



POSITION STATEMENT - GOVERNANCE

BVI Commission of Inquiry

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QUESTION #1

1. What do you understand by the term “good governance”?

The term “good governance” is understood as being a concept that addresses a variety of principles, particularly the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, by which public sector type institutions are expected to be measured against. Additionally, standards that include transparency, regulatory reform, public sector skills and leadership all embody good governance. These principles and standards are in place to assess issues such as election monitoring, political party support, combating corruption, building independent judiciaries, security sector reform, improved service delivery, transparency of government accounts, decentralisation, civil and political rights, government responsiveness and forward vision, and the stability of the regulatory environment for private sector activities. Good governance is expected to result in open and enlightened policymaking; a bureaucracy instilled with a professional ethos; an executive arm of government that is accountable for its actions; a strong civil society participating in public affairs; and all having sound regard for the rule of law.

Appreciating there are many definitions for “good governance”, it was, therefore, important for the Public Service to have a clear understanding of the term. It is, for this reason, a definition of good governance was formulated and included in the Public Service Transformation Plan.

The Plan defines good governance as ensuring the Public Service has the right set of laws, regulations, policies and procedures to ensure accountability, openness, fairness, honesty, integrity, impartiality, and professionalism in every aspect of its operations.

The aim of good governance in the Public Service is to encourage better service delivery and improved accountability by establishing a benchmark for how to conduct business in public life with a detailed focus on accountability and transparency. This aspect of

conducting government business must also apply to all entities that comprise the wider Public Sector.

The Deputy Governor supports the Governor through the promotion of the development and enforcement of robust good governance measures in the execution of his responsibilities according to section 60 of the Virgin Islands Constitutional Order 2007 (The Constitution):

60.— (1) The Governor shall be responsible for the conduct (subject to this Constitution and any other law) of any business of the Government of the Virgin Islands, including the administration of any department of government, with respect to the following matters—

- (a) external affairs, subject to subsection (4);
- (b) defence, including the armed forces;
- (c) internal security, including the Police Force, without prejudice to section 57;
- (d) the terms and conditions of service of persons holding or acting in public offices, without prejudice to section 92; and
- (e) the administration of the courts.

In supporting the Governor, the Deputy Governor monitors the adherence to good governance standards by public officers. Overall, the fundamental function in monitoring good governance in the Public Sector is to ensure ministries and departments achieve their intended outcomes while acting positively in the public interest at all times.

Acting in the public interest requires:

- a. Behaving with integrity, demonstrating a strong commitment to ethical values, and respecting the rule of law.
- b. Ensuring openness and comprehensive stakeholder engagement.

In addition to the overarching requirements for acting in the public interest, achieving good governance in the public sector also requires effective arrangements for:

- a. Defining outcomes in terms of sustainable economic, social, and environmental benefits;
- b. Determining the interventions necessary to optimise the achievement of the intended outcomes;
- c. Developing the entity's capacity, including the capability of its leadership and the individuals within it;
- d. Managing risks and performance through robust internal control and strong public financial management; and
- e. Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.

The Public Service Transformation Programme which started in 2018 adopted the principles of the Good Governance Framework for the Overseas Territories (OTs) as a medium to measure good governance in the Public Service. The table below shows an update on the framework:

No.	Good Governance Component	Status	Next Steps
1.	<i>Code of Conduct for Ministers (Minister's Code of Conduct)</i>	A committee was put in place by Cabinet and its report was approved by Cabinet in March. The Code is currently awaiting its first reading in the House of Assembly.	Awaiting approval from the House of Assembly
2.	<i>Register of Interests</i>	Register of Interests Act, 2006 exists. Registrar has been appointed. Register of Interests Special Select	Draft of amended legislation to strengthen its enforcement through the Integrity Commission has been

No.	Good Governance Component	Status	Next Steps
		Committee appointed. The Act requires members to make declarations of their interest. However, it does not make provision for the register to be published.	completed and feedback provided to the AG's Chambers
3.	<i>Code of Conduct for Public Officers (Public Service Management Code)</i>	Public Service Standards of Excellence launched 2016 in alignment with the Nolan Principles (replacing the former Public Service Code of Conduct) and standards are aligned to performance management behaviour standards	Consultation on the Public Service Management Bill has concluded. The Bill has been revised to fit the format of a Code
4.	<i>Service Commissions</i>	Service Commissions Tracker is completed and is expected to be launched shortly. Terms and conditions of Commissions are included in Service Commission Act, 2010 and Service Commission Regulations, 2014.	Implement and use Service Commissions Tracker
5.	<i>Ombudsman/Complaints Commissioner</i>	Office of the Complaints Commissioner institutionalised and legislated with standards to redress and report complaints.	There is a need for more enforcement powers; Act to be revised; the mandate of the Complaints Commission needs to be reviewed

No.	Good Governance Component	Status	Next Steps
6.	<i>Review of the Court Backlog</i>	The completed report on the Criminal Court Backlog currently with Cabinet for approval	Implementation of the activities of the report
7.	<i>Unexplained Wealth Order</i>	Draft legislation was completed and feedback provided to the Attorney General's Chambers	Finalise the Bill for submission to Cabinet and House of Assembly
8.	<i>Flexible Working Arrangements</i>	Draft completed and feedback provided to the Attorney General's Chambers	Finalise for submission to Cabinet and House of Assembly
9.	<i>Jury Act</i>	Being drafted by the Attorney General's Chambers	Completion of the draft for stakeholder consultation
10.	<i>Whistler-blower Act</i>	First reading in the House of Assembly completed	To be presented for public consultation
11.	<i>Integrity in Public Life Bill</i>	First reading in the House of Assembly and public consultation completed	To be approved in the House of Assembly and then assented to the His Excellency the Governor
12.	<i>Witness Anonymity Bill</i>	Currently with the Attorney General's Chambers for drafting	Draft to be completed for consultation
13.	<i>Approval to Tender for Compensation Review</i>	Project was approved by Cabinet and tender documents are being finalised by the Ministry of Finance	Issue the tender documents to attract suitable consultants
14.	<i>Audio Visual Link Act</i>	Assented to by His Excellency the Governor	Implementation within the Courts
15.	<i>Report from the Ad Hoc Elections Legislation Committee</i>	Currently with the House of Assembly awaiting a meeting of the Members for review	To develop the work plan to support the implementation of the recommendations

No.	Good Governance Component	Status	Next Steps
		and approval of its content	
16.	<i>Suite of eGovernance Legislation</i> (Data Protection, Electronic Filing, Electronic Funds Transfer, and Electronic Transactions)	Approved by the House of Assembly on 5 th March, 2021	Assented to by His Excellency the Governor on 6 th April and Gazetted on 13 th April, 2021
17.	<i>Police Act</i>	First reading in the House of Assembly completed and currently out for public consultation	To be approved in the House of Assembly
18.	<i>Disaster Management Act</i>	Approved in the House of Assembly	Received at Governor's Office for consideration. To be considered in line with Constitutional Review
19.	<i>Archives and Records Management</i>	Decision approved by Cabinet to transfer Archives to the Premier's Office and to allow the management of the records of the Public Service to remain with the Office of the Deputy Governor	Legislative review required to allow for the subjects to be split A paper on the establishment of the Records Management Centre within the Office of the Deputy Governor currently with Cabinet for consideration

Table 1: Measures of Governance Standards for Overseas Territories

Moreover, globally, the term “good governance” involves eight major characteristics. It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law. It assures corruption is minimised, the views and interests of all classes of people are taken into account, and the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society by ensuring adherence to rigid public accountability policies geared at ensuring true value in the execution of public services.

QUESTION #2

2. What do you understand by the term “poor governance”?

The extremes of poor governance can lead to issues related to abuse of human rights, corruption, lack of transparency, lack of responsiveness, and lack of accountability. There are certain indicators that help to determine a state of poor governance. These include the inability to manage public affairs and public resources; high levels of centralisation resulting in very few people making decisions on behalf of society; failure of government to meet the needs of the society; societal evidence of corruption, crime, restrictions on freedom of expression by public officers and the public in general; and fear of victimisation and exclusion from public and private expressions of interests, opinions and positions on public policies or societal conditions.

Poor governance results in little openness in government business and, in such situations, most people will regard the Public Sector as not transparent and accountable. The Public Sector must therefore have clear indicators that help to measure good governance, and it is for this reason, they have been incorporated in the Public Service Transformation Plan. They play an important role in guiding our efforts towards good governance and avoiding a state of poor governance emerging.

QUESTION #3

3. To what extent do you consider good governance to be important in sustaining public confidence in all elements of government?

Society affords governments a unique privilege and power to set policies and laws and to manage the financial affairs of a country. In return, society expects not to be betrayed or have its trust abused through actions that put the interests of a few ahead of those of the majority, or for the development and execution of policies not in the interest of the wider society.

Trust is the foundation upon which the legitimacy of public institutions is built and is crucial for maintaining social cohesion. It is important for the success of a wide range of public policies that depend on behavioural responses from the public and is necessary to increase the confidence of investors and consumers. For example, the government's ability to harness public trust was critical for the planning and response stages of the pandemic crisis but is even more important in implementing an inclusive recovery from the COVID-19 emergency plan as we continue to live and work in this ongoing global crisis. The pandemic caused citizens to consider their governments to be the most trusted institution, as they looked for guidance and a way to alleviate the fear and dissolution they were feeling. Such trust is crucial to managing challenging economic and public health issues. Although people's trusts tend to grow during times of crisis, as they rely on public institutions to address complex challenges, such trust is also fragile and can quickly be lost as the crisis comes under control and as time progresses. Ultimately, trust in government is founded on citizens' perceptions of its competence to execute and follow through on what they say they will do, their intent, and whether it is coming from a place of genuine empathy and true care for the wants and needs of society.

Government's values and approaches toward good governance, such as high levels of integrity, fairness and openness of institutions, are strong predictors of public trust.

Similarly, the government's competence – its responsiveness and reliability in delivering public services and anticipating new needs – are crucial for boosting trust in institutions. When leaders fail to be good stewards of the resources and privileges placed in their keeping, then the underpinnings of society are threatened. As public officials, administering good governance standards are critical as, without such, the potential exists to erode the rules and courtesies that define societal behaviours and the expected deportment of persons in public life.

At its heart, good governance is about protecting and enhancing the public's confidence in the Public Service. Everything the Public Sector does, all the tasks and activities it undertakes, must be done to achieve this overriding end. To strive for anything less underestimates how important good governance is to society's general well-being. While the right amount of good governance laws and policies must be put in place, good governance itself cannot be legislated. It will happen only when those in public life execute their duties within a robust good governance framework, the public demands it, and when governments fully adopt it as part of the organisation's values and standard practices.

Any pervasive breach of the public's trust over time will undermine the economic and social system upon which society rests. To maintain and enhance the public's trust, the Public Sector must engage actively in the work of good governance. There must be dedication to its purpose, and importantly, an established philosophy of operational discipline. The increasing demands for services and the shrinking availability of resources are forcing governments to apply their imaginative energies to identifying new revenue sources and to take greater risks. These risks however must be underpinned with a good governance philosophy that promotes an operational discipline that coincides with aggressive and innovative ways to advance the business of government. This means we must engrain a culture of timely public reporting of financial and operational data which highlights the quality work being done while identifying and

addressing any potential conflicts that may arise. Constitutionally established bodies have to continuously be strengthened and provided with greater power to investigate and access information. Citizens want to be continuously engaged, they want their voices to be heard, they want to participate in the advancement of government business and they want accountability in decision-making – all of which can help create an inclusive society. To achieve this, we must continue to ensure our institutions, structures, and processes empower all groups to participate.

QUESTION #4

4. As Deputy Governor, what role, if any, do you have in ensuring there is good governance and how have you carried out that role?

In accordance with the Constitution Order, 2007, the Deputy Governor executes functions of the Governor's Group on behalf of the Governor, through the Office of the Deputy Governor. The Office of the Deputy Governor supports the Deputy Governor in the exercise of his or her functions under Section 38 of the Virgin Islands Constitution Order, 2007.

The functions of Deputy Governor are clearly outlined in Section 38 as:

- a. assisting the Governor in the exercise of his or her functions relating to matters for which the Governor is responsible under section 60;
- b. assisting the Governor in the exercise of such of his or her other functions, being functions in the exercise of which the Governor is not obliged to act in accordance with the advice of any other person or authority, as the Governor, acting in his or her discretion, may direct; and
- c. performing such other functions, not of a ministerial nature, as (subject to the Constitution and any other law) may be assigned to the Deputy Governor, at the request of the Premier, by the Governor acting in his or her discretion.

The Constitution further states that the Governor, acting in his or her discretion, may, by writing under his or her hand, authorise the Deputy Governor to exercise for and on behalf of the Governor any or all of the functions of the Office of Governor, subject to such exceptions and conditions as the Governor may from time to time so specify.

Specifically, the Deputy Governor directly supports the work of all departments within the Governor's Group and provides advice to the Governor on the operations of the various Commissions and the Constitutionally Established Departments, i.e. Cabinet Office, Office of the Auditor General, Office of the Complaints Commissioner, Office of the Registrar of Interests and the Office of the Director of Public Prosecutions.

Although not specifically defined, the Deputy Governor executes the role of the Head of the Public Service in supporting the Governor. This includes supporting the Ministers and Permanent Secretaries in the execution of their duties in line with Good Governance Standards. The public administration matters that involve terms and conditions of public officers including the leadership of Permanent Secretaries in this regard are handled by the Deputy Governor.

Specifically, the Deputy Governor was assigned the task of developing and implementing the Public Service Transformation Plan related to good governance. The report on the success of those outputs is presented on pages 5 through 8 in support of good governance measures in consultation and collaboration with the Premier's Office and the various Ministries through the appointed Permanent Secretaries.

On a daily basis, the Deputy Governor monitors the Public Service's adherence to good governance standards. The Office of the Deputy Governor serves as the highest public service office to ensure accountability in this area. The Deputy Governor monitors actions and activities in the Public Service that might impact good governance and ensures the proper procedures and mediums are utilised to propel corrective action where needed. This includes monitoring when infractions against good governance standards have been breached and ensuring the appropriate institutions are engaged

such as the Services Commissions, Office of the Auditor General, Office of Complaints Commissioner, Royal Virgin Islands Police Force, Attorney General's Chambers and Office of the Director of Public Prosecution, for example.

QUESTION #5

5. What mechanisms, statutory or otherwise, make up the current system in place in the BVI to ensure good governance?

An effective governance structure combines controls, laws, policies and guidelines that drive the Public Sector toward achieving its objectives while focusing on the needs of its customers and clients. The Virgin Islands good governance structure is comprised of a combination of various mechanisms classified as internal and external.

Internal Mechanisms

The internal mechanisms focus mainly on controls that monitor the progress and activities of the Public Sector and are able to take corrective actions when necessary. The purpose of these controls is to ensure transparent operations, clearly defined reporting lines and performance monitoring and measurement systems are in place to evaluate and report on the results being achieved. Internal mechanisms include:

- oversight of management that comes from the ministerial structure led by Permanent Secretaries that report directly to the Deputy Governor;
- Boards and Trusts established to provide oversight for statutory agencies;
- grievance redress mechanisms such as the Office of the Complaints Commissioner and departmental level grievance redress systems;
- independent internal audits and compliance systems through the Office of the Auditor General, Internal Audit Department, Office of the Registrar of Interests; and

- structures that allow for levels of responsibility, segregation of control and policy development such as the Public Service Commission, Teaching Service Commission, Police Service Commission, Judicial and Legal Services Commission and the Cabinet Office.

In addition, these mechanisms are supported by a number of legislations, policies and regulations in place for monitoring and enforcement including but not limited to:

- General Orders, 1971
- Public Financial Management Act and Regulations
- Service Commission Act and Regulations
- Criminal Code, specifically Section 109 which speaks to Frauds and breaches of trust by public officers
- Procurement Legislation
- BVI Constitution Order, 2007
- Virgin Islands Audit Act, 2003

The internal governance mechanisms in the Public Sector are key components of a robust sector and seek to guide actions and produce standards from within. Figure 1 further summarises some uses for various internal governance mechanisms used in the Virgin Islands based on the new and emerging move towards integrating a results-based management approach.

Activity	Outcome	Mechanisms
<ul style="list-style-type: none"> •Strategic Planning •Change Management, Planning and Implementation •Public Service Transformation •Routine Activities •Monitoring, Evaluating 	<ul style="list-style-type: none"> •Objectives, Resource Allocation •Change Plan, Achievement of key priorities •Fundamental adjustments achieved •Performance •Analysis and reporting on successes, lessons and gaps 	<ul style="list-style-type: none"> •Planning, Budget, Internal accounting •Task control, incentives, performance appraisals, grievance redress •Gap analysis, e-government, service delivery, HR Management •Training, Auditing, Standards, Compliance •Annual Reporting & Post Evaluation

Figure 1: Governance Mechanisms

External Mechanisms

External control mechanisms are controlled by external organisations such as regional/international partners and financial and lending institutions that support the work of the Public Sector. The purpose of these mechanisms include the ability to negotiate with donors and institutions for better lending rates and support towards development initiatives as well as adequate debt management. External organisations can also provide guidelines for best practices. These mechanisms are facilitated by organisations such as the Caribbean Community (CARICOM) and its organisations, Association of Caribbean States (ACS), the Organisation of Eastern Caribbean States (OECS), United Nations (UN) organisations and regional banking institutions such as the Caribbean Development Bank (CDB). External Mechanisms are also established and monitored through the Foreign, Commonwealth & Development Office (FCDO) where financial borrowing guidelines for example are established for the Territory.

QUESTION #6

6. What do you consider to be the strengths and weaknesses of that system?

It is recognised that with the existing set of regulatory framework and legislation geared to promote good governance and those currently being introduced such as Contractor General Legislation, Whistle-blower Legislation, Integrity in Public Life Act, Ministerial Code, revision of the Registrar of Interests Act, Procurement Legislation and the Public Service Management Code, the Government will be able to show a robust Good Governance Framework.

It is however recognised specific to public officers that our current policies to guide public officer as reflected in General Orders are outdated and need to be revamped as much of the information in the document is now irrelevant. As a result, the Public Service Management Code has been drafted to replace the currently utilised General Orders.

Questions 5 and 7 are specific in showing that while the Public Service has an abundance of good governance legislation, policies and the established offices to monitor and execute a good governance platform, significantly missing is the overall Good Governance Policy and Framework as identified in question 7.

With this in place, monitoring and enforcement then become the most urgent need to ensure an engrossed culture of good governance. Led by the Integrity in Public Life Act, the framework for monitoring and enforcement will be augmented with other agencies responsible for good governance.

Strengths

The Virgin Islands Public Sector has made significant improvements over the years in meeting good governance standards. This is evident by the history of economic growth that the Territory has been able to achieve over the years. This growth has been attributed to:

1. Investor's confidence
2. The integration of proper inducement for public officers to achieve objectives
3. Minimisation of wastage
4. Greater focus on minimising, corruption, risks and mismanagement.
5. Introduction of the Public Service Transformation Programme that has allowed for an enhancement of the Public Sector in a manner that fits the best interests of the customers and clients we serve.
6. Greater emphasis on integrity, ethical values, the rule of law and well as openness and wider stakeholder engagement.
7. Improved customer service initiatives
8. Improved efficiency, convenience, accountability and transparency through the use of ICT (E-Government initiatives) and improved customer service.
9. Strengthening of institutions through greater enforcement powers and human resource capacity to support greater accountability and performance
10. Enhancement of enforcement and compliance systems with the revision of laws, regulations and codes such as the Public Service Management Code and the creation of new legislation such as the Integrity in Public Life, Register of Interests Act.

Weaknesses

It is recognised there is need for other improvements in good governance structures and mechanisms which will be addressed through:

1. Reorientation of priorities at the ministerial levels that are more closely linked to the legislative agenda and financial management processes
2. Expanding alliances with civil society and the private sector

3. Introduction of a comprehensive results-based management approach in strategic planning, budgeting and monitoring and evaluation
4. Further development of grievance redress system and making them accessible online
5. Re-engineering of workflows to allow for greater efficiency and to identify and address bottlenecks
6. Improving procurement systems
7. Establishing a comprehensive good governance framework and the establishment of a clear focal point for good governance
8. Continued drive towards the full implementation of the Public Service Transformation Programme led jointly by the Governor and the Premier.
9. Establishment of new laws to support the Freedom of Information Act and establishment of a Human Rights Commission in the near future.

QUESTION #7

- 7. What steps do you as Deputy Governor consider should be taken to promote the strengths and remedy the weaknesses you have identified so as (if you have answered (3) above in the positive) to sustain public confidence in all elements of government?**

Over the years, a significant amount of effort has been made towards completing the various activities that support good governance in the Public Sector. There is a need to now combine these into a comprehensive Good Governance Framework to ensure continued enhancement in service delivery and improved accountability by establishing benchmarks for aspects of good governance in the public sector. The framework will not only span the Public Service but will cover all components of the public sector and will help to connect the various governance codes, regulations, etc. Going forward, there must be improvement in the manner in which the good governance principles and standards are implemented while strengthening the monitoring and evaluation mechanisms.

The Good Governance Model for the Virgin Islands Public Sector as outlined below in Figure 2 illustrates how the various principles for good governance relate to each other. It is important to note that integrity and openness permeate throughout the model. To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must work harmoniously to achieve the organisation's objectives while acting in the public interest at all times, consistent with the requirements of legislation and government policies, avoiding self-interest and, if necessary, overriding a perceived organisational interest.



Figure 2: VI Public Sector Model for Good Governance

In order for the Public Sector to fully implement the model, it is important that the Foreign, Commonwealth and Development Office (FCDO) assists the BVI in developing a good governance scorecard by which the Territory can use to monitor the success of its good governance programme on an annual basis.

Autonomous bodies also need to serve as watchdogs to identify which areas need to be strengthened. This means, steps need to be taken to amend legislation to give autonomous bodies, like the Office of the Auditor General, Office of the Registrar of Interests and the Office of the Complaints Commission, more enforcement powers.

In order for a programme of good governance to be successful, there must be a programme of ongoing education and awareness being implemented at all levels of

society and more so within the Public Sector. Maintaining mutual lines of communication is critical and includes both communications within as well as outside of the Sector. Public relations management will act as a bridge between the Public Sector and its stakeholders (identified in Figure 3 below), helping to enhance governance quality. Leaders and senior managers must therefore be open to fully understand what stakeholders think about the organisation and what they expect from the sector. This is an important aspect of the monitoring components needed to enhance the good governance programme.



Figure 3: Stakeholders in Governance

QUESTION #8

8. What are the standards by which good governance is currently measured in the BVI?

The Virgin Islands is expected to continue to be challenged due to changing and shrinking economies as a result of the impacts from hazards and the ongoing COVID-19 Pandemic.

New demands for governance in the Territory have been identified as:

- Delivering/determining measurable outcomes through a results-based management approach with a clearly developed and implemented Monitoring, Evaluating and Reporting System
- Showing clear impact for the resources invested
- Fair and transparent use of taxpayer resources
- Meaningful stakeholder and community engagement to discuss priorities

This requires fairly sophisticated governance practices such as systems/network thinking and visualisation; greater openness to dialogue and engagement, multi-dimensional problem-solving and priority-weighting; and the ability to understand and think forward the various ramifications and impact of decisions.

This can be gleaned from the central role it plays in the formulation and implementation of policies designed for the development of society. The diagram below, Figure 4, shows a number of key activities that have been implemented or are in train for implementation to monitor and promote good governance.

Policy and development plans for a Strategic Policy and Planning Unit within the PO	Draft of Ministerial Code of Conduct	Procurement Bill	Emergency Procurement Policy
Revision of the Public Financial Management Bill & Regulations	Review of legislation related to BVI SOEs and SBs	Review of non-legal components of Statutory Agencies' operations and design	Draft Performance Monitoring Guidelines for SOEs/SBs
Database with Financial Indicators and Ratios	5 Corporate Governance principles to align Statutory Agencies and Central Government	Established an SOE Monitoring Committee/Working Group	Implemented vehicle usage policy and establishment of Courier & Chauffeur Services
Established SMART Schools policy	Review of Immigration and Labour Policy and Legislation	Strengthened Housing Assistance Grants Policy	Public Service Management Code
Integrity in Public Life Policy	Establishment of Customer Service Care Centre	Leadership Training for Public Officers	Comprehensive Disaster Management Strategy and Programming Framework
Enactment of Audio Visual Legislation	Revised Police Act	Revised Disaster Management Act	Revision of the Child Maintenance and Access Bill

Figure 4: Key Activities for Good Governance

Notwithstanding, the above, the good governance guiding policy and framework presented in question 7 is needed as a standard of measure for good governance standards. As mentioned previously, the FCDO should assist the BVI in developing a good governance scorecard which the Territory can use annually to rate its good governance programme.

QUESTION #9

9. In what way, if any, do you consider those standards to be insufficient?

The implementation of the needed standards in questions 5, 7 and reiterated in 8 along with the various bodies geared to monitor, sets the foundation for a sufficient system when fully implemented. Until that stage is realised, however, consistent work on the Good Governance Programme must remain a priority. There will always be a greater need for greater transparency in how public funds for example are administered. This has heightened based on financial scarcity infused by hurricanes and the recent pandemic. While there is trust in Government as an institution, the society today is more complex and demanding of how Government's business is executed; therefore, requiring continuous efforts of information and communicating specifically on Government spending, for example.

The Good Governance Standards must continuously be benchmarked against those set by the United Kingdom and global partners. With the above mentioned, along with a comprehensive policy that gives oversight and clear instructions on what the good governance framework for the Territory should encompass and the passage of the Freedom of Information Bill, a foundation for correcting any current insufficient standards can be established.

QUESTION #10

10. What steps do you, as Deputy Governor, consider should be taken to ensure that the standards of governance in place will sustain public confidence in all elements of government?

As we work towards meeting the Sustainable Development Goals which are seen as the most powerful commitment to the principles of good governance, we must also aim to

maintain a functioning public sector that respects principles such as transparency and participation and is accountable to its customers and clients, a dynamic civil society that can express and respond to the needs of the society, and a justice system that provides legal security, all contributing to human security and protection of the environment.

Building on our achievements to date, we will continue to anchor good governance systematically at several levels within the Public Service.

It is therefore important that the work of the Public Service Transformation Programme advances, but in order for us to advance this programme, there is a need to clearly define the roles and responsibilities of the Governor, Premier, Deputy Governor, Ministers of Government and the Policy Advisors in the form of the Permanent Secretaries as it relates to good governance. A clearer structure of Government is necessary to avoid ambiguity and uncertainty and to ensure the public is clear on who is to be held accountable and to avoid any unintentional or intentional erosion of the neutrality of the Public Service. This will mean, for example, having written and explicit clarity on Section 56 of the Constitution which speaks to the role of Ministers in relations to their Ministries. Clarity on this section would afford Ministers the best platform by which to set and monitor policies while ensure the public service responds with pace and accuracy in the execution of related functions.

Whatever the outcome of the Commission of Inquiry, there is a need for the Public Sector to establish a formal Good Governance Policy. The policy will clearly define the good governance framework for the BVI in securing financial management, development and sustaining a high quality of public service delivery, facilitate transparency, integrity and gender equality, and produce good quality regulations.

An effective good governance framework would not just help to find solutions for any problems within the public sector that would be determined by the Commission of Inquiry, but also empower citizens and businesses to participate more in finding solutions as part of their social responsibilities.

As a Territory that is rapidly developing and competing globally, we must find ways to sustain key development initiatives even after political changes occur must be instituted. There are many productive ways to embed initiatives in the current systems of Government to decrease dependency on electoral and political cycles. We must therefore promote a whole of government approach - at the central level and all the way down to the decentral level where citizens and businesses meet the public sector.

Public Sector institutions must be encouraged to bridge the gap between planning and results. One of the key approaches to achieving this would be to expand further on performance-based goal setting and targeting, creating transparency and accountability, benchmarking, peer reviewing and joint learning within the context of a results-based environment. Improving efforts towards monitoring, evaluating and reporting on performance is critical.

The implementation of the Good Governance Policy and Framework while complex, is the most critical component in achieving a robust good governance institution. To achieve this there must be a bottom-up approach that includes all stakeholders to encourage an early sense of ownership, allowing time for developing institutions and providing training for those who will implement the policy, and put initiatives in a long term strategy based on a systemic approach. This approach calls for inclusive leadership, political determination and an inclusive society that is involved in the direction of the BVI. Any areas of good governance insufficiency must continue to be aggressively addressed and all persons in public life held accountable to the Good Governances Standards expected in relation to their duties. However, the current steps the BVI has taken towards good governance are commendable and should be recognised.