in enabling the appropriate application of public funds. It will also ensure accountability.</p>
<p>That is the function of Tynwald in my view and the Constitution of any body needs to be noted to Tynwald.</p>



The way that some bodies remit and operating procedures should be the matter for the body itself but where it "strays" from its intended structure, purpose or aims and objectives then there needs to be some overview that the body is actually functioning as it should.

Leadership and engagement of members with any body needs to be exempt from Departmental influences Departments in my experience can not fulfil that role and have been found wanting in that respect.

### **Proposal 5(iv)**

But it should ensure there is a 'contribution not just attendance
This is a very very bad idea.
Some bodies are already talking shops; this will incentivise the dragging out of process for the maximum number of hours. I think this is a very short sighted proposal. It's like permitting advocates to go back to charging by the word, it used to lead to more words!
Provided the hourly rate is adequate.
There should still be a minimum amount that can be claimed, if a meeting last an hour but allowing for travel you may be absent from work for two hours, this could put people off applying
I agree with hourly payments, but the minimum should be set at one hour. That would justify the bother of attending and getting there and ready, otherwise it may not be worthwhile attending for a 30 mins meeting, and 30 mins pay.
Keep minimum payments
To attend even a short meeting for myself would require me to travel to Douglas or Jurby Prison, where I may get travel expenses there is no payment for time. I live South do a return journey to Jury Prison is a good 90 min, with Douglas traffic its at least 60. Where as the meeting may sometimes be short, sometimes that is due the to preparation work done for the meeting. I sit on the parole board and each application has around 10 hours preparation time which is unpaid currently, we can have 4 applications per meeting so up to 40 hours preparation for one monthly meeting. Some times that application is held over or pulled for different reasons, but this is often after the prep work has been done. There really needs to be a minimum meeting payment then an hourly rate on top for the length of the meeting and reasonable preparation time
There is a danger of replacing one unfairness with another I a member attends a meeting of one hour duration and quite separate to travel costs ot may be that the travel time to and from meeting is greater than the minimum meeting duration payment vut would not be recognised
This will only work if preparation time for meetings is also included. This includes things like reading voluminous patient notes which can take hours.
Minimum payment is some compensation for otherwise unpaid time preparing for meetings and subsequent report writing etc



<p>Agree in principle, but in terms of say additional travel time to a meeting which would then not be remunerated, there could perhaps be 30 minutes added to the attendance time at each meeting on top of the actual time cost to reflect travel time.</p>
<p>PROVIDING - The hourly rate for chairs is considerably increased.</p>
<p>Depending on what the hourly rate is set at, for those Tribunals and Departmental bodies whose meetings are short, people may be deterred from applying. It may be more appropriate to have a reduced rate irrespective of the duration, say £50, and then an hourly rate. For example, most of the meetings are in the Douglas area, for someone living in the far north or south, to come to Douglas, try and find car parking and then be paid £25 (for example) for a 1-hour meeting is unlikely to be attractive to applicants who are also required to spend half a day (unpaid) for preparing for the meeting.</p>
<p>As a member of the Parole Committee I have background reading of approximately 500 pages per applicant. An average of 2-3 applicants per meeting means payment of £78.00 covers all this reading. Where a meeting lasts one hour the £78.00 is still a token for the time taken in preparation. If the intention is to remunerate for preparation that raises a different question as to whether that then makes the membership of the Parole Committee an attractive "earner" rather than a matter of good citizenship.</p>
<p>All payments should be moved towards a salary based remuneration. Where this is not possible the session payment should be retained. Where is the hourly payment to begin, when they leave their home to travel to the meeting or when they get there. There is also the travel back home after the meeting. Is this time included in the hourly payment as well. This could, for those living in the North of the Island or those in the South, be significant. Therefore the minimum payment is for an hour, or part thereof, will add at least 2 hours to the claim. Keep it simple and leave the session payments as they stand.</p>
<p>An hourly rate implies employment and will create longer meetings and additional work for secretaries. It also doesn't consider the lack of preparation time, which there needs to be an allowance for.</p>
<p>No view, this is not applicable to the Council. Local authority members are paid in line with the Local Government (Members' Attendance Allowances) Order 2013 which is based on an hourly rate. The Council would support local authorities having more control over the allowances paid, and to facilitate this through Local Government Legislation.</p>
<p>But should include allowance for preparation and ad hoc attendance for additional matters</p>
<p>Payment by the hour is cumbersome and adds administration to calculating sums due</p>
<p>Attending a one hour meeting will require a commitment of more than one hour i.e. travel to/from such meetings so that may need to be considered.</p>
<p>My serving as a committee member is not for monetary reward because what I'm paid by attending a meeting is far less than my normal hourly rate or the payment per session. There are arguments for and against the proposal. On balance, my preference will be to retain payment by session.</p>
<p>I am not in favour of this approach as it does not appear to take account of preparation for the meeting which would take place outside the meeting (unless it is envisaged that this would be allowed) and also it does not take account of the time spent travelling to and from the meeting.</p>

<p>For example if it took 40 minutes to travel from the north of the Island to Douglas (and back again) and the meeting lasted only 30 minutes, the member would only be eligible to seek remuneration for 30 minutes but had spent 30 minutes preparing for the meeting plus 30 minutes at the meeting and 1 hour 20 minutes travelling to and from the meeting - a total of 2 hours 20 minutes on the meeting over all.</p>
<p>I believe it would be fairer to have an hourly rate but with a minimum level of at least 2 hours as payment purely on an hourly basis would act as a disincentive to apply for and remain in such roles.</p>
<p>However, this proposal only references 'attendance at a meeting' without any apparent consideration to the time spent pre-reading sometimes quite substantial amounts of material to facilitate such attendance. Is there any merit in or basis for assessing payment for such pre-reading? In the absence of this is there a potential that this proposed change might negatively affect future recruitment?</p>
<p>Some committee meetings in my experience are rushed and pushed to finish as soon as possible, especially if taken outside the normal working hours. Where this happens aside without the honorarium system then hourly rate should apply.</p>
<p>Tribunals normally take place only during the working day so the 4 hourly session payment should remain and takes into account travelling time and reading material costs.</p>

## **Proposal 6(i)**

<p>This represents a fundamental attack on democracy and minority rights in the Isle of Man by transferring power from the public to politicians. It is not up to politicians to have the option to sack other politicians: it is up to the public to do so.</p>
<p>We pay politicians to ensure that membership of Tynwald is open to all classes, and not only to the rich. Making the pay of Tynwald members dependent upon the approval of their peers represents an attack on this simple principle. It risks giving the power to the majority of Tynwald to financially control minority members, which undermines the ability of Tynwald minorities to properly scrutinise, criticise and hold the majority to account.</p>
<p>It is easy to imagine a Government critic being suspended by a Government which holds a majority in Tynwald, having their pay suspended, and therefore needing to obtain alternative work. This might not be much of a penalty or risk to some of the wealthy members of Club Tynwald, but it would represent an unfair and unreasonable risk to members without such personal wealth. They would need to temper their criticisms and conduct to avoid attracting the wrath of the majority.</p>
<p>Turkeys don't vote for Christmas. It should either be set out as part of the suspension process, or dropped altogether. This will be touted as a toughening of the rules, but it will never be applied.</p>
<p>He's already being paid as the Bishop</p>

## **Proposal 6(ii)**

On an island this size I do not understand why a resettlement grant would need to be paid?
It would be good to know which body currently administers the re-settlement grant scheme, and whether any changes to the current arrangements are planned, to ensure the move to Treasury is appropriate.
It is just employment. Employees do not get payments after employment finishes
Assuming that the Resettlement Grant Scheme for Members of Tynwald currently made available under the Financial Provisions and Currency Act 2011 is to continue, the information and proposal are silent on whether the payments would be subject to income tax. Given the other proposals in this consultation, I t believe that there is a rationale for levying income tax on this income.

## **Proposal 6(iii)**

Depends whether Lord Bishop continues to participate in Tynwald
This seems sensible; but it depends when "time to time" is?
He is already paid for his job,he is unelected-imposed really -no fee should be given
There is no place for religion or religion based representation in this environment.
The role is unelected and exclusionary as no other official of another religion is afforded the same opportunity. Additionally, they perform a function for which they are already remunerated by the church and so should not be able to claim further monies from the Manx public purse.
There should be an automatic uplift. I'm no fan of the church, but I am a believer in fairness. All sums should have an auto increase mechanism for fairness.
Why can't the Bishop just claim expenses?
There should be an initial 20% increase to cover the tax so the Bishop isn't worse off as I am sure there are a lot of actual expenses within his role.
I'm unconvinced of the rationale for a payment in lieu of expenses to the Lord Bishop - surely it would be more sensible to apply a standard expenses reclaim policy to all eligible individuals.
He is already being paid
Yes subject to tax but more fundamentally what is he paid for? The lord bishop should concern himself with matters of the church not politics
Who is the Bishop of Sodor and Mann employed by ? Church of England appointment so is he / she subject to UK or Isle of Man tax?

## **Proposal 7(i)**

There's a risk groups grow for the wrong reasons
There is already a revolving door for the "in-crowd". I think one payment is quite sufficient, if the individual genuinely believes in public service.
It's not fair that those who undertake responsibility if 2 boards should only be paid for 2 & it has certainly dissuaded me from applying





<p>This is vital. For a non-exec member of a statutory board not to be allowed to have other appointments paid is very negative and will result in some bodies not being able to be appropriately staffed.</p>
<p>Limited to pay for one membership only is good</p>
<p>Again draw attention to my possibly perceived conflict as member of PSC</p>
<p>Agree with the policy in principle, but it potentially results in the risk of over-awarding of non-executive positions on the basis of patronage.</p>
<p>Fully agree</p>
<p>The limitation of remuneration to membership of one Statutory Board undoubtedly restricts experienced and competent persons from seeking appointments to other Statutory Boards thus limiting the pool from which a selection may be made. I fully support the removal of this restriction.</p>

### **Proposal 7(ii)**

<p>These people are not civil servants. Whilst this consultation deals with pay, it fails to take into account the raft of other measures in place to deal with performance in the Civil Service, and which are broadly not in place for the people in receipt of these payments. These people are not analogous to civil servants in any other way. If they're not doing the work, the payment should cease, it's as simple as that.</p>
<p>If suspension of a non-stutory board member is considered, they should just be removed from the board</p>
<p>If you follow civil service procedures it is very rare that anyone suspended would not be paid whilst on suspension, the withholding of pay would only be done in very rare circumstances</p>
<p>Fully agree</p>

### **Proposal 8(i)**

<p>Tynwald should decide a single hourly rate for joining a committee or tribunal</p>
<p>However skills in relation to criteria for membership need to be benchmarked as discussed previously eg by reference to spine points</p>
<p>The time that all members take in preparation of say one hour should be recognised and added to the four hourly per session proposal.</p>
<p>The chair of the tribunal though should have time for report writing taken into account.</p>

### **Proposal 8(ii)**

<p>This is an important element of the role and often largely ignored</p>
<p>Often the drafting time takes far longer than the connected hearing/meeting. This provision should probably be extended to a broad range of other bodies too.</p>



<p>There is a specific anomaly which exists and which it appears will continue to exist in this proposal. Whilst it is accepted that a Chairpersons preparation (including decision writing time), will be different to that of a member, the current arrangements take no account of the often significant required preparation time of members. Members are often provided with significant documents, bundles etc. which they are required to read and be able to comment upon at meetings, yet no payment is due for this. In one recent example alone, over a period of months during which very significant (in size, complexity and importance) documents were provided to a Tribunal, the (monthly) Tribunal sat 3 times rendering payments due of around £240, it is estimated that the time spent overall on this was around 24 hours, giving an effective hourly rate of £10 per hour!</p>
<p>Fixed amount allowance only</p>
<p>it should also cover the acting chair in case the chair person is not available</p>
<p>However, in the mental health and social services review tribunals all members have significant advance work that needs to be remunerated</p>
<p>but a lesser allowance should also be paid to Members to read and prepare as some Tribunal papers e.g. Mental Health, often run to 150 pages + of detailed material from numerous sources and often can take half a day to read, digest and prepare for the Tribunal. This activity is included in the current £78 attendance allowance.</p>
<p>This should be applied not just to tribunals but to to bodies which carry out similar functions such as as Independent Review Boards and the Health and Social Care Ombudsman. These require detailed investigations and in some cases vast amounts of reading in order to consider complaints brought before the body.</p>
<p>Fully agree</p>
<p>An allowance should be provided to members of Tribunals for preparation and reviewing decisions as well as the Chair. Members are providing a public services there are not public servant appointments. In order to encourage the public to put their names forward payments therefore need to be attractive and regularly updated.</p>
<p>Yes. The same should also apply to local authority members who need to prepare ahead of meetings.</p>
<p>There needs to be a maximum time set for this based on previous years experience of this being undertaken - this may have to vary from one type of tribunal to another</p>
<p>However, whilst a chairperson undoubtedly devotes more time to preparatory and report writing functions, this proposal appears to overlook that members also make such a contribution, albeit to a lesser degree.</p>
<p>Unnecessary if the legislation is correctly drafted and explained. It should not be difficult.</p>

## **Proposal 9**

<p>Providing it doesn't reduce the frequency of meetings</p>
<p>It may seem "logical and reasonable"; but if it ain't broke, don't fix it. The mechanism for paying expenses is well established, and should continue. This will quickly resolve the lack of requirement for suspension provision. If they're not there, they don't get paid.</p>



<p>This would better reflect the fact that substantial work is often undertaken outside of meetings, particularly by the Chair/Vice Chair, which is currently unremunerated. Whilst there is usually a public service ethos present on the part of those seeking appointment to such roles, the concept of service being its own reward is not a fair basis for the delivery of often complex roles. The remuneration provisions should reflect the additional responsibilities of the body's Chair &amp; Vice Chair.</p>
<p>Payment should be for attendance only</p>
<p>any movement to annual payment must include preparation time for members where there is a lot of preparation for each meeting.</p>
<p>This sound uncontrollable and unlikely any governance would be sufficient.</p>
<p>This should be extended to the Road Transport Licensing Committee who are an independent committee set up under the Road Transport Act 2001 and who are not a departmental committee. Consideration should be given to the annual payment to the Chair and Vice Chair who have more meeting to attend than other committee members, more preparatory time for full meetings and more home working time.</p>
<p>The Commission do not feel it is appropriate for public service appointments e.g. Tribunals</p>
<p>Payments should be made to reflect effort. In no circumstances should anyone paid one salary be also paid an additional amount for attending anything. Double dipping should never be allowed.</p>
<p>Why should they be paid allowances for doing their job?</p>
<p>There are already Departmental bodies that are paid by honorarium split into monthly payments which are not to my knowledge published. These bodies can experience fluctuations in membership and communications about starters and leavers can create difficulties.</p>
<p>This scheme should be revised and be applicable to all.</p>

## **Proposal 10**

<p>given that advisory members are used sparingly</p>
<p>This will effectively allow the tax payer to fund the chumocracy. There are already far too many hangers-on paid on the say-so of their mates at the top. If they're genuinely committed, they'll make time, and if they're genuinely bringing in value, means will be found to regularise the position.</p>
<p>There is not enough information provided in the consultation document to provide a reasoned response.</p>
<p>Those providing advisory services should submit an invoice</p>
<p>Surely advisory members should only be remunerated on the same basis as other members if attending on the same basis / at the same frequency?</p>
<p>In my experience I have seen some committees that in my view have been dysfunctional at times and pursued and become involved in activities not entirely commensurate with the objectives of that committee. Some committees are now no longer needed due to organisation changes.</p>



Tynwald need to review the need for certain committees and bodies it now has to establish value for money and ensure the network of advisory and scrutiny bodies, committees and tribunals ensures independence from political and personal influences, particularly if the rates of payment are going to be increased and assigned to separate Departments. It would eliminate the 'jobs for the boys' criticism so offers heard when appointments are made to some bodies.

In addition, this survey could have been much better presented with less confusing management speak language and clearer explanations of the some of the facts / costs already in play.