

Tynwald Commissioner for Administration (Amendment) Bill

Consultation Overview

Draft Bill (Keeling Schedule):

- To assist this consultation, a marked-up version of the Tynwald Commissioner for Administration Act 2011 is available: [https://tynwald.org.im/spfile?file=/business/bills/Bills/20250731%20Keeling%20Schedule%20for%20TCA%20\(Amd\)%20Bill%20Consultation.pdf](https://tynwald.org.im/spfile?file=/business/bills/Bills/20250731%20Keeling%20Schedule%20for%20TCA%20(Amd)%20Bill%20Consultation.pdf) – otherwise known as a “Keeling Schedule” to aid understanding of the legislation by showing proposed amendments in context.

Background:

- The Tynwald Commissioner for Administration (“TCA”) was set up by the Tynwald Commissioner for Administration Act 2011 which came into operation on 1 January 2018. Previous postholders have requested that the Act be amended in various ways. Some of these have been referred to in the TCA's annual reports, while others have been recorded in files originally held by the Cabinet Office, since transferred to the Clerk of Tynwald's Office.
- In January 2023 the Cabinet Office advised that the Government had decided to remove the Bill from its Legislative Programme and asked if the Tynwald Management Committee would be prepared to pick it up, to which it agreed in May 2023.
- An initial consultation on general principles was held between 26th October to 24th November 2023 – this invited comment from Tynwald Members, Departments, Statutory Boards, Local Government and the incumbent and outgoing TCAs.
- Following the preparation a marked-up proposal (or “Keeling Schedule”) the Committee is now consulting the public and inviting feedback.
- Thereafter the Committee intends to report to Tynwald Court with detailed proposals and attach a draft Bill, alongside their report.
- If approved, the Bill would then be introduced into the House of Keys under Standing Order 4.2(1)(f).

Deadline:

- The deadline for receipt of responses is **Tuesday, 16th September 2025 at 5.30pm.**

Email submissions:

- Responses can be emailed to the Committees inbox: committees@tynwald.org.im with “TMC Consultation” in the subject line.

Online submissions:

- Responses can be made online on this Microsoft Forms page.

Paper form submissions:

- On request, the reception at Legislative Buildings can provide a paper copy to complete and return.

About You

This information is requested to assist the Committee's analysis. For more information or for any queries, please contact: committees@tynwald.org

- Office of the Clerk of Tynwald Privacy Policy: www.tynwald.org.im/privacy-policy

1. Are you resident in the Isle of Man?

Yes

- No
- Moving to the Island

2. What is your name? *

Hayley Kinvig

3. Are you responding on behalf of an organisation?

[If Yes, please provide the organisation you are responding on behalf of, at Q4]

- Yes
- No

4. If answering 'Yes' to Q3. What is the organisation you are responding on behalf of?

Port St Mary Commissioners

5. Would you like to tell us anything about your qualifications, skills, experience or background which is relevant to the subject matter of this consultation?

Local Authority

6. May we publish your response? *

- Publish in full – your first name and surname, organisation name, along with full answers will be published (your email will **not** be published).
 - Publish anonymously – only your responses will be published (your name, organisation and email will **not** be published)
 - Do not publish – **nothing** will be published publicly (your response will only be part of a larger summary response document)
- Yes, you may publish my response and my name
- You may publish my response, but not my name
- No, please do not publish my response

7. Q1: Do you agree it would be beneficial to make the composition of the Selection Committee more flexible?

Recruitment process

- Current legislation specifies a Selection Committee for the TCA comprising the Chair of the Tynwald Management Committee, the Chair of the Tynwald Public Accounts Committee, and the Chief Minister. Practically, the individuals holding these offices may not readily be available or concurrently hold more than one role – as is currently the case, where the Chair of the Tynwald Management Committee (Mr Speaker) also serves as Chair of the Public Accounts Committee. Currently, the Vice-Chair of the PAC has been co-opted onto the Committee. In future, it would be preferable to have more flexibility to ensure the Selection Committee can deliver its functions effectively.

See proposed amendments to paragraph 1 of Schedule 1

Yes - Provided independence is safeguarded and appointments remain transparent and based on clear criteria.

8. Q2: Do you agree it would be beneficial to clarify and streamline the process of appointing Deputy and Acting TCAs?

Conflicts of interest

- In certain circumstances, a need arises to appoint either a Deputy or Acting TCA. For example, where the TCA has a declared conflict of interest, or is otherwise unable to serve. Current legislative provision on this is somewhat unclear, and it is proposed to improve this.

See proposed amendments to s4 and proposed new section 13A, 13B and 13c

Yes - Would provide certainty, reduce delays and ensure continuity in handling complaints.

9. Q3: Do you agree with the creation of a new power for the TCA to appraise complaints procedures in Government Departments (and Statutory Boards and Offices)?

Appraising Departments' own complaints procedures

- Isle of Man Government Departments (and Statutory Board and Offices) operate their respective complaints procedures – which are periodically reviewed internally. It is proposed that the TCA be given the ability to appraise these from time to time, in the interests of best practice and constructive feedback, and for any appraisal to be reported to Tynwald.

See proposed new sections 27A and 27B

Yes - Help drive consistency and improvement, but guidance should ensure the power is used proportionately and without adding unnecessary admin burdens.

10. Q4: Do you agree with clarifying the power for the TCA to commence their own investigation, if a Department (Board or Offices') own investigation is taking three months?

Timescale for Departments' own investigations

- The timescale for Departmental investigations has the capacity to be protracted and lengthy. The current Act assumes that Departments/Boards will respond within a month and allows the TCA to extend this to three months in exceptional circumstances. In practice, extensions to three months are commonplace. To recognise this but ensure the three month deadline is met where possible, it is proposed to clarify the power for the TCA to commence their own investigation after three months – affording clarity to both the complainant and the Department (Statutory Board or Office).

See proposed amendments to sections 10 and 13

Yes - Positive safeguard against delay and ensures complaints are progressed in a timely manner, provided Departments are kept informed when escalation occurs.

11. Q5: Do you agree with clarifying the relationship with Manx Care by making HSCOB a "relevant investigator"?

Who can be investigated

- Current legislation is unclear on the relationship between Manx Care and the Health and Social Care Ombudsman Body (HSCOB), which is a legally established body, independent from both the Department of Health and Social Care and Manx Care. It is proposed to update this and make HSCOB a "relevant investigator".

See proposed amendment to paragraph 2 of Schedule 2

Yes - Ensures clear lines of responsibility between TCA & HSCOB, avoiding duplication.

12. Q6: Do you agree with adding the Safeguarding Board to the listed authorities in the Bill?

Who can be investigated

- Current legislation does not include the Isle of Man Safeguarding Board, established under the Safeguarding Board Act 2018. This improvement was suggested by the Tynwald Social Affairs Policy Review Committee and approved by Tynwald in 2016.

See paragraph 1 of Schedule 2

Yes - Increases accountability and ensures its decisions and actions are subject to the same independent oversight as other listed Authorities.

13. Q7: Do you agree with protecting the TCA from being sued for defamation – in respect of drafts, or work in progress – which they may circulate (or publish) as part of the process of producing a report?

Protection from suit for defamation

- The current Act protects the TCA against being sued for defamation in respect of their published reports, but not in respect of drafts, or work in progress, which they may circulate or publish as part of the process of producing a report. This was raised with the Committee by a previous TCA and is considered an appropriate technical amendment.

See proposed amendments to section 23

Yes - Necessary to allow the TCA to work independently and transparently without risk of legal challenge during the reporting process.

14. Q8: Do you agree with the TCA's accounts being inspected, as opposed to being audited?

Inspection rather than audit of accounts

- The Committee proposes that the TCA's accounts be inspected as opposed to being subject to a formal audit, as is currently the case. This is considered a technical improvement that is preferable given the scale of the TCA budget – comprising one part-time individual (notwithstanding the possibility for a deputy or acting Commissioner).

See proposed amendments to paragraph 17 of Schedule 1

Yes – Given the small scale of the TCA's budget, inspection is a proportionate approach that reduces unnecessary cost and administrative burden. However, we would recommend an Assurance Audit be undertaken periodically to provide independent verification of financial controls and governance. This would strengthen public confidence and ensure that, despite the

Issues not addressed by the Bill

For completeness, the Committee has reflected on the below areas but decided against progressing or including in the proposed draft Bill at the current time. These areas and reasons are as follows:

15. Issue (A): Appeal against refusal to investigate | Do you have any comments?

Summary

- The Committee has considered the matter of a mechanism to enable a complainant to appeal when the Commissioner refuses to investigate. This was previously recommended by the Tynwald Environment & Infrastructure Policy Review Committee and approved by Tynwald in 2016 but on closer examination was found to be impractical – however it is proposed to ensure that reasons for not investigating are laid before Tynwald.

See proposed amendments to section 14

Clarity on appeal mechanism required. An independent review process could strengthen fairness and public confidence, provided it does not create excessive delay or cost.

16. Issue (B): Chief Minister's power to make directions about co-operation between TCA and others | Do you have any comments?

Summary

- The above arose during the course of the Committee's discussion of the draft Bill. In summary, the Committee is unsure that this is altogether appropriate and would welcome comments and suggestions.

See section 7(7)

Power should be exercised sparingly and transparently, with safeguards to protect the independence of the TCA.

17. Issue (C): Detaching the list of authorities from Personal Liability (Ministers, Members and Officers) Act 2007 | Do you have any comments?

Summary

- The above arose during the course of the Committee's discussion of the draft Bill. Under the existing Act, some Listed Authorities are defined by reference to the Personal Liability (Ministers, Members and Officers) Act 2007. In summary, the Committee is unsure whether this is preferable, or not, and would welcome comments and suggestions.

See paragraph 2 of Schedule 2

PSMC support as it would simplify the framework and avoid confusion. Any revised list to remain clear, accessible and up to date for public and listed authorities.

18. Do you have any other comments on the draft bill?

PSMC support the Bill as a step towards greater clarity, accountability and resilience. Main concerns are ensuring consistency across appointed officers, providing clear guidance to listed authorities, and minimising additional administrative burden, particularly for smaller authorities.

Thank you for your time | Gura mie eu



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