

Commonwealth Parliamentary Association - Technical Assistance Programme

Activity 3.

**GOVERNANCE, ORGANISATIONAL AND ADMINISTRATIVE REVIEW OF THE
ANGUILLA HOUSE OF ASSEMBLY**

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INTRODUCTION

The following report has been commissioned by the Anguilla House of Assembly to review the current governance and administrative arrangements of the Legislature. Accompanying this report will be a separate implementation plan which will break down key steps for reform based on the desired approach the House and Government wish to pursue in the following months and years.

This report utilises the outcomes from the CPA Recommended Benchmarks for Democratic Legislatures Report of 2020¹, a review of key documents and processes, and importantly through in-depth consultation with the senior leadership of the House, including the Reform Committee, broader Members of the House, staff of the House, the Government of Anguilla, former Members of the House and members of civil society. Between 31 August and 9 September, the CPA Headquarters Secretariat deployed two technical advisors, Matthew Salik and Lydia Buchanan to Anguilla. This project forms part of a broader agenda for reform by the House in partnership with the CPA.

The authors have taken into consideration a number of key principles in the development of this report and the associated recommendations. Firstly, it is important to note the size of the jurisdiction in terms of the House of Assembly. Anguilla is one of the smallest legislatures in the Commonwealth which is reflective to the size of the jurisdiction. As such, it hasn't seemed sensible or appropriate to propose large-scale changes to the services and functioning of the administration of the House. Anguilla is also a UK Overseas Territory which effects the nature of governance on the Island, the role of the Governor and powers resting with the UK Government. It has also been essential to consider the short to medium-term the financial constraints experienced in Anguilla emanating from the post-hurricane reconstruction, the COVID-19 global pandemic and the budgetary funds available for governance relating spending. Additionally, the general political will to reform governance and administrative arrangements within the Assembly which might have broader repercussions for other government offices. There is also the ongoing constitutional reform process taking place in Anguilla and consideration has also been given to how future reforms of the House should be incorporated into that agenda. As such, this report hopes to be realistic in its proposals whilst attempting to be as aspirational as possible. The objective has been to ensure the House of the Assembly can perform to the highest standards as possible, meet international and regional best practice which is in line with the current, medium-term and long-term needs of Members of the House and the people of Anguilla.

Acknowledgements

The CPA Headquarters Secretariat express its thanks to Hon. Barbara Webster-Bourne, Speaker of the House, Mr Lenox J. Proctor, Clerk of the House and his team for their time and dedication in supporting the development of this report. Gratitude is also extended to all those who took the time to meet with the technicians and provide information which aided enormously in the production of this report.

¹ <https://www.cpahq.org/media/kegluspl/anguilla-benchmarks-report-2020.pdf>

EXECUTIVE SUMMARY

The House of Assembly should be praised for its continuing commitment to take forward the recommendations emanating from the Benchmark Assessment report and should be proud of the achievements made thus far. It clearly demonstrates to the people of Anguilla the importance and value Members of the House and the wider government place on the House of Assembly as a key democratic institution within Anguilla.

The Mission Statement of the House of Assembly is *“to identify, debate and legislate issues of importance to the people of Anguilla; to hold the Executive accountable by providing effective oversight, promoting public engagement, openness and transparency of national decision-making processes”*. The Mission of the House is well defined, inspirational and aspirational. Universally, it is an absolute that the primary purpose of a legislature is to provide a service to Members which enable them to legislate, scrutinise and hold the executive to account whilst representing their constituents/community. However, the House of Assembly as it currently stands is only partially able to fulfil these institutional mandates.

This report is not intended to reinvent the wheel when it comes to identifying the needs and wants of the House of Assembly, and equally valuable, those who interact with the House on a day-to-day basis. A great deal of the observations that have been made in the formulating of this report were the same as those identified during the Benchmark Assessment. But with the impact and challenges brought about by COVID-19, and more recently, the issues raised during the GST debates, the House has been placed in a more critical spotlight.

Clearly there remains concerns around the scrutiny, legislative and representational functions of the House. This report attempts to present reasonable and realistic approaches that should and can be taken. These proposals include increasing the powers of the House to self-determine its financial and administrative functions; increasing the staffing composition of the House; and equally important, encouraging the Government to view the House as an institution which can support the government’s agenda rather than be a frustrating hurdle to overcome. At the heart of the issues effecting the House are those around the public’s negative and insufficient perception and awareness of what the House is, does and its overall value to society. The House must educate and champion what it does and what Members do, proactively. The people can then support and advocate for the rights and privileges of the House rather than question, or worse, ignore the House altogether. In the long-term, ensuring the people can feel a sense of ownership of the House will bear fruits for the governance of the Island. Finally, alongside these proposed changes, there must be a greater level of leadership and ownership of the House by its Members. For too long there was a traditional perception that it was the Clerk’s problem. But the House must establish a leadership body which will manage, guide, and direct the affairs of the House. Considerable progress has been made on this, but much more is needed.

LIST OF RECOMMENDATIONS FOR REFORM

Recommendation 1 – In line with the Benchmarks recommendations, the House of Assembly should pursue a course of greater independence from the executive as soon as possible.

Recommendation 2 – The House’s interests should be better represented within the Executive Council by having a designated member of the government allocated to the role as opposed to the Deputy Governor.

Recommendation 3 – The newly established Administration Committee should be constituted as soon as possible to review the findings of this report, as well as pursue the recommendations proposed.

Recommendation 4 – Utilising the CPA Model Law as a template, a Bill should be drafted to establish a corporate body for the House ensuring greater autonomy and independence.

Recommendation 5 - The House should lead a process of constitutional reform consultation to ensure the Parliamentary Service Commission as the corporate body is enshrined in the Constitution of Anguilla alongside other related reforms.

Recommendation 6 – Consideration should be given to renaming the House of Assembly to the Parliament of Anguilla once recommendations 4 and 5 have been implemented.

Recommendation 7 – To aid in the move to greater autonomy, the House should work with relevant government departments and the judiciary to ascertain the full extent of shared services and identify an accurate assessment of the cost of such services.

Recommendation 8 – The House must develop robust policies, practices and procedures around corporate governance.

Recommendation 9 – All Members of the House must be actively engaged in determining and approving the budget of the House.

Recommendation 10 – The Clerk of the House should be made an Accounting Officer with all related privileges and responsibilities.

Recommendation 11 – The Government of Anguilla must be willing to allocate a greater level of funding to the House of Assembly to bring it in line with regional and domestic comparative institutions.

Recommendation 12 – An independent body should be established to determine Members Pay, Remuneration and potentially a Constituency Development Fund.

Recommendation 13 – The House must proactively educate and engage the public on what Members of the House do and why they should be paid an adequate amount.

Recommendation 14 – The House must be more financially autonomous and such a process should commence as soon as possible. The House should continue to work in tandem with related departments and ministries to implement related changes in an efficient and coordinated fashion.

Recommendation 15 – The House should undertake a cost-benefit analysis of raising and generating additional income and should proactively engage with potential partners to identify such funding streams.

Recommendation 16 – The Government should take steps to ensure the House and the public have an increased awareness of the legislative agenda and timetable over the course of its term in office. The National Address by the Premier will be an ideal opportunity to implement this recommendation.

Recommendation 17 – The House should appoint a Clerk of Bills to strengthen its support to Members to improve their legislative functions and more importantly have greater ownership of the laws of Anguilla.

Recommendation 18 – There should be additional opportunities for public input into laws through the Committee Stage of the House. Which will alleviate pressures at the pre-legislative stage for the government, the House and wider engaged stakeholders.

Recommendation 19 – The House must increase its capacity to provide research for Members. This can be best achieved by the appointment of a designated researcher who will have the expertise and knowledge to provide briefings on related House business.

Recommendation 20 – The House should establish partnerships with research and academic institutions and consider building up a digital repository for Members to access.

Recommendation 21 – The House must have a clearer strategy to conduct outreach, engagement, and educational activities with the public. This can be best achieved by the appointment of a designated officer who will have the expertise to produce and organise related outputs.

Recommendation 22 – The House must improve its provision of the Official Record of House proceedings and must do so in a timely fashion.

Recommendation 23 – The House should create a YouTube site and upload all former live-streamed and future House sittings. The YouTube site link should be embedded into the House webpage and eventually the House website.

Recommendation 24 – The House must have a standalone website developed at the earliest juncture. The House should work with the DITES in its development and the House must have the capability to manage its own content on the site.

Recommendation 25 – The House should develop freedom of information, data protection and data retention policies.

Recommendation 26 – Staff of the House should have a clear process for undertaking performance reviews and the training of staff should be key to this process. When determining its budget, the House should ensure adequate funding is set aside for training and importantly legacy planning.

Recommendation 27 – The House requires more space to meet current and future needs. The House must assert greater control of the precinct which it occupies, and the government should support the House in providing additional space where available.

Recommendation 28 – A review of the House’s security measures (both physical and cyber) should be undertaken as part of a broader risk assessment.

PART 1 - GOVERNANCE OF THE HOUSE

The definition of governance with reference to this report relates to way the House of Assembly of Anguilla is effectively led, supervised and managed to ensure its integrity and functions as well as to enable more open and rigorous procedures and ensure compliance with the legal and constitutional framework. Governance is more than just about who is in charge and what powers they have. Characteristics of 'good' governance should consider performance management, risk and financial controls, diversity and inclusion, health, safety and wellbeing, learning and development, operational provisions, and beyond. Good governance, both in a parliamentary, but also corporate governance sense should comprise of robust policies, effective practices, rigorous people management and a strong stakeholder focus. Perception is also an important factor, especially for institutions like legislatures. How do the public view the Assembly? How much trust and faith do the public have in it and those that work within its walls?

In the Summary of the 2020 CPA Benchmarks Assessment of the Anguilla House of Assembly it stated.

"...The Assembly remains handicapped by its limited access to financial and administrative resources, outdated Standing Orders, poor public engagement and little to no transparency or independence. The existing parliamentary services are wholly inadequate to meet current or future requirements..."²

This report primarily stems for the above statement and is ultimately an underlying factor for the institutional weakness of the House. Namely its lack of independence and its inability to determine and control its finances and administration. For the House to succeed, it must increase this control.

Independence and Governance

Traditionally, constitutions are designed to ensure a vibrant separation of powers between the executive, the judiciary and legislature. As such, the legislature in governing and self-determining its powers, functions and privileges does not impinge, dominate, or undermine the other branches of government. In the case of Anguilla, both in theory and in practice the legislature is not self-governed and lacks independence from the executive. There are several actors across the government of Anguilla who have a disproportionate control over the legislature's governance and functions. As the illustration below demonstrates, according to the Latimer House Principles³ there will inevitably be some overlap between the three branches of government. However, in the Anguilla context, there is a disproportionately large degree of control of the Assembly. Such control takes the following forms:

1. The Budget of the House is primarily determined by the Government and not the House
2. The Public Service Commission recruits, appoints, manages the staff of the House
3. The Deputy Governor and Attorney-General are Members of the House with voting rights
4. (Although these are typical characteristics of legislatures) there is a disproportionately high number of government ministers in the House – see illustration below.
5. The House does not control or own the precincts of the House (which it shares with the Magistrates and High Courts), and which are properties of the Crown.

² Anguilla, CPA Benchmarks Final Report, page i.

³ Latimer House Principle on the Separation of Powers.

<https://www.cpahq.org/media/dhfajkpg/commonwealth-latimer-principles-web-version.pdf>

Illustration 1 - Typical example of governance overlaps in terms of the separation of powers between the three branches of government.

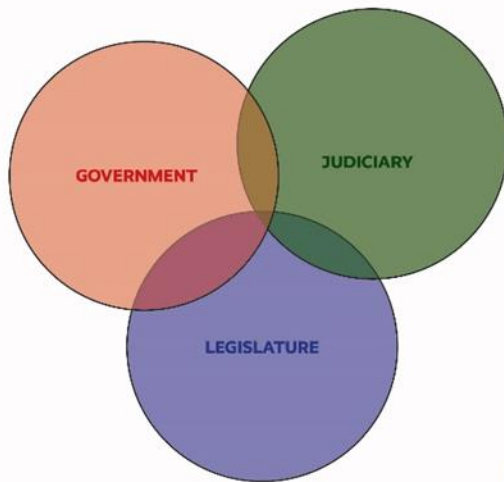
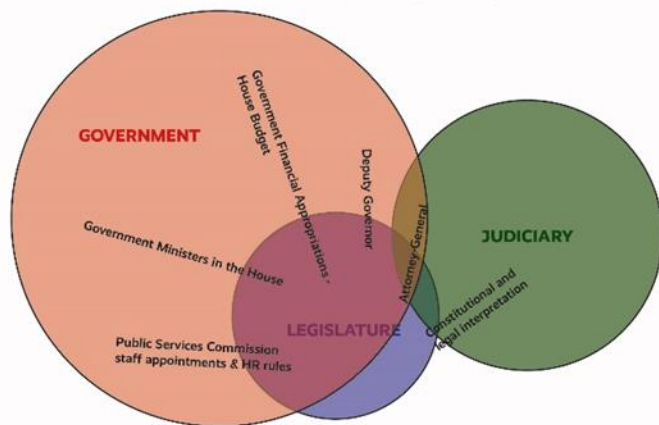


Illustration 2 - Depiction of Anguilla's governance overlaps and where the overlaps derive from in terms of actors, powers and processes.



The result of this dominance of the executive within the Assembly may give the perception by many within the House and general public that the House is simply a rubberstamp of the executive, both in terms of its business and in its governance. In discussions with stakeholders there was a clear desire to see the House become more independent. There was also a positive commitment, within certain perimeters to ensure this could happen in the short term

Why does this matter? As stipulated in the CPA's recent publication, Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures

Many Parliaments, both large and small will not be able to rigorously scrutinise the Executive, ensure that all legislation passed is of the highest quality or provide Members with sufficient support to aid their constituents and communities. These weaknesses, frequently if not solely, derive from Parliament's inability to access adequate financial resources, to have independent oversight of the administration and governance of Parliament and to access impartial, secure and high-quality human resources. It is argued that the root cause of these failures stems from Parliament's lack of independence from the Executive who, either wilfully or through sheer neglect, stifle the democratic process by failing to allow Parliaments the freedom and support they need to participate equally with the other branches of government (namely the Judiciary and the Executive).⁴

⁴ https://www.cpahq.org/media/usdnwccp/model-law-for-independent-parliaments_final.pdf

Recommendation 1 – In line with the Benchmarks recommendations, the House of Assembly should pursue a course of greater independence from the executive as soon as possible.

In practical terms, the House is informally governed by the Speaker of the House on the advice of the Clerk with broader consultation with Members and the Government. The Clerk, as well as reporting to the Speaker, is technically employed by the Department of Public Administration and must formally report to the Permanent Secretary (although this is a light-touch supervisory role). Internally the House has no other senior management or internal management board or committee, due in part to its size. All staff of the House formally report directly to the Clerk.

In terms of representation or ‘voice’ of the House in the Executive Council, that role is taken by the Deputy Governor. However, the focus of his role is primarily administrative as opposed to political. The Speaker of the House is elected by the House but is not an elected Member. The Speaker has no formal role within the executive. Arguably, by not having an elected representative as Speaker, this hinders the Speaker’s influence in pushing for reforms and accessing resources. In many jurisdictions there might be a political voice in Cabinet/Council representing the House or the government’s role within the House. For example, a Leader of the House/Business Manager/Parliamentary Secretary. In Anguilla, that role is held by the Premier as Leader of Government Business. Nevertheless, consideration should be given to having the Parliamentary Secretary take on this responsibility instead. It could be argued that as Premier and Minister of Finance, the support to the House may not be a priority. It also demonstrates too much executive influence over the House. This will be doubly important should the House become more administratively independent, and the Deputy Governor will inevitably have less responsibility for the parliament service.

Recommendation 2 – The House’s interests should be better represented within the Executive Council by having a designated member of the government allocated to the role as opposed to the Deputy Governor.

Following the reform of the House’s rules of procedure, in 2021, steps were taken to ensure the House had better internal controls through a new Administration Committee:

Administration Committee

80. (1) There shall be a Standing Committee of the Assembly to be known as the Administration Committee to consider the services provided for and by the Assembly and to make recommendations on those services to the Clerk and Speaker.

(2) The Administration Committee shall consist of not less than three nor more than five Members of the Assembly, drawn from both sides of the Assembly whose appointment to the Committee shall be moved subject to the Approval of the Assembly.

(3) The Speaker shall be the Chair of this Committee.

(4) Where the implementation of a recommendation by the Administration Committee would incur additional expenditure, such recommendation shall also be considered by the Public Accounts Committee.⁵

⁵ House of Assembly (Procedure) Rules, 2021

As the Administration Committee has yet to be convened, this report will not comment on its effectiveness. Nevertheless, the Administration Committee's first consideration when it is convened, which should be at the earliest juncture, is to determine how it will interact with the current Reform Committee and who will take forward the outcomes from this report. Thought should be given to subsuming the Reform Committee and some of its most engaged and active members into the Administration Committee.

Recommendation 3 – The newly established Administration Committee should be constituted as soon as possible to review the findings of this report, as well as pursue the recommendations proposed.

The Administration Committee does not subsume responsibility for the House Service, as it can only make recommendations not implement or enforce its policies. Whereas the establishment of the Administration Committee is a landmark development which should be viewed with considerable pride by the House, in the short term, the Committee should be placed on a stronger legislative footing to strengthen and broaden its powers. In the medium-term such a body should be placed on a constitutional footing. A Parliamentary Service Commission should replace the Administration Committee as a corporate body. Such a Commission would importantly put the Assembly on a par with the Judiciary in terms of the Judicial Service Commission. But whereas the Judicial Service Commission is primarily an appointment-making body, the Parliamentary Service Commission would have broader powers to govern the House of Assembly. Inevitably, this would require an additional amendment within the Constitution of Anguilla.

An important justification for such a constitutional move can be demonstrated by the now mothballed Finance Committee of the House of Assembly. Being simply established in the Rules of the House increases the risk of the Administration Committee being terminated by future governments placing the House in a vulnerable position. A constitutionally enshrined body will be harder to dismiss or weaken.

In terms of the make-up of the Committee/Commission, based on the current composition of the House, it should be made up of the Speaker (as the Chairperson), two members of the governing party, ideally the Deputy Speaker and a Minister who can speak for the House in Executive Council, a member of the opposition and a lay member of the public who can provide financial/legal advice to the House but not the Deputy Governor or Attorney General. The latter position will have the benefit of opening up the internal workings of the House to public engagement and scrutiny and assist with freeing up other Member's time. A former Member of Parliament with no formal political affiliations might be an ideal applicant. The House should refer to the CPA Handbook on Lay Members for Commonwealth Parliaments to provide detailed information on a way forward⁶.

As with any proposed changes to the Constitution, a consultation with a broad cross-section of the Anguillan population should be undertaken at this juncture to explain what the characteristics of the change may be and the broader and long-term ramifications of such a change. The House should lead on this consultation, but should include the relevant Minister responsible for constitutional changes. As well as ensuring public buy-in, it can also increase the public's awareness on what the House does and should do.

⁶ https://www.cpahq.org/media/rkddrwrk/cpa-handbook-on-lay-members_final.pdf

At the earliest opportunity, the new Administration Committee should consider this proposal with reference to the CPA Model Law on Independent Parliaments⁷ when determining the composition, scope and powers of such a Commission. To guarantee the Assembly is functioning at a level equal to other legislatures, any such legislative framework governing the Commission should ensure it includes at a minimum the following:

- Composition of the Commission
- Independence of the House
- Powers to employ staff and creation of a ‘parliamentary service’
- Recruitment process of the Clerk of the House
- Financial Independence (see following sections)

It has been noted by most stakeholders that the improved performance of the House over recent years has been down to the exceptional performance of the Clerk of the House and longer serving staff. It is positive to note that key decision-makers have improved the size of the House service and increased remuneration for high-performing staff. However senior leaders should be wary of the risks of losing such staff. As it currently stands, the Clerk and other staff can be transferred to other areas of the public service without approval by the House. Therefore, by having a House Service which employs and contracts its own staff, the risk of losing valuable members of the House service will be lessened.

Finally, should such reforms occur as outlined above, consideration should be given to changing the legislature’s name from the House of Assembly to the Parliament of Anguilla. And by extension Members of the House of Assembly (MHA) to Members of Parliament (MP). This would follow the same change that has recently occurred in the Cayman Islands. This will go some considerable way to enhancing the status of the House across the Island and making it clearer in the public’s consciousness that the House isn’t the court.

Recommendation 4 – Utilising the CPA Model Law as a template, a Bill should be drafted to establish a corporate body for the House ensuring greater autonomy and independence.

Recommendation 5 - The House should lead a process of constitutional reform consultation to ensure the Parliamentary Service Commission as the corporate body is enshrined in the Constitution of Anguilla alongside other related reforms.

Recommendation 6 – Consideration should be given to renaming the House of Assembly to the Parliament of Anguilla once recommendations 4 and 5 have been implemented.

Governance and Corporate Services

By increasing the autonomy of the House in its governance practices, many of the decisions and subsequent policy provisions and implementation requirements will necessitate a resource shift from the executive to the legislature. For example, should the House have the power to hire and fire, so too will it need to put in place HR policies and procedures. Services that were performed by the public service may now be carried out by the House.

A practical, gradual and realistic approach should be taken when considering the scope of independence from the wider government and judiciary when it comes to shared services. As

⁷ https://www.cpahq.org/media/usdnwccp/model-law-for-independent-parliaments_final.pdf

mentioned below, the House uses IT, financial services, security and infrastructure services provided by the Government of Anguilla and shares a building with the courts. Rather than duplicating such services at unnecessary costs, the House should draw up service level agreements with such entities. A detailed analysis of the level of such shared service should be undertaken at the earliest juncture, and a costing analysis of what those provisions cost the Government and by extension the House.

Recommendation 7 – To aid in the move to greater autonomy, the House should work with relevant government departments and the judiciary to ascertain the full extent of shared services and identify an accurate assessment of the cost of such services.

The Administration Committee and eventually a Commission, will need support staff to prepare papers and briefings, record minutes, ensure outcomes are implemented, provide advice and expertise. The below list will outline additional areas that the House Service will need to undertake:

- **Strategic Planning** – the House already produces a Strategic Plan⁸. However, the existing plan has now expired. An evaluation of the existing Plan should be undertaken before the end of 2021 and a new plan developed by spring 2022. The Plan should incorporate elements of this report, be realistic in its key performance objectives and be fully consultative in its formation. Importantly, the Administration Committee must own and take responsibility for the report and how effectively the House meets targets.
- **Business Planning** – The Strategic Plan should be broken down into annual business/implementation plans which give specific outcomes, outputs, indicators and the required resources needed by the House. The Government and Attorney General must provide detailed legislative timetable to assist the House with its planning and resource allocations.
- **Risk Management** – The House must have a clear risk management framework in place. It should, at the least, identify likely and impactful risks, who is responsible for owning these risks and how risks can be mitigated. This work will assist the House in identifying physical and cyber security risks and liaise with broader stakeholders to ensure the House, its Members and Staff are safe and secure, whilst ensuring a business-as-usual approach is assured.
- **Annual Budget Management** – It goes without saying that the House will need an annual budget with clear costings, associated key performance indicators and accurate financial tolerances.
- **Accountability and Reporting mechanisms including Monitoring and Evaluation** – as stated under Business Planning, the House must evaluate its performance, seek feedback from Members, engaged stakeholders, civil society and the public on its performance against key indicators. Results must be collated, evaluated and published for public consumption. The House must be above reproach and exemplify the highest standards of performance management.
- **Human Resource management** – the House must have clear policies in place for the management of staff and safeguarding practices. There must be a code of conduct, performance evaluations, recruitment and retention policies as well as pay and remuneration. The House can of course utilise public sector approaches. Should the House become independent from the Public Administration Department, its staff should still be able to be members of the Civil Service Association, should they wish.

⁸ Anguilla House of Assembly Strategic Plan 2017-2021

- **Learning and Development** – As above, the House should have policies and importantly a budget allocated to the training and development of Members and staff. Based on feedback from Members, this should be deemed a priority.
- **Corporate Communication** – The House must up its game in its communication practices both internal communication with Members, but more importantly external communications. See later section on outreach.
- **International Relations** – The House should continue to have an international presence. The CPA will of course be a key element of that. But it is important that there is a strong level of engagement at a regional level.

It is advised that staff responsible for developing such resources review comparative approaches across the Commonwealth and undertake the Strategy, Business Planning and Monitoring and Evaluation course available via the CPA's Parliamentary Academy⁹.

The transitional costs to implement such changes are considered negligible, with staff costs being the main outgoing to implement this change. The CPA would consider providing financial training for relevant staff in advance to any transition occurring.

Recommendation 8 – The House must develop robust policies, practices and procedures around corporate governance.

⁹ <https://www.cpahq.org/parliamentary-academy/>

PART 2 - FINANCE OF THE HOUSE AND MEMBERS' REMUNERATION

Budget of the House of Assembly

The 2021 budget of the House is approx. EC 1,069,196 (US\$ 395,653). In comparison with other similar neighbouring jurisdictions, the House has one of the lowest, see table below.

	No. of Members ¹⁰	Budget 2019/20 (USD)	Budget per Member
Cayman Islands	21	7,430,582	353,837
British Virgin Islands	13	5,358,700	412,207
Sint Maarten	15	4,239,714	282,647
St Kitts and Nevis	13	817,446	62,880
Monserrat	9	378,466	42,051
Anguilla	11	332,035	30,185

As the table above also demonstrates, when the budget is broken down as a total per Member, it is even smaller than Montserrat which is one of the smallest legislatures in the Commonwealth. Whereas this report does not recommend increasing the budget for the sake of it. It does demonstrate that the government should be open to allocating more where the need exists.

Following a Budget Call issued by the Ministry of Finance, the House, alongside all ministries are asked to submit their next year's budget and estimates. The Executive Council will issue a budget ceiling which the House must meet.¹¹ The budget of the House of Assembly is then formulated by the Clerk of the House with limited to no input from Members. The Clerk submits the budget to the Ministry of Finance. The budget is then reviewed and sent for approval by the Ministry to the Executive Council. The final national budget is then approved by the House of Assembly and signed into law by the Governor. In recent memory, however, the budget of the House has never been challenged by Members when it returns to the House. Members should in future be more engaged in the House's budget process and should be briefed by the Clerk on the rationale for the existing and proposed budget to seek their views and inputs.

Recommendation 9 – All Members of the House must be actively engaged in determining and approving the budget of the House.

In the previous budget round, the House did not submit Programme Performance Information which would typically accompany the budget submission. The Clerk should take steps to ensure this is included and that these same KPIs are monitored and reported on for public consumption even if it is not requested by the Ministry of Finance or the Accountant General (see corporate governance). Furthermore, the Clerk is not formally the House's Accounting Officer, such powers are delegated to him from the Permanent Secretary for Public Administration by virtue of the Financial Administration

¹⁰ The Attorney General, Deputy Governor and ministerial salaries are not included in the figure (or their regional counterparts as their salary is taken from outside the House budget). However, if they were included and that of the Speaker, the differential would be greater.

¹¹ 2021 Budget and Forward Estimates Budget Call Circular No.1, Government of Anguilla Circular No.8 November 2020.

and Audit Act 2010. This presents further uncertainty for the House as any delegation of responsibility can be revoked in the future.

Recommendation 10 – The Clerk of the House should be made an Accounting Officer with all related privileges and responsibilities.

Stakeholders have inferred that budget ‘negotiations’ are amicable and productive, but this is partly down to the Clerk having a ‘good relationship’ with government stakeholders. Whereas inter-personal relationships are important in building effective stakeholder engagement, it does create uncertainties in the future. Should there be a ‘poor relationship’, the House might struggle to access the funding they need. Furthermore, when justifying the budget, the Clerk is often required to ensure that government officials have a clear understanding of what the House does and why it is important. Whereas the current Permanent Secretary in the Ministry of Finance has a strong understanding, there is no certainty that her successors will be as well informed. Again, providing uncertainty in future budget negotiations.

Although financial provision towards the Assembly has enabled the reconstruction and improvements to the premises following hurricane damage, these have been short-term increases derived from FCDO grants. As repeatedly highlighted by stakeholders, there is a unanimous view that the budget of the Assembly is inadequate to meet its needs and long-term wants. Whereas increases to the budget should be in-line with the overall national budget and should not be increased for the sake of it, some increases must be forthcoming if the House is to provide minimum services to Members and the public at large.

In discussions, it became apparent that some in the government feel giving more funding to the House means sacrificing funding to other areas. This zero-sum attitude reflects a poor perception that investing in the House is frivolous and wasteful, which is unfortunate. In fact, it could be argued that the House is better placed to provide the services that are currently in the hands of ministries. A good example is on the House’s webpage. The House must send information it wants uploaded to the Department of Information Technology & E-Government Services (DITES) who then populate the webpage. Arguably that is a duplication of effort which could be performed by the House if they had access to the systems themselves.

It is also disappointing to note that many stakeholders suggested that because the House is not a revenue raising body it is a less important institution when compared to government bodies that are. Should such an attitude indeed exist, demonstrates a lack of understanding of the House and its value to Anguillan society. It raises the question of what price is put on democracy?

Stakeholders also inferred that some government departments over inflate budgets. Such accusations are difficult to prove, nevertheless there is a perception by many that there is sufficient slack to reallocate funding from different departments to the House. Should the Public Accounts Committee undertake a sample inquiry into one department, ministry or statutory body, it may be able to identify potential cuts which could then free up funding to the House.

The House generally struggles to stay within the budget allocated to it, which in areas like entertainment has been cut annually. Throughout the year it must make numerous adjustments to budget lines and make warrant requests for allocated funding from external departments and ministries. Where efficiencies are made, the House cannot retain underspends, which it should have the flexibility to do. Arguably the House of Assembly of Anguilla, should not have to go through the indignity of pleading for more funding from the government. This in turn creates more administrative time for those departments to then move funds across to the House.

In recent years there have also been reforms to the composition of the House, namely an increase in membership and an increase in the number of sitting days. However, these changes, which have increased resource pressures on the House have not garnered sufficient comparable budgetary provision. The Government of Anguilla are currently leading a review of the electoral process and the number and type of voting districts through a consultation process. As part of these discussions, consideration has been given to possibly increasing the size of the composition of the House. Figures have varied from an increase of 2 to 10 Members. It is highly important to stress that any increase in the size of the House must also include significant additional financial and staffing resources allocated to the House. If financial resources are not available, it would demonstrate gross negligence on the part of the government to pursue such a course of action as it would further weaken and undermine the House's ability to function.

It should also be highlighted that the budget of the House is far below that of comparative institutions within Anguilla's public sector, such as the judiciary. Estimates for the judiciary's budget of Anguilla for 2020 was set at \$3,348,348¹² four times higher than the House. When you include the budgets allocated to the courts and the Attorney General's Chambers the differential is starker. The House should be deemed an equal to the other branches of government.

Recommendation 11 – The Government of Anguilla must be willing to allocate a greater level of funding to the House of Assembly to bring it in line with regional and domestic comparative institutions.

Members Pay and Remuneration

A Member of the House of Assembly receives an allowance of approx. EC9,000 per month. The average monthly salary of a parliamentarian from across the Caribbean region is approx. EC9,483¹³. However, when compared to the salary of a Permanent Secretary or a Senior Magistrate based in Anguilla the amount is considerably lower¹⁴. The amount paid has decreased on average over many years as opposed to being increased with inflation. Most recently, March 2021, a Bill was brought forward for a reduction of salaries and allowances for Members of the House. The 15% reduction was approved by the House.

Overall, the total package of support for Members is small. Especially when consideration is given for the fact that they receive virtually no expense allowance, no support for staffing, no office accommodation, or IT or stationery provision. Members have repeatedly highlighted that this significantly hinders their ability to perform their parliamentary functions. For members of the opposition, this is an even greater handicap, as unlike their ministerial counterparts, they have no administrative support to conduct research or challenge the government. Of particular note, is the absence of any constituency allowance. Members have highlighted that when offering financial support to constituents, this must be provided out of pocket which adds additional financial burden to Members.

There is no body in place to determine an equitable level of benefits or entitlements based on a non-partisan basis. The Executive Council sets the level of allowance which has been reduced over a

¹² Government of Anguilla Budget 2019

¹³ Based on the average from Trinidad & Tobago, Guyana, Barbados, Bermuda and Turks & Caicos Islands. Collated from the 2020 CPA research of Members pay and remuneration rates across the Commonwealth.

¹⁴ Government of Anguilla Budget 2019

number of years. This arguably undermines the independence of the Assembly and could open the government to accusations of stifling Members' ability to perform their role adequately.

Furthermore, the lack of pay from the Assembly results in Members prioritising their careers outside of parliament. This in turn creates a disincentive for Members wanting to attend more parliamentary sitting days, when they could instead, be paid more for other external forms of employment. This situation also has the potential future risk of corruption, whereby Members will be tempted to receive alternative forms of remuneration which will inevitably result in conflicts of interest. In the long-term, poor pay and remuneration provisions place a systematic barrier for candidates from more impoverished backgrounds who may want to become parliamentarians in the future, especially women and young people.

The determination of pay levels for Members will inevitably be a highly controversial topic and one that Members will justifiably be reluctant to address in public. This report does not recommend determining the rate of allowance for Members. However, in line with greater independence, the Executive should not determine Members pay. Instead, it is recommended that the House Administration Committee should establish a Subcommittee, meeting annually and comprising of civil society, the media and other qualified members of the public to determine the levels of pay. This would be in line with CPA Benchmark 1.5.2 '[that] *An independent body or mechanism should determine the remuneration, benefits and other statutory entitlements of legislators.*' Consideration should be given to comparative pay levels across the region, senior civil servants and judges. The Subcommittee's determination should then be voted on by Members of the House in consultation with the Ministry of Finance and allocated from the House's own Appropriations Bill (see below).

In addition, the House should be more proactive about educating the public on the role and performance of Members and highlighting the financial realities, no matter how uncomfortable that might be, or the challenges it might generate. The public should be aware that they run the risk of having part-time and semi-engaged parliamentarians should remuneration continue to be reduced. Ultimately it remains unsustainable for parliamentarians to be economic scapegoats because of the ongoing economic constraints facing Anguilla.

Recommendation 12 – An independent body should be established to determine Members Pay, Remuneration and potentially a Constituency Development Fund.

Recommendation 13 – The House must proactively educate and engage the public on what Members of the House do and why they should be paid an adequate amount.

Independence and Finance

As demonstrated above, there is clear evidence to suggest that the House lacks financial independence and autonomy. This has been noted in the Benchmarks report and highlighted again in subsequent discussions with stakeholders. Parliaments that have financial autonomy, perform better. CPA Benchmark 5.4.1 clearly states [that] '*The Legislature should, either by legislation or resolution, establish a corporate body responsible for providing services and funding entitlements for parliamentary purposes...*'.

Steps should be taken to rectify the financial independence deficit. Below are some proposed ways in which the House and Government of Anguilla should consider in giving the House greater financial autonomy.

1. The House should determine its budget through an internal review and analysis process which is service oriented. The draft budget should be approved by the Administration Committee and Public Accounts Committee (and/or if/when created the Parliamentary Service Commission). A responsible and ethical approach should be taken, and the determination of the budget should be discussed in close coordination with the Ministry of Finance. The House's budget process should be done in tandem with the wider public sector budget submission timeline. But should not have to submit justifications or business cases in the same way as other departments/ministries. Budget planning should also consider future forecasting for up to three years.
2. The Clerk should be formally made Accounting Officer, and should the need arise, be able to delegate responsibilities to other Clerks. As Accounting Officer, the Clerk should be able to draw on the Fund (within the approved appropriations for the House) without the requirement for a general warrant from the Minister of Finance. However, the Minister of Finance should retain the right to withhold access to the Consolidated Fund stating clear justifications in a statement to the House of Assembly.
3. The House's Budget should be ringfenced within the Consolidated Fund and a separate Appropriations Act/Estimates should be presented alongside the main budget, and like the main budget, should be presented for public consultation which is led by the Speaker. Supplementary estimates for the House should also be possible, but in extraordinary circumstances.
4. Consideration could also be given to have a separate fund from the Consolidated Fund for the House with its own bank account.
5. The House budget and appropriations should include all Members pay (excluding the Attorney General and Deputy Governor) with Ministerial pay taken from their respective departmental budgets.
6. An annual report of accounts should be laid in the House by a representative of the Administration Committee or Commission. The Annual Report should be produced by the Clerk of the House.
7. The House should have all accounts internally and externally audited annually and all related reports should be published for public consumption in a timely fashion.
8. If the main Consolidated Fund is utilised, the House of Assembly and the Government of Anguilla should sign a memorandum of understanding (MOU) outlining how they will work together on determining the budget of the House. Specifically detailing financial thresholds and internal controls for authorisation. The MOU should also outline how the Clerk will liaise with the Accountant General where applicable.
9. The House should be prohibited from entering into borrowing or credit agreements without prior permission of the Minister of Finance and if necessary, a resolution of the House.
10. Any revenue generated by the House or any underspend from the House's budget should be retained by the House at no detriment to the appropriated sum.
11. The Financial Administration and Audit Act 2010 should be amended (and other related Acts and procedural manuals) to bring the above into effect. The House should also adopt similar standards and procedures applicable to the wider government and ensure such procedures are of the highest standards.
12. The House could continue to use the same finance systems used by the wider government or if preferred and where applicable, accounting software licences may need to be procured by the House and additional financial training may need to be provided to the Clerk and support staff to enable the above changes to come into effect.
13. The above process should begin as soon as possible with full transition in place before 2024.

14. The House should undertake a detailed analysis with the help of the Ministry of Finance, Public Administration Department to assess the transitional costs, such as the transfer of assets and actual cost of servicing the House, to implement such changes. The CPA would consider providing financial training for relevant staff in advance to any transition occurring, if applicable.

Recommendation 14 – The House must be more financially autonomous and such a process should commence as soon as possible. The House should continue to work in tandem with related departments and ministries to implement related changes in an efficient and coordinated fashion.

Income and revenue generation

The financial situation in Anguilla may continue to be less than ideal in the middle to long-term. As such the House should undertake exploratory work in identifying avenues for generating additional income/budgetary support to support and augment its work. This might come in the form of development assistance from regional or international bodies. Trusts and foundations like the National Endowment for Democracy provide grants of up to US\$50,000 which could be bid for. It should also look to seeking support from the FCDO based on their strategic priorities around good governance, especially those related to provision of training. Larger corporations with strong corporate social responsibility principles, like Microsoft, offer support to enhance digital accessibility and training which could also be accessed. Should these be pursued additional staffing capacity will need to be allocated to provide robust monitoring and evaluation support for reporting to such entities.

Members have also proposed renting out the Assembly for corporate use or selling souvenirs/merchandise to citizens and tourists who visit the House. Tours could also be offered. Many larger parliaments pursue such avenues of income generation. Some offer catering facilities as well. Although due to the physical infrastructural space available, this might not be a practical option. But the House might want to offer a tender to a coffee concession stand at the side of the building. The House could commission local artists to produce bespoke products and encourage local authors to sell books on local notable current and historical public figures through the House for a commission. A more extreme approach might be to charge the courts for the use of the Chamber and the offices located at the rear of the Assembly building and imposing parking charges for those parking around the Assembly precinct. A more absurd option might be to place a charge on all legislation that must pass through the House.

Recommendation 15 – The House should undertake a cost-benefit analysis of raising and generating additional income and should proactively engage with potential partners to identify such funding streams.

PART 3 - ADMINISTRATION OF THE HOUSE AND SERVICES

Legislative Function

All stakeholders understand that one of the key functions of the House is to legislate. However, a number of issues were highlighted with the way in which the House legislates and more specifically the way in which the government is presenting legislation. The most pressing issue identified was related to the timing of legislation. It was argued that Bills are brought to the House with little notice, limited time for debate and therefore reducing the time for effective scrutiny.

According to stakeholders, there is a legislative agenda produced by the government and shared with the Attorney-General, however it is not currently shared with the House or available for public consumption. Bills are drafted by the Attorney General's Chambers and are signed off by the Executive Council. However, stakeholders expressed concern that because draft Bills are being signed off by Executive Council, it is already *fait de accompli* which gives the perception that the consultation process is nothing more than an information sharing exercise. Stakeholders felt the public consultation period was too short to provide adequate feedback. Although the government should be praised for being conscientious in undertaking consultations, engagement by the public is frequently insufficient to be of any significant value. The public also have a very limited understanding of the process of legislation which causes controversy when a Bill gets its first reading, as the public often mistakenly feel they have missed their opportunity to engage in the process. Bills tend to be added to the Order Paper with limited notice, at present Members are given 3-5 days' notice of a Bill coming to the House. Pressure is also being brought to bear on the House because of the urgent nature of the legislation which then discourages the House from spending too much time scrutinising Bills. The repeated use of tacking financial provisions to Bills is causing frustration to a number of key stakeholders. The Speaker has taken steps to slow down the legislative process by not having multiple readings in a single day, but it could be argued that this should go much further.

It is clear from the issues highlighted and feedback from stakeholders that the House's legislating functions are some of its weakest, both in terms of the quality of legislation, timing of publishing and scrutiny of legislation. To overcome this issue, it is advised that the House has earlier notification of legislation which will be coming to the House, both at the beginning of the parliamentary session and then on a rolling monthly and weekly basis. This will ensure the House service is better prepared to provide research to Members on draft laws (see Research section). Secondly, the House should also be using the Committee Stage to conduct another round of public consultation to ensure the public and more importantly the opposition feel they have an adequate chance to input into the legislative process. Again education (see outreach section) of the public will also play a key part in broadening engagement on the legislative process.

A more vital step however is to expand and strengthen the House's legislating capacity which is essential. A Clerk of Bills should be appointed to address several issues namely, to increase the capacity of the Attorney General's Chambers to manage the efficient delivery of the Government's Legislative Agenda and future-proofing the opposition to effectively scrutinise Bills. As mentioned above, there is no guarantee that future opposition members will be experts in the law as is currently the case. Having a Clerk in charge of Bills will increase capacity in the AG Chambers and will reduce the administrative pressures that are currently placed on them. Once Bills come to the House, it is the House's role to own that piece of legislation (as the legislative body) and to oversee the process of amendments and to oversee further consultation at the Committee Stage. The role will also provide support to Members for drafting Private Members Bills and amendments as well as providing legal advice on issues. The Clerk can also be instrumental in providing ongoing training to Members on the

legislative process. As highlighted earlier, Members, both opposition and government should be debating and legislating on broader topics which might be less urgent but of equal importance.

When the Clerk of Bills is not assisting Members of the House, there is scope for the role holder to assist the AG Chambers if support is needed. The role holder must have a law degree and hold adequate experience in the field. However, the CPA will provide training to the role holder on legislative drafting if required.

The Governor also has an important role to play as the Chair of the Executive Council. The Governor should avoid placing undue pressure on the government, to the extent that it hammers home legislation to meet strict or unreasonable deadlines. The Governor, as the perceived guarantor of good governance on the Island should proactively ensure that the legislative process is undertaken with due diligence and respect for all institutions of government.

Recommendation 16 – The Government should take steps to ensure the House and the public have an increased awareness of the legislative agenda and timetable over the course of its term in office. The National Address by the Premier¹⁵ will be an ideal opportunity to implement this recommendation.

Recommendation 17 – The House should appoint a Clerk of Bills to strengthen its support to Members to improve their legislative functions and more importantly have greater ownership of the laws of Anguilla.

Recommendation 18 – There should be additional opportunities for public input into laws through the Committee Stage of the House. Which will alleviate pressures at the pre-legislative stage for the government, the House and wider engaged stakeholders.

Research

The House is currently unable to provide adequate research for elected Members, consequently the Leader and members of the Opposition are unable to adequately discharge their function of holding the government to account. The people of Anguilla have been fortunate that the current and previous Leader of the Opposition have both been lawyers with their own private attorney chambers to utilise for researching. Furthermore, the current Leader is able to use her own expertise on the law to support herself and that of her team. But there is no guarantee that this situation will continue in perpetuity.

Furthermore, it is important to highlight that in recent years Members have not placed questions to Ministers in the House, they have not brought forward Private Members Bills, have not initiated debates and the only time amendments are attached to Bills are when the Government are correcting errors or incorporating feedback from consultations. There are many reasons as to why the legislative and scrutiny functions of the House are not being fully exploited. Stakeholders did provide a number of fair and justifiable reasons, but what is clear from such discussions is that there is a lack of adequate and timely research being made available.

¹⁵ As part of the updated Rules of Procedure 2021 of the House of Assembly, the Premier is now required to offer an address at the beginning of the parliamentary session. This should be an opportunity to clearly layout the government's agenda and specifically legislative agenda with the House and people of Anguilla.

At present, if there is a research request, on a particular Bill for instance, this falls to the Clerk or a clerical officer to undertake. If a Bill is presented to the House with little notice, then the amount of research that the Clerk can deliver will be limited, without even considering the lack of capacity they may have. Therefore, if the House is not made aware of Government Business in a timely manner, the research function of the House will always be limited. An absence of a legislative agenda which is shared with the House is having a detrimental impact on the effectiveness of the House as is the fact that far too much legislation is being treated as urgent. Emergency and urgent legislation should be the exception to the norm.

A Minister presenting a Bill is provided with a briefing paper by the relevant department/ministry, however the briefing paper or a version of this paper, is not provided to all Members. This should be changed. Information should be provided to the House, so that they can produce a succinct, independent and comparative analysis primarily for Members. This in turn can help brief the media, civil society and the public on the details of business before the House. This would begin to address the lack of relevant, independent and authoritative research that is available and a lack of understanding by the public on legislative matters. However, there is currently a lack of capacity within the staffing of the House and this needs to be addressed if the issue of research is to be resolved.

More importantly, independent research produced by the House on demand and generated systematically should ensure that Members can use the availability of motions and debates to raise key issues beyond the legislative agenda. The government will inevitably have to prioritise urgent matters, which is typically legislative. But Ministers and backbench members will be able to debate other matters less urgent but equally important. Issues around climate change, human rights, relationships with neighbours like St Martin, blue economy, youth unemployment and a multitude of other issues that could be covered in the House. A good example could be a debate on a UN International Day like International Women's Day or Commonwealth Day. It can be a platform to have a national debate on important issues which don't have to be overly political. But if the intention is to ultimately educate, advocate and inform the public, this should be encouraged.

The Public Accounts Committee also lacks adequate support on areas related to financial scrutiny and should the House wish to establish adhoc select committees (as it recently did on the GST), there is little to no research support available for the committee. This again weakens the scrutiny capacity of the House and limits its scope to establish fully functioning committees in the future.

At present, there is no library for Members. Due to the current financial situation, we recommend that this is something that should be addressed in the longer term. Other parliaments are considering creating a virtual library, like the Cayman Islands, which removes some of the cost implications and need for a physical space to house the information. If the House is committed to providing physical resources for Members, then the CPA can commit to providing some parliamentary books to the House at no cost implication to the House.

To overcome the lack of research provision, it is essential that the House considers employing a Research and Communications Officer. With budgetary constraints in mind, it is advised that the House employs a joint officer working on both aspects of research and communications instead of two separate roles.

Having a dedicated research officer will increase the ability of the House to better perform its functions. If given enough time and notice, the role holder will be able to provide Members with authoritative, nonpartisan research on business coming to the House. They will be able to collate

statistics for the House, undertake comparative analysis, collate media clippings, identify committee witnesses and evidence and pull in information from other ministries and other legislatures. They can also build up a repository/library/archive of research for public consumption and support Members when they travel or give speeches outside of the House. Research produced should also be fit for various platforms and formats including easily digestible infographics. It is important to note that this role will be utilised by all sides of the House. The role holder will also be responsible for centralising all available documents relating to the House.

The role holder can support the House in developing partnerships with academic Institutions in the region and beyond. Academic institutes are a fantastic source of information, and they will be able to assist the House on best practice examples, international case studies and authoritative educational materials. This can be achieved with little to no cost implications for the House. In fact, many academics would find it rewarding to see their work being utilised by a legislature.

The House should consider a twinning arrangement with a larger Parliament in order to access greater amounts of parliamentary information. A link of this kind will be invaluable to the House and should be explored. As a British Overseas Territory and as there are already established links between the UK Parliament Speaker's Office and Anguilla House of Assembly, a partnership between the two should be explored. The UK Parliament has a wealth of information and resources that are available to their Members and Anguilla should consider seeking assistance from their research arm.

Best practice advice on administering an effective research service is available from the IPU who developed an effective guide for Parliaments, namely its Guidelines for parliamentary research services.¹⁶

The CPA's Commonwealth Parliamentary Research Service (CPRS) offers parliaments and parliamentarians a research service on a range of specialist subjects. The CPRS will conduct or commission research from across Commonwealth Branches, which will seek to compile comparative information about parliamentary practices. The service is offered to all Branches, and we invite input from all Branches. Where regional or global examples and case studies are needed, the CPRS is a valuable tool in gathering this information.

The House should investigate online research subscriptions, which will add to the amount of research available to staff and Members. Sites like [Europa World](#) are valuable options to consider at a small fee. For peer reviewed journals, [Taylor and Francis Online](#) is another option to consider. If there is not the financial backing available for this, there are a number of free online resources available, such as [Google Scholar](#).

The Government of Anguilla host a number of internships with talented young people and the House should utilise this further. The House should also consider hosting their own interns, especially during busy periods such as the lead up to important budget debates for instance. The intern will be able to support Members with larger than usual levels of research and they will gain beneficial experience working with the House and elected Members.

Recommendation 19 – The House must increase its capacity to provide research for Members. This can be best achieved by the appointment of a designated researcher who will have the expertise and knowledge to provide briefings on related House business.

¹⁶ <https://www.ipu.org/file/457/download>

Recommendation 20 – The House should establish partnerships with research and academic institutions and consider building up a digital repository for Members to access.

Outreach and engagement

For the first time in Anguilla’s history, a petition by the public was launched. This shows that the public want to further engage with the House but there are insufficient avenues for them to do so. The public is still not fully aware of the role of the House and the functions it has, and this creates issues when there is a contentious matter going through the House. A lack of public understanding on the processes of the legislature needs to be addressed. The Government have increased the amount of public engagement, but this engagement only relates to the executive. More needs to be done to engage the public with the legislature.

The current lack of public understanding is negatively impacting on the reputation of the House and Members agree that a number of measures are needed to tackle this. Certain measures have been introduced that have increased public engagement, such as the creation of a House Facebook page. However, this page is currently monitored by the Clerk of the House, arguably reducing his capacity in other areas. The removal of the term ‘Strangers’ for members of the public in the Standing Orders has also been an improvement.

School engagement by the House is virtually non-existent, with an occasional classroom visit. This needs to be addressed if the House wants to increase awareness of the House and in the long-term attract talented candidates in the future. The House currently has some of its youngest Members ever elected, so it is important to not lose any momentum that this can give to youth engagement.

As stated above, should the House employ a Research and Communications Officer, which should be deemed essential, the legislature will be able to truly make the House a ‘Peoples’ House’. All Members noted the need for further outreach and this role will address this deficiency. The role will cover all elements of engagement, including school visits, communication with the media (drafting press releases), improving and monitoring the House social media and website and designing and distributing information for the public, supporting the Speaker and Members in generating communication outputs and coordinating visits, in particular holding radio interviews. Removing the communications responsibilities from the Clerk of the House would increase his capacity for more parliamentary matters.

Members of the media also highlighted a desire to have space and privileged access on lobby correspondent terms as is the case in other Commonwealth jurisdictions. This would be an allocated spot in the Chamber, formal accreditation, and constant engagement with those assigned such permissions. A designated member of staff would be essential for such increased media engagement and coordination.

The House should increase its engagement with schools in Anguilla. Currently, the Anguilla Youth Parliament is the only avenue for children to get engaged with politics, but this route tends to attract those who already have an interest in the field, which is not sufficient. Developing learning materials to increase the understanding of the House and its functions is vital to engage young people. A course on the House and the governance of the Island as part of the school curriculum and should be produced in partnership with the relevant Ministries. The course should aim to cover the key roles, functions and powers of the House of Assembly and it should highlight the key differences between the Executive and the Legislature. More importantly it should highlight that Anguilla does not share

constitutional provisions with that of the United States. The CPA can commit to work in conjunction with the House and ministries to develop a course as part of the school curriculum.¹⁷

Furthermore, the Speaker, Members and staff of the House need to be more proactive in their engagement with schools. Having school open days where children can come and view the House and the work of Members would be a good place to start. It is recommended that the House makes the public gallery open to classes on a regular basis and that they encourage schools to attend. In conjunction with the other recommendations for school engagement, there can be a strong shift in the lack of understanding of the Legislature in Anguilla.

Greater effort should be made to educate the adult population on the work of the House. There are several measures that can be introduced alongside what the House is already doing to ensure that the public is engaged and informed. A large part of this will be achieved through the completion of a House website, covered in a later section of this report. If the primary purpose is to engage and educate the public on the workings of the House, the Speaker should be less reluctant to appear on the radio and other media outlets, regardless of the inevitable political questions.

As part of the independence process for the House (see Part 1), a communication strategy should be drawn up including press briefings, lines-to-take, public consultations and other activities and outputs to inform and engage the public on the role and importance of reforms to the House.

Members should consider creating a 'surgery' for the public at the House of Assembly. The prearranged, regular time slot will be an opportunity for the public to have access to their elected representatives and to discuss local issues that may be affecting them. This will be a clear signal to the public that the House is listening and welcoming them.

The House is encouraged to engage with young people and adults alike, by attending public gatherings, church and civil society engagements to discuss the work of the Assembly. It is vital that the public see the House being represented in the public domain. As part of targeted social media campaigns, the Speaker should create and deliver explainer videos that can be shared online. The videos can be short and can cover a range of parliamentary topics. This is now common practice in other Parliaments, a good example of this is the Legislative Assembly of Alberta and their twitter account can be found [here](#).

It was unfortunate that the planned celebration of the House's anniversary could not be undertaken due to COVID-19. It would have been the perfect demonstration of the House's importance to the history of the Island. More of these types of events should be planned in the future when it is safe to do so. Stakeholders suggested that people didn't like to physically come to the House because they might have to travel, dress-up, or because the House is perceived as the court with associated negative connotations. Events and activities should have an upbeat and positive vibe. Consideration should be given to hosting events like exhibitions, concerts in and around the precincts. Cultural days on music or food or history which makes the House seem like a place of gathering for positive reasons. It doesn't just have to be political or parliamentary themed. They could have the double value of generating revenue.

The House needs to produce accessible information for the public, this can be done in many formats, such as leaflets, adverts on television and radio and animated explainer videos. Many Parliaments have dedicated teams that develop these materials, and they ensure the information can be accessed online and used in schools. The CPA's recent Education and Outreach toolkit should be reviewed and

¹⁷ This is a key component of the outstanding Technical Assistance Programme

applied [here](#). The CPA can commit to funding the production of animated explainer videos, this will remove any cost implications for the House. The videos will be designed in conjunction with the House and will purely apply to Anguilla and its unique context.

It was mentioned on numerous occasions that there is a growing Spanish speaking community in Anguilla and that they feel they are currently left out of the parliamentary process. There are several things that the House can do to ensure that this minority group feels heard and involved. Firstly, the House can utilise the Spanish radio shows and ask that summaries of the House sittings be broadcast there. This is a small improvement that can make a big difference. Secondly, the House can consider producing short explainer material in Spanish. This can be further explored by the Research and Outreach Officer.

Recommendation 21 – The House must have a clearer strategy to conduct outreach, engagement, and educational activities with the public. This can be best achieved by the appointment of a designated officer who will have the expertise to produce and organise related outputs.

Parliamentary Records

There is currently a backlog in the production of Hansards and transcripts and this needs to be addressed. In order to fulfil the responsibilities of the House, there is a need for Members to be able to easily access previous parliamentary records and this is not being adequately undertaken. The House have improved engagement with the public by live streaming House sittings on Facebook live, however they are not adequately archiving these recordings.

It is vital that the House tackles the backlog in the parliamentary records and is able to produce timely Hansards. Arguably, if timely Hansards are produced, alongside easily accessible recordings of the House, minutes of sittings become redundant. The House currently employs the court reporter on a private basis to create the Hansard for parliamentary sittings. The first and primary function of the House service is to provide to Members and the public in a timely fashion the House transcript. What is said on record in the House is of significant constitutional and judicial importance. The House should employ a part time transcriber to address the backlog and to ensure that Hansards and transcripts are produced in a timely manner without relying on the courts.

There are a number of platforms that currently provide transcribing services free of charge, such as Zoom, Otter, google drive and YouTube. The House should explore these options and trial their use before looking to secure more costly transcribing services. By utilising this technology, the time it takes to produce a Hansard or transcript can be significantly reduced. Therefore, the role of transcriber for the House need only be a part time. The cost to hire such an individual can be negligible. In addition to the House, the courts should also explore the utilisation of digital transcription services, or shared services to reduce the overall cost to the public purse.

Recommendation 22 – The House must improve its provision of the Official Record of House proceedings and must do so in a timely fashion.

Website

The House currently has a webpage on the Government website. This should urgently change. Public perception generates a mistaken impression that the House is simply an extension of the government. Worst still is the fact that the page contains extraneous information such as minutes of Executive Council meetings, information which should sit on the Governor's webpages. If the House wants to be more functionally independent from the Executive, there is a need for a separate website with a content management system accessible to House staff. As with the creation of the new Inland Revenue website, the site should be accessible, comprehensive, and updated regularly.

It is recommended that the House works with the DITES to create a separate website for the House. The House should look to set up a service agreement with DITES to ensure clarity on the division of responsibilities and effective content access controls. At a minimum, the names, images, biographies and contact details of all Members should be included on the website as well as information on the House, educational material, document search engine, and information on petitions and social media accounts. A good resource on the structure and format of parliamentary websites is the IPU's Guidelines for Parliamentary Websites – new edition¹⁸. In order to monitor public engagement, the website should include the capacity for google analytics. This will be able to highlight the reach of the website and will show how successful or not the House's engagement is. Being able to monitor impressions this way, will allow for better planning and analysis of engagement methods and tools. It would be the responsibility of the Research and Communications Officer to monitor this.

As it currently stands, if the public would like information pertaining to the laws of Anguilla, they need to pay for an individual Government Gazette or buy the subscription. Information of this kind should be freely accessible, especially the laws which govern Anguilla, and they should be placed on the House's website. The House currently produces and charges for the Gazette and this responsibility should fall on the Department of Public Administration as the Gazette is a government document and not a document of the House as was historically the case. If the laws passed are placed on the House's website, then the current lay out of the Gazette can be simplified with hyperlinks to relevant laws.

Whereas the House does have a good Facebook page, this should not be treated as a substitute for a formal website. The Facebook page hosts live-streamed House sittings and includes the Order of Business. But the House does not store the videos that are live streamed outside of Facebook. It is recommended that the House create an archive alongside a YouTube channel. Creating a House YouTube channel will allow members of the public to search and access past recordings easily. Videos will be timestamped, closed captions can be generated and scripts can be created through the audio recordings. This should be developed in short-order.

Recommendation 23 – The House should create a YouTube site and upload all former live-streamed and future House sittings. The YouTube site link should be embedded into the House webpage and eventually the House website.

Recommendation 24 – The House must have a standalone website developed at the earliest juncture. The House should work with the DITES in its development and the House must have the capability to manage its own content on the site.

Information Sharing and Data Retention

¹⁸ <https://www.ipu.org/file/576/download>

Stakeholders expressed that culturally Anguilla is a secretive society when it comes to sharing information which ordinarily should be in the public domain. Whether this is indeed the case or not, the House must exemplify the principle of being an open, transparent and accountable institution. The website is a vital channel for sharing public information on the laws of Anguilla and how Anguilla is governed from a legislative standpoint. As mentioned above, great priority must be given to external communication.

The House currently uses its own file management system. Wider systems are based upon those used by the Department for Public Administration. Whereas there are no Freedom of Information or Data Protection Laws in Anguilla, the House should look at developing its own policies for the use, retention and disposal of information which are not in the public interest.

Recommendation 25 – The House should develop freedom of information, data protection and data retention policies.

Human Resources

With the necessary steps being taken to separate the Legislature from the Executive, it is important that the House addresses the factors that will arise from this separation, including all the necessary human resource implications. There will need to be clear policies in place for staff, including codes of conduct and grievance procedures. A staff Code of Conduct should be produced, perhaps alongside the Members' code (Activity 4 CPA TAP). This will ensure that the House is a positive place to work with the necessary procedures in place.

If the House makes the necessary steps to broaden their independence, members of staff at the House still need to be able to access the Civil Service Association. It is key that this union is able to provide support and guidance to them should independence be pursued. There will also need to be an arrangement to transfer other benefits such as the pension fund. A clear transitional provision will need to be included in any law when establishing a House service.

The CPA is committed to supporting training in these areas, should the House pursue independence from the Executive.

Currently there is no function for any kind of performance reviews of staff. This should be rectified to ensure that standards in the House are being upheld. The position of the clerk should be held accountable by the Administrative Committee and as such, performance reviews should be undertaken by them. Other staff within the institution should also have performance reviews, with objective setting and learning and development at the forefront of these reviews, which should be undertaken by line managers.

The House is a diverse workplace, with gender equality in mind and disabled access as a standard. If the House creates a YouTube account, they will be able to access closed captions on all of the videos at no additional cost. This will be a positive step in increasing their inclusion for minority groups in Anguilla. The House should utilise the [CPA CPwD Inclusion guidelines](#) for further information.

Members feel that there are not enough opportunities for learning and development, and this should be addressed. There are a number of options available to the House in terms of external training, like through the CPA, and it is good to know that these options are being taken up. However, the Parliament should seek further internal training from other Ministries, such as the Ministry of Finance who would be able to provide support and training to members on better financial scrutiny.

Recommendation 26 – Staff of the House should have a clear process for undertaking performance reviews and the training of staff should be key to this process. When determining its budget, the House should ensure adequate funding is set aside for training and importantly legacy planning.

PART 4 - INFRASTRUCTURE AND PHYSICAL RESOURCES

Building Space

The House currently shares space with the magistrates and high courts. Some stakeholders expressed a concern about this issue, highlighting that it caused confusion amongst the public who believe the House is an extension of the courts. Concerns were also expressed about the overall limited space available and court personnel having to walk through meetings to access the Assembly chamber. As the court sits every day, this does place an excessive burden on the chamber's facilities. Arguably, the House has been historically too generous with the courts in providing temporary office space, which has now been permanently commandeered by the Magistrate. That flexible and overly accommodating policy should end.

There is currently not enough office space to accommodate all the staff of the House and space for Members to work. This drastically needs to be addressed. The Clerk of Committees has to work out of the Speaker's Conference Room. There is insufficient space for storage, with equipment and boxes lining corridors, potentially causing health and safety issues. Whereas the Leader of the Opposition has an office space, other opposition members do not have any space to conduct any parliamentary activities, meetings, or a quiet place to work.

Many Members raised the idea of constituency offices as something that should be introduced in Anguilla. However, with the size of the population and the size of the Island taken into account, it may not be financially viable to have a number of constituency offices. It is recommended that a Member's Hub be considered as a cost saving alternative. A communal area that Members can use as a meeting space and where they would be able to conduct parliamentary work. This can become a focal point for members of the public, a space where they know they could engage with their elected Member, a space where they could get information about the legislature and a space where they can feel heard. This community space could also provide space for additional members of staff to work.

Additional space should be sourced with workstations, with adequate internet access, a private meeting area and potentially reading materials to access. The main government administrative building adjacent to the House could provide an overflow space if there are offices not being utilised. Or if the Election's Office is not being utilised all-year-round, this could be a practical alternative.

If the House wants to pursue a clear separation of powers with the Judiciary, consideration should be given to the House occupying a standalone Parliamentary building. Moving the judicial arm of Anguilla out of the building space, should be a long-term aspiration.

As part of its move to greater independence and autonomy, the House must work with the relevant ministries responsible for infrastructure and upkeep of government buildings. A service level agreement may need to be established to ensure the House can still access these services on an equal footing with other government departments.

Recommendation 27 – The House requires more space to meet current and future needs. The House must assert greater control of the precinct which it occupies, and the government should support the House in providing additional space where available.

Security

Currently there is a great deal of trust placed in the people of Anguilla by the staff of the House and its Members as there are limited security measures in place for the House. There is a Sergeant at Arms who acts more as a ceremonial figure than as security. Members and staff feel the House is not

adequately protected from outside interference, whether that be risk of violence or theft. It must be highlighted that the risk of a criminal offence being committed in the House is relatively low and therefore measures to address security should be appropriate.

The House must work with the Police to ensure that there is a greater presence felt. At a minimum, a police officer should be present at every sitting, and they should conduct a security review of the premises. There may be additional security measures that could positively affect the safety of Members and staff such as locks and security cameras.

Recommendation 28 – A review of the House’s security measures (both physical and cyber) should be undertaken as part of a broader risk assessment.

ANNEX 1 – Breakdown of potential costs

Below outlines the provisional costs associated with proposed changes outlined throughout the report. For the Transcriber, the House currently contracts a Court stenographer, the costs of which (approx. EC 1000 per month) would be absorbed into the costs listed below.

Staffing Costs

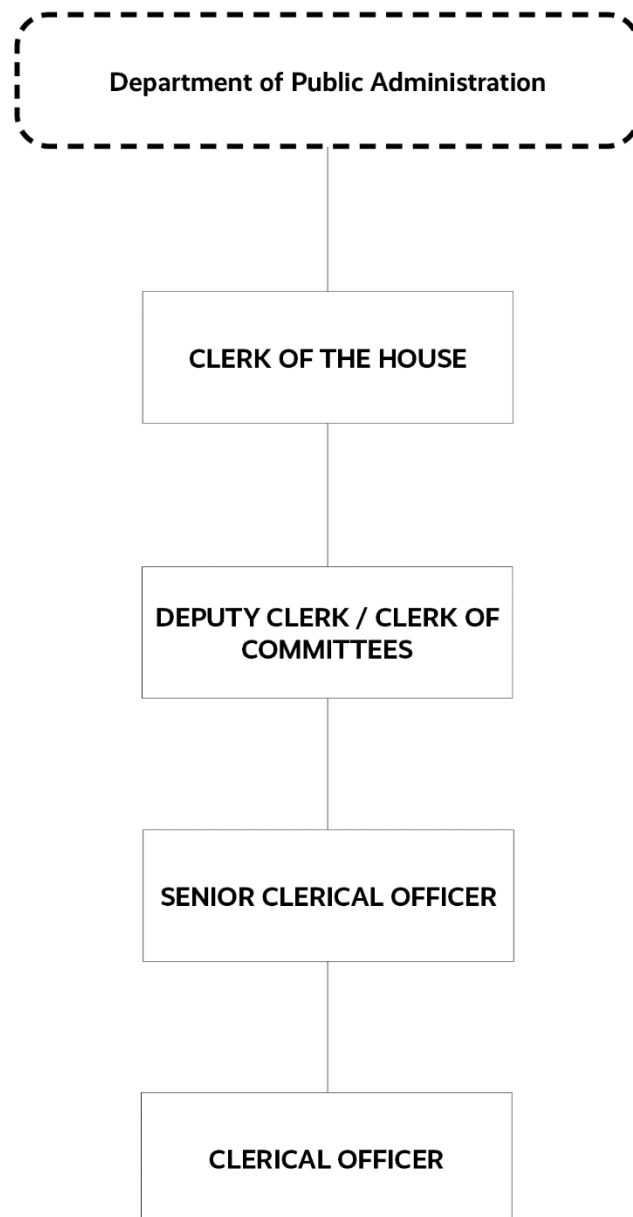
Clerk of Bills	Grade C	EC 112,365	
Research & Communications Officer	Grade G	EC 64,428	
Transcriber	Grade K	EC 22,434	Part-time
		Subtotal	199,227

Other Costs

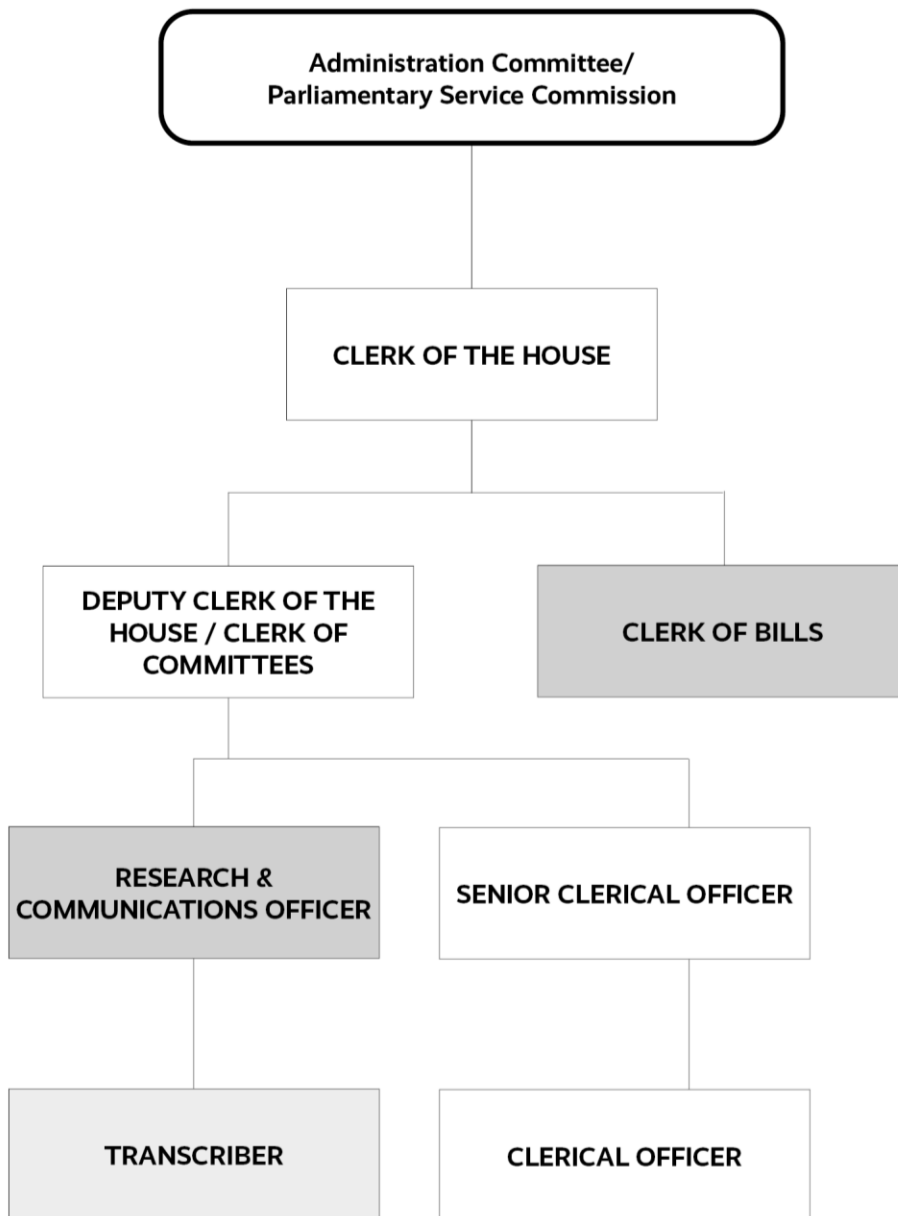
Animated Education Video	EC 18,670	covered by CPA HQ	
Finance and Administration Training	EC 7,500	covered by CPA HQ	
Legislative Drafting Training	EC 18,670	covered by CPA HQ	
Security Upgrade	tbc	covered by GOA	
Members' Hub	tbc	covered by GOA	
Additional Office space	tbc	covered by GOA	
Research academic subscriptions	EC 3,734	covered by HOA	
		Subtotal	48,574

ANNEX 2 – Organisational Structure of the House of Assembly

Below is an illustration of the current employed staffing structure of the House of Assembly.



Below is an illustration of the proposed changes to the staffing structure of the House of Assembly.



ANNEX 3 - List of related recommendations from the CPA Benchmarks Report 2020

Recommendation 2. Members' salaries should be equitable to Permanent Secretaries and backbenchers and the Leader of the Opposition should have their office expense allowance reinstated. Such remuneration should be set by an independent Parliamentary Service Commission (see recommendation 10).

Recommendation 4. The Speaker should take on a greater role in society as a role-model and spokesperson for the Assembly, specifically in educating the public on what the Assembly is and does. Should an independent body be created to oversee the Assembly, the Speaker should Chair such an entity. Furthermore, the Speaker should proactively seek to establish and Chair special Committees to highlight issues of national importance where necessary.

Recommendation 5. The House should increase the number of days it sits, this could be around four-five days per month but should meet the demands of Members, the Government and the expectations of the public to ensure they feel satisfied that robust scrutiny is undertaken. Consideration should be given to enable the House to be more responsive in dealing with urgent uses that can be discussed at short notice in the Chamber. A fixed annual or biannual calendar should be set and published. Should concerns of a quorum not be mitigated, the rules should be amended to incentivise attendance. A register of attendance should also be published online.

Recommendation 7. The House should explore alternative ways of managing the official record by considering sharing Hansard services with other Overseas Territories through a form of affordable audio speech recognition technology that is used by many small legislatures to provide timely official verbatim transcripts. This could also be done in collaboration with the Judicial Department for recording court records. An Official Reporter/Clerk of Journals should also be appointed to the House Service to generate timely records of Assembly and Committee business and document systematically rulings from the Speaker.

Recommendation 8. The House must have fully functioning existing House Committees by increasing the number of sitting dates, strictly enforcing quorums, providing financial provisions to Committee Chairs and by having a Clerk of Committees and Legislation. Members need training on the importance and practice of Committees and why they are important for the government in perfecting its policies and increasing public awareness. Public consultations could be undertaken in committee stage or some other innovative way to ensure people feel more connected to the House and its work.

Recommendation 9. In terms of political parties, see recommendation 1. In relation to the Leader of the Opposition, as with all backbench members who should be fulfilling their duties as legislators, scrutineers, representatives and advocates there has to be adequate budgetary and administrative resources provided. The House should have at least one researcher/ librarian to provide Members with independent, impartial and accurate briefing materials.

Recommendation 10. The House must have financial independence based on a budget it sets for its needs. Members must remember that they can amend the budget to provide such resource provision. The best functioning legislatures are those that have financial and administrative independence through Parliamentary Services Commission and such an approach should be adopted for the Anguilla House of Assembly. Such a precedence exists with the judiciary and so should be extended to the Assembly. In addition, more training must be available for staff and that greater consideration is given to contingency planning in the event staff are incapacitated or resign.

Recommendation 13. If the Assembly is to carry out its legislative function effectively then the disparity between resources afforded to ministers and legislators must be shortened. A Clerk of Committees & Legislation should be appointed to support Members with drafting amendments and Bills. Training should also be provided to Members to enable them to legislate in such a way.

Recommendation 15. The Anguilla House of Assembly has the potential to formulate innovative solutions to its current scrutiny and oversight deficit. For example, the introduction of more lay persons, including relevant experts or members of the public, on or in support of committees, could invigorate the scrutiny system, provided that such appointments were free from political interference.

Recommendation 16. It is recommended that with the creation of a new committee room in the refurbishment designs, that greater access can be afforded to the proceedings of committees, specifically where there are public inquiries and hearings.

Recommendation 17. The House should have a separate website to highlight that it is not the same as other Departments and offices of the government and thus emphasising its independence as an institution. Such a site, administered by an Outreach and Communications Manager should provide up-to-date information for the public to access.

Recommendation 18. A range of outreach activities, including integrating civic education into the school curriculum could be explored that works to increase public engagement with the House but that importantly, instils the fundamental importance of the institution of parliament to democracy in Anguilla. Other innovative approaches could be considered such as giving the public an opportunity to submit questions through the Speaker for Ministers to answer at question time.

Recommendation 19. A public register of interests would increase transparency within the House of Assembly and therefore contribute towards increasing public trust in the institution of parliament. The House could explore best practice from other small legislatures and overseas territories in this regard. An integrity commission has been provisioned in the Draft Constitution which among others, would have the power to maintain the Register of Interests, yet this is still to come into effect and faces the same above-mentioned challenges other similar proposed institutions face in their formulation.

Recommendation 20. The House must introduce a code of conduct which would bring Anguilla in line with international best practice. It would also provide an important reference point for Members and Ministers alike to signal to the public that the Assembly is an institution committed to regulating itself and preventing the abuse of power.