

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 7th FEBRUARY 2023

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[9:33]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members, in the usual way, I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of Deputy M.R. Le Hegarat of St. Helier North to the Public Accounts Committee

The Bailiff:

I can advise Members that I have received correspondence from the Connétable of St. Ouen advising of his resignation from the Public Accounts Committee. There is therefore a nomination of an additional member to join that committee and, in accordance with Standing Order 123(1), I invite the Chair, Deputy Feltham, of the committee to make a nomination.

2.1 Deputy L.V. Feltham of St. Helier Central:

I would like to nominate Deputy Le Hegarat as a member of the Public Accounts Committee.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations I declare Deputy Le Hegarat appointed as a member of the Public Accounts Committee. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 Deputy L.V. Feltham of St. Helier Central of the Minister for Housing and Communities regarding affordable housing providers (WQ.1/2023)

Question

Given that the waiting list for individuals registered for affordable rented housing is available to all affordable housing providers (the “Providers”) who contact individuals when suitable properties arise, will the Minister advise –

- (a) what criteria, if any, must be met for an entity to become a Provider;
- (b) whether the Government has any agreements in place with Providers; and, if so, do the terms therein ensure that any rented property is in good condition at the commencement of a lease;
- (c) what safeguards exist regarding the condition of a rented property at the commencement of a lease, if no agreements with Providers are in place; and
- (d) who determines what constitutes affordability and what is the definition used?

Answer

(a) The Affordable Housing Gateway is the waiting list for social rented homes. The single waiting list is used by Andium Homes and by the 5 other social housing providers that have been approved

by the States Assembly and are set out in the Income Support Regulations and the Income Tax law:

- Jersey Homes Trust;
- Les Vaux Housing Trust;
- Christians Together in Jersey Housing Trust;
- FB Cottages Housing Trust;
- Clos de Paradis Housing Trust;

A property can only be deemed to be social housing if the housing provider is listed, as approved by the States Assembly, in the “interpretation” section of the Income Support (Jersey) Regulations 2007.

(b) The Government has an agreement with Andium Homes, as a result of the adoption of P.33/2013: The Reform of Social Housing.

The Government’s Memorandum of Understanding with Andium Homes stipulates requirements around condition of properties, particularly requiring compliance with the “Social Housing Standard” for Andium properties. “Social Housing Standard” is defined as “the standard for the condition of and amenities of residential property as described in the guidance issued in June 2006 by the UK Department for Communities and Local Government.”

It is worth noting that Andium Homes’s properties all adhere to the Decent Homes Standard, this was achieved four years ahead of the target set by Government in 2014. The Decent Homes Standard is the minimum standard to ensure properties meet all statutory requirements. Andium Homes is also a member of the Rent Safe Scheme.

(c) All rented properties are subject to the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018.

(d) Social rented housing in Jersey is often referred to as ‘affordable housing’. All social housing providers are required to set rents at no more than 80% of market value. This policy was established in the Government Plan 2022-2026 and confirmed by the States Assembly.

Eligibility criteria exist for social housing in Jersey to ensure that access is prioritised for lower income families. The [eligibility criteria](#) are available on Gov.je.

Financial assistance is also available to low-income private sector tenants, where support for the cost of housing is provided. [The details of this financial assistance are available on Gov.je.](#)

3.2 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding the policy in relation to third party data handlers (WQ.2/2023)

Question

Will the Minister provide details of the policy within the Health and Community Services Department in relation to third party data handlers who are responsible for the removal, storage and destruction of medical records from the General Hospital, in particular in relation to –

- (a) the criteria required for appointment as a data handler;
- (b) the level of screening applied to all employees of the data handler;
- (c) the Standard Operating Procedures for all areas
- (d) the regularity of risk assessments carried out, both personal safety and security risk; and
- (e) the frequency of on-going security checks and due diligence carried out and at what intervals to ensure compliance with the policy?

Answer

(a) & (b) Off-site storage providers are required to comply with a number of standards in relation to data handling. Storage suppliers are expected to broadly conform with the UK National Archive standards for record repositories and requirements for off-site storage of physical records. Providers are expected to:

- Report damage or loss of records and any incidents in relation to the records stored by Health and Community Services.
- Isolate Health and Community Services' records from any other storage activity undertaken by the provider.
- Ensure that potential hazards from external sources, including neighbouring properties, are carefully assessed and appropriate defensive measures taken.
- Protect the building, which must be robust, brick, stone, or concrete, from unauthorised entry, fire, flood, or damp. It should also be protected from dust, pollutants, and pests, with an intruder and smoke alarm fitted.
- Restrict access to records to an authorised provider and Health and Community Services employees.
- Ensure that the identity of visitors to the site is recorded and in line with access protocols.
- Maintain an auditable tracking system when handling Health and Community Services records.

Off-site storage provider staff, who have access to, and handle Health and Community Services' records, are required to undertake checks to verify their identity, work status, a review of their employment history and criminal record.

All organisations, and their employees, are responsible for ensuring they comply with Data Protection (Jersey) Law 2018.

(c) The Standard Operating Procedure outlines the responsibilities of Health and Community Services employees when engaging and interacting with off-site storage providers. Responsibilities include ensuring that:

- No patient identifiable information is recorded on the outside of boxes.
- Records are retained that document the contents of the boxes, and relevant retention periods. These records must be updated as and when necessary.
- Arrangements are made with the appropriate off-site storage provider employee.

- The retrieval of records, where the records become active or required for Health and Community Services activity, is managed by authorised personnel and in line with the tracer card.
- Follow the access protocols adopted by the off-site storage protocol.

(d) There is regular engagement with off-site storage providers. The personal safety of employees is the responsibility of the off-site storage provider, and the standards as outlined in the answer to (a) are maintained.

(e) Health and Community Services is currently working with the Records Transformation Programme to review, rationalise and manage records stored within the department, and with off-site storage providers. Currently in the discovery phase, we are identifying records, and developing protocols in order to manage the records appropriately. The Programme team has also reviewed off-site storage and is in the process of renewing the standards expected of any provider. Thereafter, resource will be available to develop and implement processes that will see either the application of retention schedules, the transfer of records to Jersey Archive, the scanning of active health and social care records, or continued storage.

This programme of work will see both a reduction in the reliance of Health and Community Services on off-site storage providers, therefore reducing the associated risks, and a more efficient, and accessible health and social care digital record, reducing delays in accessing records for healthcare professionals.

3.3 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding training in ethical standards and conduct (WQ.3/2023)

Question

Will the Chair outline the nature and extent of training in ethical standards and conduct that is undertaken within the Government of Jersey; and further elaborate on how this is organised, delivered, tested and brought up to best international practice?

Answer

The Standards in Public Service incorporate Ethics:

Public servants should act to promote good ethical decision-making and effective decisions through demonstrating trust, responsibility, fairness and caring; in line with good citizenship. Decisions must be objective and seek to demonstrate advancement and a contribution to the objectives of our organisations.

All public servants must take accountability for their own conduct, behaviours, and work.

All public servants must:

- be accountable for ensuring they adhere to the values and behaviours framework
- take responsibility for ensuring they have completed all mandatory training
- take responsibility for raising at early stages concerns about their ability to undertake their work effectively or meet standards
- respond to reasonable management requests and directions
- ensure they use and comply with the formal policies and procedures issued on behalf of States Employment Board

- meet their contractual obligations in line with employment legislation
- keep up to date with standards set by professional bodies and regulators
- complete their induction to their role
- participate in and contribute towards their annual appraisal/performance review
- disclose to their line manager or through corporate systems anything that may impact on their role at work, including external issues such as legal action against them, investigations, convictions, or conflicts of interest.

SEB are putting more emphasis on:

- ensuring that the values and behaviours are reflected within the line management approach of managers
- ensuring that supervision and appraisal/performance review schedules are completed on time and to a good standard.
- ensuring public servants fully understand their responsibilities, duties and objectives and are encouraged and inspired to meet and achieve the objectives set and the required level of competency needed to carry out their roles.
- ensuring public servants have sufficient time to complete professional development, induction requirements and for the completion of all mandatory training.
- ensuring objectives set for employees are specific, measurable, achievable, realistic, timebound (SMART) and ensure support and development is provided
- ensuring feedback, include and consult individuals in changes that affect them in line with policies and procedures
- ensuring that position and line management information is maintained within corporate systems to allow for accurate reporting
- ensuring the health, safety and wellbeing of public servants and those who use our services
- ensuring that workforce and succession plans, as the frameworks are developed, are implemented.

The standards and codes of practice were subject to wide consultation during 2022 and went live on 20 January 2023. These will be published on Gov.je. The standards and codes will be communicated to all public servants using Our Gov, all employee / public servant email, and manager updates on a continuous basis. From 3rd February, the standards and codes will also feature on the lock- screens for employees. MyStates will provide links to the codes on each People Policy.

Further Union briefings have been arranged for 25th January 2023 on the implementation plan. Toolkits and Espresso sessions (which are short, in-house tutorials) have been updated. The codes also form part of Connect Performance, primary performance and accountability.

My Welcome has been updated to incorporate the standards and codes. Training is scheduled for the Case Management and Consultancy Team.

3.4 Deputy R.J. Ward of St. Helier Central of the Minister for Social Security regarding income support rent components (WQ.4/2023)

Question

Will the Minister provide details, for every year since 2018, of the Income Support rent components received by each affordable housing provider who has access to the waiting list for affordable rented housing?

Answer

The Affordable Housing Gateway is the waiting list for social rented homes. The single waiting list is used by Andium Homes and by the 5 other social housing providers set out in the Income Support Regulations:

- Jersey Homes Trust;
- Les Vaux Housing Trust;
- Christians Together in Jersey Housing Trust;
- FB Cottages Housing Trust;
- Clos de Paradis Housing Trust.

The wording of the question refers to “Income Support rent components received by each affordable housing provider.” For clarity, Income Support rent components form just one part of the overall calculation to determine income support eligibility. Overall entitlement to Income Support benefit will depend on a range of factors including the size of the household and the level of wages and pensions received by the household itself. The great majority of Income Support households receive Income Support as a “top up” to their own household income and so these households do not receive the full value of any of the Income Support components that are included in their Income Support calculation.

Once the overall entitlement is determined (comprising support for living costs, accommodation costs, childcare costs and disability costs as appropriate) a weekly payment is made to the claimant. In some circumstances this weekly payment, or part of it, can be paid directly to the claimant’s landlord. The value of the direct payment will typically not equal the value of the rent component but will be a smaller amount determined in accordance with the overall Income Support calculation.

To calculate the proportion of Income Support allocated to accommodation costs, detailed analysis of monthly costs is undertaken. This analysis is not currently available at the level of individual housing trusts. The overall totals are provided in the table below:

Calculated accommodation expenditure (£,000)	Year				
	2018	2019	2020	2021	2022
Andium Homes	16,795	17,088	18,701	19,066	19,203
Other Housing Trusts	3,455	3,807	4,339	4,086	3,948

3.5 Deputy C.D. Curtis of St. Helier Central of the Minister for Children and Education regarding Milli’s Child Contact Centre (WQ.5/2023)

Question

Will the Minister advise –

- (a) whether she will engage with the Jersey Care Commission to clarify why the requirements imposed on standards for child contact centres should exceed those in place in the UK for unsupervised contact; and
- (b) whether, in light of the recently publicised impact on Milli's Child Contact Centre (the "Centre"), what support, if any, she or her department are considering for the Centre, or similar centres, to ensure the continuation of their services?

Answer

- (a) As the Minister for Children and Education is responsible for services that are regulated and inspected by the Jersey Care commission (JCC), it would not be appropriate for the Minister to become actively involved in discussion with the JCC about standards that are in place. The Minister notes that the JCC undertook a process of consultation with a wide range of stakeholders, including Milli's Separated Family Centre and that the manager of Milli's provided feedback in response to the consultation and met with representatives of the Commission to set out their concerns. All of these concerns were considered in detail by the JCC and an amended set of draft Standards relating to child contact centres was provided.

The JCC would be happy to meet with Deputy Curtis to provide clarification on how their standards compare with those of the National Association of Child Contact Centres, who accredit and inspect about 350 child contact services throughout England, Wales, Northern Ireland and Guernsey.

- (b) The Minister notes the commitment of the Jersey Care Commission to continue to work with Milli's Separated Family Centre to support them in their understanding of the requirements and to ensure that they can continue to function. The Minister is aware that any child contact centres will have 6 months to register and will be inspected within 12 months and it is usual practice for the JCC to help organisations with registration when requested. The JCC intention is to always work collaboratively with regulated services.

Child Contact Centres provide a much-needed service and the absence of any centre in Jersey would have a detrimental impact on families and children. If required, I will liaise with the Minister for Home Affairs and the Jersey Family Court Advisory Service, to see if another provider is willing to set up a registered service.

3.6 Deputy R.S. Kovacs of St. Saviour of the Minister for Social Security regarding payments to the Social Security Fund (WQ.6/2023)

Question

Further to the decision to stop the States grant from the Consolidated Fund to the Social Security Fund for the last few years, can the Minister advise the following –

- (a) the amount unpaid to the Social Security Fund in each year; and
- (b) whether a payment of these funds will be considered before any proposed increase in employee/employer contributions?

Answer

The Social Security Fund supports the wellbeing of Islanders by providing Social Security pensions and a range of working age benefits. The Social Security Fund receives Social Security

contributions from employers and working-age adults and until 2020 received an annual States Grant from the Consolidated Fund.

The previous States Assembly agreed that no grant would be paid into the Social Security Fund for 2020 to 2023 to help with the impact of Covid-19 on the public finances.

(a)

The States Grant amounts that were not paid into the Social Security Fund were:

	2020	2021	2022	2023	Total
	£m	£m	£m	£m	£m
States Grant retained in the Consolidated Fund	65.3	65.3	72.1	71.2	273.9

The amounts for 2020 and 2021 are based on the Government Plan 2020-23 which was agreed by States Members in December 2019, before Covid. The amounts for 2022 and 2023 are based on the calculation for the States Grant set out in Article 9A of the Social Security Law.

(b)

The previous States Assembly agreed that the £274 million of funding provided through stopping the States Grant from 2020 to 2023 was necessary to deal with Covid, support households and businesses, and help with the economic recovery. Providing this support did not put the Social Security Fund on an unsustainable footing because it has significant reserves of £2.1 billion.

Payment of the States Grant into the Social Security Fund will recommence in 2024 and thereafter, so there are no plans to increase Social Security contributions to recompense for the Grant not having been paid.

The UK Government Actuary’s Department is currently undertaking an actuarial review of the Social Security Funds. They will provide long-term financial projections for a range of population and investment return scenarios, and these will show whether any policy changes may be necessary to ensure the long-term sustainability of the Fund. The actuarial review will be finalised and completed in April, with their published report and presentation to States members following this.

3.7 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs re training provided to officers (WQ.7/2023)

Question

Will the Minister outline what training is provided to all officers within the Justice and Home Affairs department in identifying coercive behaviour and confirm how many officers have completed such training, broken down by service –

- a) States of Jersey Police;
- b) Ambulance Service;
- c) Fire and Rescue Service;
- d) Jersey Customs and Immigration Service;
- e) States of Jersey Prison Service;

- f) Health and Safety Inspectorate;
- g) Jersey Field Squadron; and,
- h) any supporting/civilian Government of Jersey officers within the department?

Answer

Identifying coercive behaviour is not a standalone learning subject, but rather an integral part of other learning modules that are offered by Government of Jersey (GOJ). The main learning modules are:

- Safeguarding Children
- Safeguarding Adults
- Safeguarding Everyone
- Awareness of Domestic Violence & Abuse

In addition to this, there are safeguarding level 1, 2 & 3 modules, used mainly by the Health and Education services and classroom learning events provided by some departments.

Identifying coercive and controlling behaviour is a significant part of these learning packages.

‘Safeguarding Adults’ and ‘Safeguarding Children’ are included in the GOJ Statutory & Mandatory training package, but only for those who work directly with children or vulnerable adults.

In addition to this, some departments have added Safeguarding or ‘Awareness of Domestic Violence and Abuse’ to their mandatory training packages.

A Safeguarding briefing booklet is included in the GOJ My Welcome learning module that should be completed, by all staff, within 30 days of joining. Completion of this briefing booklet has not been included in the following figures as the question specifically asks about training.

- a) States of Jersey Police;

All SOJP staff have completed ‘Awareness of Domestic Abuse & Violence’ as well as Safeguarding as part of their initial training and ongoing CPD.

- b) Ambulance Service;

All Ambulance staff have completed Safeguarding at level 1, 2 or 3 or ‘Awareness of Domestic Abuse & Violence’ as part of their initial training and ongoing CPD.

- c) Fire and Rescue Service;

59 Fire Service staff have completed ‘Awareness of Domestic Abuse & Violence’ or Safeguarding Learning. This represents 56% of total staff.

- d) Jersey Customs and Immigration Service;

49 C&I staff have completed ‘Awareness of Domestic Abuse & Violence’ or Safeguarding Learning (including classroom training). This represents 69% of total staff.

- e) States of Jersey Prison Service;

79 Prison Service staff have completed 'Awareness of Domestic Abuse & Violence' or Safeguarding Learning. This represents 60% of total staff.

f) Health and Safety Inspectorate;

There are five staff in H&SI. There is no record of completion of 'Awareness of Domestic Abuse & Violence' or 'Safeguarding Learning' on the Learning Management System.

g) Jersey Field Squadron;

The MOD side of Jersey Field Squadron (Officers & Soldiers) follow a standard package issued by the MOD, which includes Values & Respect, but not specific training on identifying coercive behaviour.

The civilian staff are included in the figures in paragraph h) (below).

h) Supporting/civilian Government of Jersey Staff

The remaining staff include JHA Business Support Unit (including Field Squadron Staff) 9 BSU staff have completed 'Awareness of Domestic Abuse & Violence' or Safeguarding Learning. This represents 64% of total staff.

3.8 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding private care (WQ.8/2023)

Question

With reference to the availability of private care through some National Health Service (NHS) trusts such as the East Sussex Trust, used to reduce waiting lists on the Island; will the Minister outline what arrangements, if any, exist with such trusts to ensure that any profits go to NHS services and not to the private sector?

Answer

There are currently no specific arrangements in place to reduce HCS waiting lists through the availability of private care through some NHS Trusts.

We have arrangements with NHS Trusts to provide access to both emergency and planned care for islanders for treatment/s that cannot be provided by HCS. We do have contracts with private companies in the Mental Health sector which are negotiated annually and are at the same cost as the NHS would pay.

HCS does have 1 existing contractual arrangement for a speciality pathway that was not able to be contracted with UK (NHS Trust). This was subject to GOJ commercial procurement policy process to ensure the correct oversight regarding allocation of public resources

The NHS does not profit from commissioning through HCS if it is for services within a public sector arrangement. All contracts with NHS Trusts are at Tariff or above and is paid with the NHS.

3.9 Deputy L.V. Feltham of St. Helier Central of the Minister for the Environment regarding renting from housing providers (WQ.9//2023)

Question

Will the Minister advise what level of inspection is carried out on properties rented from housing providers through the Affordable Housing Gateway to ensure that the providers are supplying properties that are in good physical condition and state of repair at the commencement of a lease; and, if no inspections take place, how is this minimum standard for rented property ensured for those on the waiting list for affordable rented housing?

Answer

The Housing and Nuisance team in the Regulation Directorate does not have a specific proactive / routine inspection regime in place for properties rented from housing providers through the Affordable Housing Gateway. However, it does conduct inspections through several different pathways.

The team offers a reactive complaints service where residents can make contact to raise concerns over the condition of their property. Officers will then undertake an investigation which often involves carrying out an inspection of the property to determine whether it meets the requirements of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and subordinate legislation.

Officers also take part in multi-agency safeguarding work. In cases where concerns are raised over property conditions and similar, officers will attempt to gain access to properties to undertake inspections.

A number of housing providers are signed up to Rent Safe, the Government's free landlord accreditation scheme. Properties which are added to this scheme generally receive an inspection by an officer to determine whether it is free of significant prescribed hazards and meets minimum standards.

At the start of tenancies, landlords are required to complete a Condition Report under the Residential Tenancy (Condition Reports) (Jersey) Order 2014. This also gives potential tenants an opportunity to raise any concerns they have.

3.10 Deputy L.V. Feltham of St. Helier Central for the Minister for Treasury and Resources regarding loans and other subsidies to specific affordable housing providers (WQ.10/2023)

Question

Will the Minister provide details of any loans, or other Government of Jersey subsidies, given to each specific affordable housing provider for every year since 2018, including details of any outstanding loans that remain due for repayment?

Answer

The table below details the loans made available from the Housing Development Fund to affordable housing providers since 1st January 2018, together with the balance outstanding at 1st January 2023.

Loan description	Loan start date	Loan amount not exceeding	Loan outstanding at 01.01.23
Andium Homes Limited - Le Squez Phase 4	01/04/2018	£52,277,607.00	£52,277,606.82
Andium Homes Limited - Ann Street Boiler House	31/08/2018	£5,081,000.00	£0.00
Andium Homes Limited - Ann Court	01/04/2019	£37,800,000.00	£26,855,431.00
Andium Homes Limited - Summerland	01/07/2019	£21,332,000.00	£21,332,000.00
Andium Homes Limited - Hue Court	01/10/2019	£15,133,000.00	£15,133,000.00
Andium Homes Limited - La Collette low rise basement works	01/11/2019	£17,640,000.00	£0.00
Les Vaux Housing Trust	09/03/2018	£1,250,000.00	£1,247,310.94
Total			£116,845,348.76

The States also has in place Letters of Comfort to some affordable housing providers which confirm that the States will provide a subsidy (through the Housing Development Fund) to the housing provider if interest rates exceed an agreed threshold. The subsidy payable would be equal to the excess interest payable. Since 1st January 2018 no subsidies have been paid under these Letters of Comfort.

Additional detail can be found in the annual report and accounts (page 356) [R States of Jersey 2021 Annual Report and Accounts.pdf \(gov.je\)](#).

In 2021 CYPES (Children, Young People, Education and Skills) made a grant of £691,000 to Andium Homes for the remodelling and refurbishment of Eden House. This was reported in the Annual Report and Accounts for that year (see link above).

3.11 Deputy M.R. Scott of St. Brelade for the Minister for the Environment regarding officers who are commuting to the Island (WQ.11/2023)

Question

Will the Minister provide details of the number of planning officers and planning policy officers, if any, who commute to the Island to perform their duties, and of any travel, accommodation or additional costs to the Government of Jersey in supplement to any salary payments incurred in this respect?

Answer

Within the Regulation Directorate of Infrastructure, Housing and Environment Department, the planning application team deals with all aspects of planning applications from pre-application advice to determining applications under delegated powers, presenting applications to Planning Committee and, afterwards, in discharging conditions, minor amendments and appeals. In this team there is a total of 18 permanent posts comprising: one Planning Applications Manager, seven Senior Planning Officers, five Planning Officers (two vacancies as at 25 January 2023) and five Trainee Planners (two vacancies as at 25 January 2023). All 18 permanent staff reside in Jersey and there are no costs in addition to their salary payments for travel.

In 2022, the planning applications team had a backlog of applications arising from reduced activities during the pandemic period, the new Bridging Island Plan coming into force and a change in Government reducing the capacity of the Planning Committee to make determinations. The team also had vacancies and therefore the decision was made to employ consultant planners from the UK to assess applications in order to clear the backlog. These consultant planners were employed through a commercial contractual arrangement for planning professional services and were not employed by the Government of Jersey as employees. They therefore resided in the UK

and undertook planning assessments supervised by the Planning Manager. The final decisions were taken by permanent Senior Planning Officers. In 2023 the team currently retains two consultant planners through a commercial contractual arrangement due to remaining vacancies. Recruitment is underway to these two posts.

The Place and Spatial Planning Team, which forms part of the Strategic Policy, Planning and Performance division in the Cabinet Office, currently has three vacancies. While these posts are being recruited, a consultant planner has been engaged on a short-term contract, through a commercial contractual arrangement for planning professional services, to specifically assist with the historic environment aspects of the Place and Spatial Planning Team’s work. This consultant planner is based in the UK and works remotely, visiting the island on a two-weekly basis to undertake site visits and meetings. The contract covers the cost of the professional services provided. There are no additional costs incurred by the Government of Jersey in relation to additional costs that might be associated with travel and accommodation.

3,12 Deputy M.R. Scott of St. Brelade for the Minister for Economic Development, Tourism, Sport and Culture regarding the Tourist Regulation Office (WQ.12/2023)

Question

Will the Minister provide details of –

- (a) the role of the Tourist Regulation Office (T.R.O.) within the Department of the Economy;
- (b) the number of staff employed within the T.R.O. and the total annual salary cost over the last five years; and,
- (c) the annual number of visitor accommodation premises regulated by the T.R.O. over the last five years?

Answer

- (a) The powers conferred in the Tourism (Jersey) Law 1948, (the Law), and its subordinate legislation, Tourism (General Provisions) (Jersey) Order 1990, (the Order), are the responsibility of the Minister for Economic Development. The administration of the Law and its Order is undertaken by the Regulation section of Infrastructure, Housing and Environment. There is no specific Tourist Regulation Office.
- (b) The administration of the Law and its Order is undertaken within the regulation section of Infrastructure, Housing and Environment by 0.25 of an FTE on a Civil Service Pay grade of CS10 (Grade 10).
- (c) The total number of premises regulated / registered under the Law / Order over the past five years are -

Year	Total Registered Premises
2022	117
2021	125
2020	126
2019	126

3.13 Deputy M.R. Scott of St. Brelade of the Chair of the Employment Board regarding the setting of public sector wage increases (WQ.13/2023)

Question

Will the Chair advise, when setting public sector wage increases –

- (a) what information and intelligence, if any, the States Employment Board gathers from the local private sector to inform its decision; and
- (b) whether such decisions take into account the effect any wage increases will have on the business operations of the local private sector and the possible impact on the cost of living?

Answer

- (A) Intelligence was sought and shared from both private and arm's length bodies to inform pay negotiations. Information was sought from Finance Institutions, Companies with Manual Worker workforce, Engineering and Retail. Intelligence was also sought from Guernsey, the Isle of Man, and the United Kingdom. The economic advisers within government provided information and consulted with the Treasury and Exchequer in respect of economic forecasting. We regularly benchmark professional salaries against the UK and receive intelligence through public sector employers in the UK and pay bodies.
- (b) The SEB (States Employment Board) considered that there were several economic considerations at play that would influence the pay settlement. Some with conflicting conclusions:
- Alleviating the impact of the recent cost of living issues
 - Long term affordability of housing
 - Other government help and policy
 - Labour market competitiveness
 - Impact of inflation

The Retail Prices Index (RPI) being the main measure of inflation in Jersey. The September RPI being 10.4%. This being the RPI historically used to inform pay review within the public service. The SEB took into consideration previous pay settlements with employer groups.

To reduce some of the inflationary pressure in the future, it was advisable to increase salaries below the current level of inflation. This would remove the risk of any demand-pull inflation and slightly dampen other pay demands across the economy and therefore mean other costs do not rise adding to inflationary pressure.

3.14 Deputy M.B. Andrews of St. Helier North of the Chair of the Employment Board regarding the headcount of States employees (WQ.14/2023)

Question

Will the Chair provide the total headcount of States of Jersey employees for each year since 2012, broken down by salary bands?

Answer

Please find the tables below providing the requested data. Any supplements and allowances are not included. All zero hour employees and agency staff / contractors / interims have been excluded. We do not hold basic annual salary data prior to 2018. This is due to a change of the previously used payroll system. When data was migrated over to the new system, only current salary data was brought across. Some manual mapping took place so that we have employment numbers and basic grade data going back to 2016.

It is worth noting that the data in the 2021 ARA is based on total earnings (excluding social security) and includes all employees who were paid that year. The data in these tables is based on end of year headcount only.

The below tables shows all employees against each salary band, based on their basic annual salary.

ACTUAL HEADCOUNT BY SALARY BAND					
SALARY BAND	YEAR				
	2018	2019	2020	2021	2022
£0 - £19,999	49	742	943	918	810
£20,000 - £39,999	3098	2776	2940	3072	3110
£40,000 - £59,999	2881	2829	2496	2631	2751
£60,000 - £79,999	543	493	736	813	968
£80,000 - £99,999	200	172	221	239	279
£100k+	166	169	190	207	209
Missing Data	75				
Grand Total	7012	7181	7526	7880	8127

FTE HEADCOUNT BY SALARY BAND					
SALARY BAND	YEAR				
	2018	2019	2020	2021	2022
£0 - £19,999	28.46	330.22	330.00	316.96	277.69
£20,000 - £39,999	2532.97	2436.90	2621.96	2737.46	2752.68
£40,000 - £59,999	2604.66	2618.68	2450.60	2574.55	2700.12
£60,000 - £79,999	508.84	487.56	730.77	799.91	961.89
£80,000 - £99,999	195.21	169.90	220.56	236.72	276.62
£100k+	159.62	164.58	188.93	205.13	205.87
Missing Data	55.02				
Grand Total	6084.79	6207.84	6542.83	6870.74	7174.87

Note for tables above: Employees are counted once per salary group they belong to. There are a few, which, for example, have 1 role which falls in the £20-39k bracket, and 1 which falls in the £0-20k bracket. In these instances, they are counted twice.

The below tables shows all employees against each grade and increment.

Note for tables below: Employees are counted once per grade and increment. If an employee has held more than one role, under different grade and increments, they are counted once against each. Data is taken as at the end of each year.

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
Grade data missing	151	155	197	1		1	1
ACS08 - 3							1
ACS09 - 1							2
AET - 3					1	1	1
ALA1 - 3							1
ALA2 - 1							1
ALA2 - 3							1
ALA3 - 3							1
ALA4 - 1							1
ALA4 - 2							2
ALA4 - 3							2
ALA5 - 1							4
ALA5 - 2							2
ALA5 - 3							4
ALD - 1				2			
ALD - 2				1		1	
ALD - 3				3	5	5	4
APP1 - 1				1			
APP1 - 2				2	2		
APP1 - 3						1	
APP1MJ -	1		2				
APP2 - 1				2	1	2	
APP2 - 2				1	1	1	
APP2 - 3				3	1	2	
APP2 - 4				1	3	1	
APP2MJ -	11	10	10				
ATM01 - 1							5
ATM01 - 2							1
ATM01 - 3							1
ATM01 - 4							2
AYW -	3	2	2				

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
Grade data missing	90.00	98.65	99.73	1.00		0.00	0.00
ACS08 - 3							0.80
ACS09 - 1							1.68
AET - 3					0.00	0.00	0.00
ALA1 - 3							1.00
ALA2 - 1							1.00
ALA2 - 3							1.00
ALA3 - 3							1.00
ALA4 - 1							0.77
ALA4 - 2							2.00
ALA4 - 3							1.54
ALA5 - 1							3.95
ALA5 - 2							2.00
ALA5 - 3							3.81
ALD - 1				2.00			
ALD - 2				1.00		1.00	
ALD - 3				3.00	4.80	4.80	3.80
APP1 - 1				1.00			
APP1 - 2				2.00	2.00		
APP1 - 3						1.00	
APP1MJ -	1.00		2.00				
APP2 - 1				2.00	1.00	2.00	
APP2 - 2				1.00	1.00	1.00	
APP2 - 3				3.00	1.00	2.00	
APP2 - 4				1.00	3.00	1.00	
APP2MJ -	11.00	10.00	10.00				
ATM01 - 1							5.00
ATM01 - 2							1.00
ATM01 - 3							1.00
ATM01 - 4							2.00
AYW -	0.80	0.53	0.53				

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CA14 -	1	1					
CFEL1 - 1							7
CFEL1 - 2						6	4
CFEL1 - 3							6
CFEL1 - 5						3	1
CINS -	4	4	4				
CINS - 1				4	4	3	3
CONN -	70	74	75				
CONN - 1				3		1	1
CONN - 10				3	2	2	5
CONN - 11					4	3	2
CONN - 12				3		5	3
CONN - 13					3	3	8
CONN - 14						2	2
CONN - 15				4	1		2
CONN - 16				3	2	2	
CONN - 17				18	10	7	13
CONN - 18				7	12	6	6
CONN - 19				11	12	18	12
CONN - 2				1	3	1	1
CONN - 20				20	17	15	14
CONN - 3					1	4	1
CONN - 4				3			2
CONN - 5					3	1	
CONN - 6				7	1	4	1
CONN - 7				4	7	1	4
CONN - 8				3	5	6	2
CONN - 9				3	2	5	4
CROWN -							11

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CA14 -	1.00	1.00					
CFEL1 - 1							7.00
CFEL1 - 2						6.00	4.00
CFEL1 - 3							6.00
CFEL1 - 5						2.50	1.00
CINS -	4.00	4.00	4.00				
CINS - 1				4.00	4.00	3.00	3.00
CONN -	67.30	69.60	71.40				
CONN - 1				3.00		1.00	1.00
CONN - 10				3.00	2.00	2.00	5.00
CONN - 11					3.80	3.00	2.00
CONN - 12				2.20		4.80	3.00
CONN - 13					2.20	3.00	8.00
CONN - 14						2.00	2.00
CONN - 15				4.00	1.00		2.00
CONN - 16				3.00	2.00	2.00	
CONN - 17				13.30	7.90	6.40	11.15
CONN - 18				5.20	9.40	5.30	5.30
CONN - 19				9.70	9.90	14.00	11.00
CONN - 2				1.00	3.00	1.00	1.00
CONN - 20				18.15	15.35	14.05	13.05
CONN - 3					1.00	4.00	1.00
CONN - 4				3.00			2.00
CONN - 5					3.00	1.00	
CONN - 6				6.20	1.00	3.00	1.00
CONN - 7				4.00	6.20	1.00	3.00
CONN - 8				3.00	5.00	5.20	2.00
CONN - 9				2.80	2.00	5.00	4.00
CROWN -							10.33

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS01 -	2	2	1				
CS01 - 1				1			
CS01 - 3						2	1
CS02 -	3	3	3				
CS02 - 1				1	1		
CS02 - 2						1	
CS02 - 3							1
CS02 - 4				3	2	2	2
CS03 -	114	121	113				
CS03 - 1					1	2	5
CS03 - 2				2		1	1
CS03 - 3				1	1		
CS03 - 4				7	8	7	6
CS04 -	136	136	127				
CS04 - 1				7	8	6	8
CS04 - 2				8	5	6	2
CS04 - 3				7	7	3	4
CS04 - 4				38	26	25	21
CS05 -	430	435	410				
CS05 - 1				38	120	133	69
CS05 - 2				28	26	31	67
CS05 - 3				27	24	22	27
CS05 - 4				175	148	128	113
CS06 -	573	591	595				
CS06 - 1				77	86	109	112
CS06 - 2				49	63	53	76
CS06 - 3				40	34	56	36
CS06 - 4				206	223	218	217

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS01 -	2.00	2.00	1.00				
CS01 - 1				1.00			
CS01 - 3						2.00	0.54
CS02 -	1.39	1.30	1.30				
CS02 - 1				0.65	0.65		
CS02 - 2						0.65	
CS02 - 3							0.65
CS02 - 4				1.30	0.81	0.81	0.81
CS03 -	25.68	27.47	26.26				
CS03 - 1					1.00	2.00	3.91
CS03 - 2				2.00		1.00	1.00
CS03 - 3				1.00	1.00		
CS03 - 4				6.18	7.18	6.18	6.00
CS04 -	73.89	78.41	74.44				
CS04 - 1				4.60	7.68	2.98	6.50
CS04 - 2				6.00	3.10	5.68	1.31
CS04 - 3				6.59	5.95	2.43	3.68
CS04 - 4				25.13	20.79	19.57	16.73
CS05 -	298.56	306.36	290.56				
CS05 - 1				32.55	107.28	113.83	61.66
CS05 - 2				25.01	23.50	28.27	61.52
CS05 - 3				22.88	21.36	17.66	24.36
CS05 - 4				137.89	116.76	104.29	91.94
CS06 -	448.28	459.59	461.15				
CS06 - 1				67.41	73.63	95.20	99.75
CS06 - 2				43.14	55.65	47.76	64.37
CS06 - 3				34.82	30.02	49.54	31.53
CS06 - 4				172.25	189.73	184.90	188.16

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS07 -	397	392	419				
CS07 - 1				48	88	118	165
CS07 - 2				65	66	78	70
CS07 - 3				36	51	44	51
CS07 - 4				207	181	179	169
CS08 -	204	205	223				
CS08 - 1				34	56	61	123
CS08 - 2				45	34	62	77
CS08 - 3				30	34	26	43
CS08 - 4				121	109	114	108
CS09 -	300	315	335				
CS09 - 1				61	114	125	127
CS09 - 2				56	67	96	100
CS09 - 3				48	49	45	67
CS09 - 4				206	197	184	169
CS10 -	342	362	323				
CS10 - 1				50	53	85	115
CS10 - 2				32	54	77	95
CS10 - 3				48	23	49	61
CS10 - 4				199	227	181	177
CS11 -	275	283	244				
CS11 - 1				22	37	47	65
CS11 - 2				28	49	67	67
CS11 - 3				28	27	44	50
CS11 - 4				147	180	130	172
CS12 -	142	154	270				
CS12 - 1				31	38	56	51
CS12 - 2				46	42	61	69
CS12 - 3				25	35	37	37
CS12 - 4				195	143	143	133

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS07 -	361.70	356.75	376.14				
CS07 - 1				43.62	84.43	114.85	157.93
CS07 - 2				58.98	62.19	74.05	67.27
CS07 - 3				33.09	47.53	40.91	45.03
CS07 - 4				189.98	166.93	161.73	149.56
CS08 -	185.54	189.99	208.48				
CS08 - 1				33.83	53.04	59.72	118.23
CS08 - 2				41.80	33.14	59.52	75.37
CS08 - 3				28.80	31.02	24.45	42.00
CS08 - 4				113.71	103.54	106.98	100.75
CS09 -	273.39	283.56	303.14				
CS09 - 1				58.42	107.94	117.92	121.29
CS09 - 2				52.36	64.04	90.42	96.49
CS09 - 3				42.84	45.33	42.56	62.31
CS09 - 4				186.29	179.32	169.32	152.96
CS10 -	314.77	332.68	299.46				
CS10 - 1				47.39	51.44	79.35	109.70
CS10 - 2				28.81	51.00	74.47	90.69
CS10 - 3				45.35	20.42	46.19	58.32
CS10 - 4				181.51	204.72	158.93	160.12
CS11 -	256.46	263.82	235.31				
CS11 - 1				22.00	35.53	44.71	61.72
CS11 - 2				27.00	48.62	64.95	61.09
CS11 - 3				27.81	24.78	43.76	48.61
CS11 - 4				139.05	166.04	123.72	159.57
CS12 -	134.59	144.88	248.43				
CS12 - 1				29.49	36.82	53.85	49.81
CS12 - 2				44.11	41.42	59.84	68.23
CS12 - 3				24.03	34.53	36.07	36.49
CS12 - 4				177.94	135.76	138.58	126.67

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS13 -	110	110	104				
CS13 - 1				5	8	14	37
CS13 - 2				15	18	23	38
CS13 - 3				7	16	17	28
CS13 - 4				77	74	81	87
CS14 -	79	75	84				
CS14 - 1				4	12	13	17
CS14 - 2				10	10	11	17
CS14 - 3				14	12	7	13
CS14 - 4				54	53	49	48
CS15 -	45	48	44				
CS15 - 1				4	5	9	13
CS15 - 2				4	10	14	14
CS15 - 3				3	4	9	13
CS15 - 4				35	40	35	42
EFW01 -	2	2	2				
EFW02 -	2	1	1				
EFW05 -	9	11	11				
EFW06 -	1						
EFW07 -	2	4	4				
EFW08 -	6	6	6				
EFW09 -	1	1	1				
EFW10 -	2	2	2				
EFW11 -	1	1	1				
EW01 - 3				2	2	2	1
EW02 - 1							1
EW02 - 3				1	1	1	1
EW05 - 1				1		1	3
EW05 - 2				1	1		1
EW05 - 3				9	10	10	8

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
CS13 -	102.89	105.16	99.50				
CS13 - 1				4.48	7.40	14.00	36.62
CS13 - 2				14.60	17.20	22.17	37.73
CS13 - 3				6.86	15.60	16.55	28.00
CS13 - 4				74.04	70.37	78.07	83.93
CS14 -	77.93	73.81	81.77				
CS14 - 1				4.00	11.00	12.81	16.81
CS14 - 2				9.81	10.00	11.00	16.46
CS14 - 3				13.87	11.81	7.00	13.00
CS14 - 4				53.25	52.25	48.47	47.53
CS15 -	45.00	47.41	43.53				
CS15 - 1				3.81	5.00	8.50	13.00
CS15 - 2				3.00	9.81	14.00	14.00
CS15 - 3				3.00	4.00	9.00	13.00
CS15 - 4				34.59	39.59	34.59	41.61
EFW01 -	2.00	2.00	2.00				
EFW02 -	2.00	1.00	1.00				
EFW05 -	9.00	11.00	11.00				
EFW06 -	1.00						
EFW07 -	2.00	4.00	4.00				
EFW08 -	6.00	6.00	6.00				
EFW09 -	1.00	1.00	1.00				
EFW10 -	2.00	2.00	2.00				
EFW11 -	1.00	1.00	1.00				
EW01 - 3				2.00	2.00	2.00	1.00
EW02 - 1							1.00
EW02 - 3				1.00	1.00	1.00	1.00
EW05 - 1				1.00		1.00	3.00
EW05 - 2				1.00	1.00		1.00
EW05 - 3				9.00	10.00	10.00	8.00

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
EW07 - 1							1
EW07 - 3							1
EW07 - 4				1			1
EW07 - 5				3	4	4	2
EW08 - 1				1			1
EW08 - 2					1		
EW08 - 3				5	5	6	5
EW09 - 3				1	1	1	1
EW10 - 1							2
EW10 - 3				2	2	2	1
EW11 - 3				1	1	1	
FFAA -	40	39	37				
FFAA - 1				10	10	4	6
FFAA - 2				2	5	8	8
FFAA - 3					4	3	4
FFAA - 4				10	10	8	7
FFAA - 5				20	21	19	18
FFCC -	12	12	11				
FFCC - 1				3	1	6	1
FFCC - 2				7	8	6	10
FFGC -	2	2					
FFGC - 1				1			
FFSC -	4	4	3				
FFSC - 1				3	4	2	
FFSC - 2				1		2	4
FFWC -	8	8	7				
FFWC - 1				2	1	2	2
FFWC - 2				3	2	4	4
FONE -	14	14	13				
FONE - 2				14	14	14	

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
EW07 - 1							1.00
EW07 - 3							1.00
EW07 - 4				1.00			1.00
EW07 - 5				3.00	4.00	4.00	2.00
EW08 - 1				1.00			1.00
EW08 - 2					1.00		
EW08 - 3				5.00	5.00	6.00	5.00
EW09 - 3				1.00	1.00	1.00	1.00
EW10 - 1							2.00
EW10 - 3				2.00	2.00	2.00	1.00
EW11 - 3				1.00	1.00	1.00	
FFAA -	40.00	39.00	37.00				
FFAA - 1				10.00	9.00	4.00	6.00
FFAA - 2				2.00	5.00	8.00	8.00
FFAA - 3					2.00	2.00	3.00
FFAA - 4				10.00	10.00	8.00	7.00
FFAA - 5				20.00	21.00	19.00	18.00
FFCC -	12.00	12.00	11.00				
FFCC - 1				3.00	1.00	6.00	1.00
FFCC - 2				7.00	8.00	6.00	10.00
FFGC -	2.00	2.00					
FFGC - 1				1.00			
FFSC -	4.00	4.00	3.00				
FFSC - 1				3.00	4.00	2.00	
FFSC - 2				1.00		2.00	4.00
FFWC -	8.00	8.00	7.00				
FFWC - 1				2.00	1.00	2.00	2.00
FFWC - 2				3.00	2.00	4.00	4.00
FONE -	14.00	13.60	12.60				
FONE - 2				14.00	14.00	14.00	

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
FSW1 -	1	6	2				
FSW2 -	11	9	15				
FTWO -	12	14	13				
FTWO - 1				13	14	15	
FTWO - 2				1			
FY1 - 1							19
FY2 - 1							12
INSR -	11	11	9				
INSR - 1				6	5	2	5
INSR - 4				8	7	10	6
LA1 -	3	9	8				
LA1 - 1				1			
LA1 - 2				3	2	1	
LA1 - 3				4	3	1	
LA1 - 4				1	2	4	
LA2 -	8	10	12				
LA2 - 1				1	3	2	
LA2 - 2				6	1	4	
LA2 - 3					7	1	
LA2 - 4				6	4	8	
LA3 -	7	6	8				
LA3 - 1					2		
LA3 - 2				3		2	
LA3 - 3					1		
LA3 - 4				4	5	4	
LADV1 - 1							4
LADV1 - 2							1
LADV1 - 3							4
LADV2 - 1							7
LADV2 - 2							3
LADV2 - 3							7

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
FSW1 -	1.00	6.00	2.00				
FSW2 -	10.64	8.64	14.64				
FTWO -	12.00	14.00	13.00				
FTWO - 1				11.60	13.60	15.00	
FTWO - 2				1.00			
FY1 - 1							19.00
FY2 - 1							12.00
INSR -	10.88	10.88	9.00				
INSR - 1				6.00	5.00	2.00	5.00
INSR - 4				7.60	7.00	10.00	6.00
LA1 -	3.00	8.65	7.01				
LA1 - 1				1.00			
LA1 - 2				2.12	2.00	1.00	
LA1 - 3				3.51	2.31	1.00	
LA1 - 4				1.00	1.51	2.98	
LA2 -	7.16	9.54	11.35				
LA2 - 1				1.00	3.00	2.00	
LA2 - 2				5.81	1.00	4.00	
LA2 - 3					6.81	1.00	
LA2 - 4				5.54	3.54	7.49	
LA3 -	6.54	5.73	7.73				
LA3 - 1					2.00		
LA3 - 2				3.00		2.00	
LA3 - 3					1.00		
LA3 - 4				3.73	4.73	4.00	
LADV1 - 1							4.00
LADV1 - 2							1.00
LADV1 - 3							3.61
LADV2 - 1							6.38
LADV2 - 2							3.00
LADV2 - 3							6.49

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
LADV3 - 1							3
LADV3 - 2							1
LADV3 - 3							4
LCON - 1				1	1	1	
LEAD -	74	70	77				
LEAD - 1					1		
LEAD - 10				1	3	4	1
LEAD - 11				2		3	3
LEAD - 12				1	5	1	4
LEAD - 13					3	5	
LEAD - 14					3	3	4
LEAD - 15				2	7	6	8
LEAD - 16				6	2	1	4
LEAD - 17				7	4	1	1
LEAD - 18				10	7	5	
LEAD - 19				6	3	6	7
LEAD - 20				4		3	4
LEAD - 21				1	1	2	1
LEAD - 22				4		1	2
LEAD - 23				2	1		1
LEAD - 24				2	4	1	
LEAD - 25				1	1	4	4
LEAD - 26					1	1	3
LEAD - 27				1	1	1	
LEAD - 28					3	1	1
LEAD - 29					1	4	2
LEAD - 3							3
LEAD - 30				1	3	1	2
LEAD - 31				2	6	8	8
LEAD - 32				3			
LEAD - 35				4			

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
LADV3 - 1							2.86
LADV3 - 2							1.00
LADV3 - 3							4.00
LCON - 1				1.00	1.00	1.00	
LEAD -	73.70	67.90	73.90				
LEAD - 1					0.60		
LEAD - 10				1.00	3.00	4.00	1.00
LEAD - 11				2.00		3.00	3.00
LEAD - 12				1.00	5.00	1.00	4.00
LEAD - 13					3.00	5.00	
LEAD - 14					3.00	3.00	4.00
LEAD - 15				1.40	7.00	6.00	8.00
LEAD - 16				5.90	1.30	0.90	4.00
LEAD - 17				7.00	4.00	0.40	1.00
LEAD - 18				9.00	6.00	4.40	
LEAD - 19				6.00	3.00	6.00	7.00
LEAD - 20				4.00		3.00	4.00
LEAD - 21				1.00	1.00	1.00	1.00
LEAD - 22				4.00		1.00	2.00
LEAD - 23				1.60	1.00		1.00
LEAD - 24				2.00	4.00	1.00	
LEAD - 25				1.00	1.00	4.00	4.00
LEAD - 26					1.00	1.00	3.00
LEAD - 27				1.00	1.00	1.00	
LEAD - 28					3.00	1.00	1.00
LEAD - 29					1.00	4.00	2.00
LEAD - 3							3.00
LEAD - 30				1.00	3.00	1.00	2.00
LEAD - 31				2.00	6.00	8.00	8.00
LEAD - 32				3.00			
LEAD - 35				4.00			

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
LEAD - 4				1	8	7	8
LEAD - 5				1	4	5	4
LEAD - 6				5	2	2	3
LEAD - 7				2			2
LEAD - 8				7	4	4	3
LEAD - 9				6	3	1	1
LSTF - 1				1			
LSUP - 1				101	100	86	94
MW01 - 1				3			2
MW01 - 2				1	3		
MW01 - 3					1	3	
MW01 - 4				42	40	39	37
MW01MJ -	61	51	46				
MW02 - 1				4	2	24	19
MW02 - 2				20	3	2	9
MW02 - 3				12	17	4	2
MW02 - 4				160	157	163	151
MW02MJ -	209	197	203				
MW03 - 1				19	9	14	15
MW03 - 2				6	16	8	12
MW03 - 3				12	5	13	5
MW03 - 4				47	50	48	54
MW03MJ -	102	89	80				
MW04 - 1				25	16	24	26
MW04 - 2				17	23	13	15
MW04 - 3				12	16	20	11
MW04 - 4				104	99	99	100
MW04MJ -	161	158	152				
MW05 - 1				21	14	11	19
MW05 - 2				16	21	15	6
MW05 - 3				17	16	17	9
MW05 - 4				85	92	96	87

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
LEAD - 4				1.00	7.80	6.40	7.80
LEAD - 5				1.00	4.00	5.00	4.00
LEAD - 6				4.40	2.00	1.60	3.00
LEAD - 7				2.00			2.00
LEAD - 8				7.00	4.00	4.00	3.00
LEAD - 9				6.00	3.00	1.00	1.00
LSTF - 1				1.00			
LSUP - 1				3.51	3.86	3.45	4.02
MW01 - 1				1.18			1.16
MW01 - 2				0.37	1.18		
MW01 - 3					0.53	1.18	
MW01 - 4				21.61	20.99	20.34	20.21
MW01MJ -	30.58	24.90	22.74				
MW02 - 1				3.18	1.97	20.45	15.42
MW02 - 2				15.70	2.53	2.00	8.00
MW02 - 3				9.47	13.49	3.32	2.00
MW02 - 4				131.98	136.53	140.16	129.60
MW02MJ -	162.64	155.43	159.98				
MW03 - 1				14.98	6.91	11.61	11.56
MW03 - 2				4.84	12.84	5.91	10.66
MW03 - 3				8.33	4.16	10.48	4.42
MW03 - 4				34.96	38.87	37.35	44.18
MW03MJ -	80.16	67.49	60.82				
MW04 - 1				24.66	16.00	22.91	23.75
MW04 - 2				16.58	23.00	13.00	14.58
MW04 - 3				10.92	15.58	20.00	11.00
MW04 - 4				99.27	95.12	95.98	96.67
MW04MJ -	153.94	151.04	145.59				
MW05 - 1				18.46	12.43	9.30	18.01
MW05 - 2				14.26	19.84	14.00	5.72
MW05 - 3				16.17	14.26	16.34	9.00
MW05 - 4				79.90	88.11	91.05	84.38

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
MW05MJ -	132	133	134				
MW06 - 1				11	4	6	10
MW06 - 2				1	8	2	4
MW06 - 3				3	2	6	
MW06 - 4				46	46	46	38
MW06MJ -	65	61	58				
MW07 - 1				5	5	8	5
MW07 - 2				5	8	7	10
MW07 - 3				4	2	4	2
MW07 - 4				18	21	20	19
MW07MJ -	43	39	39				
MW08 - 1				4	1	2	
MW08 - 2				1	5	1	3
MW08 - 3				6	2	4	
MW08 - 4				5	7	3	2
MW08 - 5				29	29	34	15
MW08 - 6				2	2	3	3
MW08 - 7				17	16	15	9
MW08MJ -	71	60	62				
NM01 -	250	249	246				
NM01 - 1				46			
NM01 - 2				30	34	31	54
NM01 - 3				22	65	34	21
NM01 - 4				45	23	51	35
NM01 - 5				121	150	156	151
NM02 -	105	106	92				
NM02 - 1				14	5	8	18
NM02 - 2				5	14	8	11
NM02 - 3				25	3	10	7
NM02 - 4				49	70	64	67

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
MW05MJ -	121.56	122.99	124.16				
MW06 - 1				10.84	4.00	6.00	10.00
MW06 - 2				1.00	8.00	2.00	4.00
MW06 - 3				3.00	1.84	6.00	
MW06 - 4				45.17	45.54	45.38	37.68
MW06MJ -	63.56	59.42	56.72				
MW07 - 1				5.00	5.00	8.00	5.00
MW07 - 2				5.00	8.00	7.00	10.00
MW07 - 3				4.00	2.00	4.00	2.00
MW07 - 4				17.92	20.97	20.00	19.00
MW07MJ -	42.84	38.84	38.84				
MW08 - 1				4.00	1.00	2.00	
MW08 - 2				1.00	5.00	1.00	3.00
MW08 - 3				6.00	2.00	4.00	
MW08 - 4				5.00	7.00	3.00	2.00
MW08 - 5				29.00	29.00	34.00	15.00
MW08 - 6				2.00	2.00	3.00	3.00
MW08 - 7				17.00	16.00	15.00	9.00
MW08MJ -	71.00	60.00	62.00				
NM01 -	224.77	224.12	223.53				
NM01 - 1				41.56			
NM01 - 2				26.31	31.75	26.57	50.62
NM01 - 3				20.68	60.97	32.21	19.41
NM01 - 4				39.18	21.90	48.66	32.61
NM01 - 5				114.09	137.91	145.80	142.95
NM02 -	97.39	98.78	84.35				
NM02 - 1				13.40	5.00	8.00	17.40
NM02 - 2				4.50	13.40	8.00	9.20
NM02 - 3				22.63	2.80	9.20	6.20
NM02 - 4				46.06	65.96	60.46	63.06

ACTUAL HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
NM03 -	4	7	5				
NM03 - 1				4	2	4	6
NM03 - 2				1	2	2	1
NM03 - 3				1	2	3	1
NM03 - 4					1	3	6
NM04 -	355	356	368				
NM04 - 1				30	17	12	22
NM04 - 2				23	33	26	13
NM04 - 3				36	33	29	27
NM04 - 4				252	265	256	240
NM05 -	140	152	147				
NM05 - 1				42	13	25	25
NM05 - 2				21	26	12	22
NM05 - 3				27	23	29	17
NM05 - 4				79	95	92	95
NM06 -	95	94	97				
NM06 - 1				19	14	24	29
NM06 - 2				6	17	11	14
NM06 - 3				11	11	18	9
NM06 - 4				59	54	49	41
NM07 -	9	9	10				
NM07 - 1					2	2	6
NM07 - 2				3	1	5	5
NM07 - 3				2	1		7
NM07 - 4				2	4	4	12
NM08 -	6	5	3				
NM08 - 1				8	1	1	2
NM08 - 2					8		3
NM08 - 3						9	2
NM08 - 4				2	2	2	8

FTE HEADCOUNT BY GRADE & INCREMENT							
GRADE & INCREMENT	YEAR						
	2016	2017	2018	2019	2020	2021	2022
NM03 -	4.00	7.00	5.00				
NM03 - 1				3.96	2.00	4.00	5.00
NM03 - 2				1.00	1.96	2.00	1.00
NM03 - 3				1.00	2.00	2.96	1.00
NM03 - 4					1.00	3.00	5.83
NM04 -	314.62	315.57	330.63				
NM04 - 1				29.64	16.80	11.60	20.87
NM04 - 2				23.00	33.00	25.25	11.80
NM04 - 3				34.14	32.35	28.50	27.00
NM04 - 4				221.57	238.93	232.39	215.70
NM05 -	127.66	139.57	135.92				
NM05 - 1				40.25	12.30	22.91	22.73
NM05 - 2				20.29	23.89	11.80	20.51
NM05 - 3				25.93	23.00	27.10	15.91
NM05 - 4				70.08	87.29	84.47	86.13
NM06 -	89.93	88.83	92.83				
NM06 - 1				19.00	11.90	22.59	27.04
NM06 - 2				5.60	16.01	9.80	13.40
NM06 - 3				11.00	10.91	16.81	9.00
NM06 - 4				56.52	50.19	45.64	36.19
NM07 -	8.50	8.80	10.00				
NM07 - 1					2.00	2.00	6.00
NM07 - 2				3.00	1.00	5.00	5.00
NM07 - 3				2.00	1.00		7.00
NM07 - 4				2.00	4.00	4.00	12.00
NM08 -	6.00	5.00	3.00				
NM08 - 1				8.00	1.00	1.00	2.00
NM08 - 2					8.00		2.91
NM08 - 3						9.00	2.00
NM08 - 4				2.00	2.00	2.00	8.00

3.15 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding cancelled medical appointments (WQ.15/2023)

Question

Will the Minister state the total number of cancelled medical appointments in 2022?

Answer

The table below shows the Outpatient Clinic appointments cancelled or rescheduled each month between 1 January 2022 and 31 December 2022. The data are shown by the care group of the appointment and the reason the appointment was cancelled.

‘Other’ Care Group comprises Pre-assessment Clinic appointments (where a patient is contacted by a nurse prior to an inpatient or day case admission) and Phlebotomy appointments.

This answer is an update of a previously asked question: [WQ.312/2022](#). Small variation in numbers is as expected – for example there are data quality validations and corrections reflected in the latest data.

The 15,583 appointments recorded as “Cancelled by service” is 5% of the total appointments across the year. There were 236,023 outpatient appointments attended and 17,783 appointments where patients did not attend without giving any notice. These are monitored weekly at the Outpatient Improvement Group Chaired by the Director of Clinical Services.

Notes:

1. “Medical appointments” has been interpreted as all General & Acute outpatient medical appointments. As such, the data presented includes Jersey General Hospital and Overdale Hospital activity as well as clinics in other locations, such as Le Bas or Springfield.
2. An appointment is counted as cancelled
 - a. when the Appointment Status in TrakCare (the electronic system that captures appointment slots) has been set to 'Cancelled' or
 - b. if the status has been set to 'Not Attended', this can be further categorised by reason, which can be
 - i. ‘Appointment cancelled by service’. Reasons include instances where clinics are cancelled and rebooked in an alternative location or time, which may be on the same day. It is currently not possible to report on these separately.
 - ii. ‘Appointment cancelled by patient’. Reasons include:
 - a. Appointment cancelled by or on behalf of the patient
 - b. Appointment no longer required
 - c. Appointment no longer required (Pat)
 - d. Appt cancellation informed by 3rd party
 - e. Appt cancelled by patient - awaiting patient contact
 - f. Away from Island/Education/Military/Travel
 - g. Earlier appointment requested
 - h. GP instructions
 - i. Later appointment requested
 - j. Leaving island
 - k. Patient transferred to private care
3. Transferred appointments, are *not* counted. A transferred appointment occurs when the patient will see a different clinician (to whom the appointment has been ‘transferred’), but the appointment date and time remains exactly the same.
4. When HCS or the patient cancel the appointment, a new appointment will be given at the next available slot in relation to the urgency of the patient’s referral.
5. HCS encourages all patients to inform the specialty service with as much notice as possible to ensure the slot can be re-allocated to someone else on the waiting list. If a patient requires a different date or time, they can find information on how to inform HCS in their appointment letter. Work is ongoing to ensure patients are given a new appointment slot with a letter being sent to the patient with the new details.

3.16 Deputy M.B. Andrews of St. Helier North of the Minister for Housing and Communities regarding Andium Homes (WQ.16/2023)

Question

Will the Minister advise whether any discussions have taken place with private institutional investors in order to procure private investment in the Government of Jersey’s social housing provider, Andium Homes?

Answer

There have been no discussions with private institutional investors in order to procure private investment in Andium Homes.

Andium Homes does not issue shares; it is wholly in the States of Jersey's ownership. A private investor could not 'invest' in Andium Homes without the specific consent of the States of Jersey.

3.17 Deputy R.J. Ward of St. Helier Central of HM Attorney General regarding statistics for sexual offences in Jersey (WQ.17/2023)

Question

Given that the Crown Prosecution Service (C.P.S.) in England and Wales provides access to statistics on prosecutions, conviction rates, appeals and victims' right to review, will H.M. Attorney General provide these statistics for sexual offences in Jersey, and advise how many special measure applications have been submitted and declined since the introduction of the Criminal Procedure (Jersey) Law 2018?

Answer

Statistics on prosecutions, conviction rates, appeals and victims' right to review (VRR) in relation to sexual offences in Jersey are set out below for the years 2019 to 2022.

In these statistics "sexual offences" include any sexual offence in the Sexual Offences (Jersey) Law 2018 as well as indecent image offences in the Protection of Children (Jersey) Law 1994.

The figures report the number of individual defendants who have been prosecuted or convicted etc. They do not report individual offences. An individual defendant may face more than one offence. Figures on the number of offences may therefore be higher than the number of individual defendants.

With regard to special measures, applications were made in all cases where the eligibility criteria was satisfied. No applications were declined. Where a defendant pleads guilty there would not be an application.

Phase 3 of the Criminal Procedure (Jersey) Law 2018 was brought into force on 31 October 2019.

2022		
Total Number of Sexual Offences		28
Prosecutions	Magistrates Court	9
	Royal Court	19
Convictions	Magistrates Court	4
	Royal Court	4
Acquitted	Magistrates Court	0
	Royal Court	1
Discontinued	Magistrates Court	1
	Royal Court	1
Ongoing	Magistrates Court	4
	Royal Court	13

Appeals	Magistrates Court	2
	Royal Court	1
Total Number of VRR's		2

2021		
Total Number of Sexual Offences		14
Prosecutions	Magistrates Court	6
	Royal Court	8
Convictions	Magistrates Court	4
	Royal Court	5
Acquitted	Magistrates Court	0
	Royal Court	1
Discontinued	Magistrates Court	2
	Royal Court	2
Ongoing	Magistrates Court	n/a
	Royal Court	n/a
Appeals	Magistrates Court	0
	Royal Court	1
Total Number of VRR's		5

2020		
Total Number of Sexual Offences		18
Prosecutions	Magistrates Court	6
	Royal Court	12
Convictions	Magistrates Court	5
	Royal Court	8
Acquitted	Magistrates Court	0
	Royal Court	1
Discontinued	Magistrates Court	1
	Royal Court	3
Ongoing	Magistrates Court	n/a
	Royal Court	n/a
Appeals	Magistrates Court	0
	Royal Court	2
Total Number of VRR's		2

2019		
Total Number of Sexual Offences		17
Prosecutions	Magistrates Court	8
	Royal Court	9
Convictions	Magistrates Court	6
	Royal Court	8
Acquitted	Magistrates Court	0

	Royal Court	1
Discontinued	Magistrates Court	2
	Royal Court	0
Ongoing	Magistrates Court	n/a
	Royal Court	n/a
Appeals	Magistrates Court	1
	Royal Court	2
Total Number of VRR's		n/a

3.18 Deputy R.J. Ward of the Minister for Housing and Communities of the Minister for Children and Education regarding agency cover staff from the UK (WQ.18/2023)

Question

Will the Minister state the total spend on agency cover staff from U.K. agencies from 1st September 2022 to date, broken down into the following categories –

- (a) travel to and from Jersey for staff;
- (b) accommodation;
- (c) daily rate of pay to staff; and
- (d) daily rate paid to agency?

Answer

The answer below is for schoolteachers only as confirmed Deputy Ward.

There were at various times up to two agency teachers Sept to December 2022, and eleven since January 2023. It will always be the Minister's preference to employ substantive permanent teachers wherever possible.

- (a) travel to and from Jersey for staff;
£4,582
- (b) accommodation;
£23,546
- (c) daily rate of pay to staff; and
Private arrangement between the teacher and their agency
- (d) daily rate paid to agency
£320

Total spend on staff £63,985

Grand Total £92,113

3.19 Deputy G.P. Southern of St. Helier Central of the Chief Minister regarding EU legislation (WQ.19//2023)

Question

Further to the response to [Written Question 258/2022](#), what approach does the Chief Minister propose to take in relation to the [Retained EU Law \(Revocation and Reform\) Bill](#), pursuant to which the U.K. Government intends to cease participating in 4,000 E.U. laws by the end of year 2023, and furthermore –

- (a) what actions does she propose in respect of any changes to Jersey legislation to better align with, or diverge from, current standards;
- (b) will she bring any variations to the Assembly for agreement or will any changes be made by Ministerial Decision; and
- (c) what resources does she have to deliver such adjustments?

Answer

As reflected in my answer to Written Question 258/2022, the UK Retained EU Law (Revocation and Reform) Bill, if passed, will not directly affect Jersey laws.

Jersey's approach to preparing legislatively for its new relationship with the EU after Brexit was very different from the UK's. In particular, the European Union (Repeal and Amendment) (Jersey) Law 2018 (the "2018 Law"), which paved the way to implement changes to Jersey legislation that were required due to Brexit did not create a wide-ranging class of retained EU Law like that currently applicable in the UK, something the Bill seeks to change. The 2018 Law instead amended the EU Legislation (Implementation) (Jersey) Law 2014 to provide the States Assembly with additional Regulation making powers to allow it to address deficiencies in Jersey law that arose from Brexit, including by incorporating provisions in the EU Treaties or in EU legislation into Jersey law to ensure there were no gaps in Jersey legislation after Brexit.

This approach reflected the differences between Jersey and the UK in respect of their pre-Brexit relationships with the EU. In Jersey, prior to Brexit, EU Law was only directly applicable in those areas covered by Protocol 3 to the UK's Act of Accession to the EU (i.e. primarily in relation to customs and trade in agricultural goods). There was, therefore, much less directly applicable legislation in Jersey than in the UK, and Jersey could take a more prescriptive approach to deciding what to preserve than the UK.

If the UK's Bill is passed, then that will allow the UK to develop standards that diverge from EU-based standards in several areas. Without knowing the detail of how UK standards might diverge from EU-based standards and in which fields, it is impossible to fully assess the impact on Jersey. However, as many of the requirements set in the UK's body of retained EU Law were requirements that Jersey was never required to align with the EU on, their impact in many areas may be very limited. Nonetheless, there may be instances where future changes in UK regulatory standards will be relevant to Jersey's close trading relationship with the UK. It is too early to say how any adjustments to Jersey legislation that may be required in those instances should be made. However, the Government continues to have good on-going engagement with colleagues in Whitehall, including through the Government of Jersey London Office, and will be monitoring developments to see how they may affect Jersey in future.

3.20 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding attitudes to healthcare funding (WQ.20/2023)

Question

Will the Minister provide members with a detailed analysis of the survey of “attitudes to healthcare funding”, as referred to in response to [Oral Question 132/2022](#), and ensure that such analysis includes –

- (a) the sums paid to the health economists who directed the research;
- (b) the use of focus groups; and
- (c) the use of sortition techniques and other methods to avoid the possibility of any hidden bias in the survey;

and will the Minister agree to publish these details in advance of any launch date for the survey?

Answer

As advised in a letter dated Friday 27 January 2023 to the Chair of the Health and Social Security (HSS) Scrutiny Panel:

“...having considered the questionnaire in more detail and sought the advice of colleagues, I have decided that it would be in the public interest to instead consult on various funding options rather than proceed with a more general attitudinal questionnaire.”

Therefore, as I will not be progressing the attitudinal survey and there will not be a lunch, I cannot commit to publishing the requested details in the way asked by the question. I am, however, happy to provide this information through the scrutiny process if the Chair of the HSS Panel wishes.

At time of writing, I am due to meet the HSS Scrutiny Panel to discuss sustainable healthcare funding in April and if the Panel wishes to do so, I have agreed to bring this meeting forward in light of the above change.

3.21 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding the breakdown of changes in the award of benefits (WQ.21/2023)

Question

Further to the response to [Oral Question 122/2022](#), will the Minister provide a detailed explanation of the changes to the provision of Household Medical Account benefits over the past 5 years, including the use of grants and loans through the Health Access Scheme for medical costs and the use of Long-Term Incapacity Allowance and Income Support medical or personal components?

Answer

The question asks how the provision of the previous Household Medical Account (HMA) scheme changed between 2018 and its withdrawal in 2020 and seeks information on how unrelated benefits and schemes interact with HMAs and the new Health Access Scheme (HAS). For clarity the response is set out in numbered paragraphs below.

1. A Household Medical Account (HMA) was not a “benefit”, meaning it did not give people additional money. HMA was a purely administrative scheme, which allowed some households to save money from their existing Income Support benefit to pay for GP costs. Up until the scheme was closed in 2020, it had not been subject to change. The scheme assisted some Income Support households, tending to be used by:
 - A long-standing cohort of Income Support claimants [(transferred across from benefits that predated Income Support)],

- households who had difficulty managing money,
 - households who had high care costs, and
 - those referred for a HMA by their GP practice.
2. The amount saved to a HMA varied depending on household circumstances and was initially based on the number of recent GP appointments. Savings into the HMA would be taken from Income Support entitlements including basic adult/child component, clinical cost, mobility and personal care components. Money was not taken from Long Term Incapacity Allowance to save into a HMA.
 3. The HMA scheme had several disadvantages - most notably that it was originally set up in Social Security systems to assist with GP costs and could not be adapted to include costs incurred for appointments with nurses or other health care staff. In addition, General Practice billed Social Security directly meaning the cost of the appointment was not always apparent to the patient. This means that people with a HMA risked paying more for their care than people who did not have a HMA.
 4. Deficits sometimes occurred in a HMA because the same amount of money from Income Support was automatically set aside each week. If there was a bout of ill health or a change in family circumstances deficits could build up. Deficits were addressed by increasing the amount saved into the HMA or, if a long-term deterioration had occurred, the household would be reviewed to check if they qualified for further additional Income Support components. Large deficits were also managed with Income Support Special Payments. The reference to 'operational improvements' in the management of HMAs, in response to Oral Question 122/2022, is describing a process where a better understanding of natural variation in the accrual of deficits or credits allowed appropriate action to be taken, and for savings into the HMA to be adjusted or maintained at the correct level. This meant that accounts did not build large debits or credits and that claimants were proactively helped to access the components to which they were entitled. These operational improvements occurred around 2016/17 (outside the suggested 5-year time frame in the question).
 5. In 2019 the Minister for Social Security took a fresh look at access to GP services aligned with Common Strategic Policy (2018-2022) and Government Plan commitments to *'improve access for vulnerable people including children'* to primary care services. Working alongside the Primary Care Board the Minister for Social Security launched the Health Access scheme (HAS) in 2020, at which point HMAs were closed. HAS puts households back in charge of their money and their health care costs; at the same time these costs have been significantly reduced but there has been no reduction in the clinical and health care components of Income Support.
 6. The Health Access Scheme works by agreeing the fee which will be charged to eligible patients under a contract between the Minister and Primary Care providers which is funded by the Health Insurance Fund. Adult members of HAS households pay £12 for a

surgery GP consultation, £9 for a nurse and £6 for a Health Care Assistant. Children receive surgery consultations free of charge. Income Support Special Payments (loans and grants) are not used in the HAS.

7. The HAS is provided to all members of Income Support Households and all Pension Plus Pensioners (around 10,000 people) whereas provision of HMAs was perhaps imperfectly limited to certain households, referrals and legacy claims.

3.22 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding States Departments and compliance with ISO9000 (WQ.22/2023)

Question

Will the Chair advise if the States Employment Board intends all Government of Jersey departments to become ISO9000 compliant and, if so, how this will be achieved and by when?

Answer

Performance management is an area of particular interest for the States Employment Board (SEB). We are pleased that, since the new Board's inception, there has been an increase in objective setting for employees across the States – an upward trend that we will continue to encourage.

SEB will look at the adoption of relevant standards for performance management. There are no plans for the Government of Jersey to undertake a programme of work against ISO9000 standards as a whole or by any specific department. The adoption of ISO9000 would be heavily bureaucratic and there are other more effective means of delivering further improvement in this area.

3.23 Deputy M.R. Scott of St. Brelade of the Chair of the Employment Board regarding activities of employees (WQ.23/2023)

Question

Given the response to [Written Question 3/2023](#), will the Chair advise –

- a) what specific non-ethical activities by public servants are absolutely prohibited with the sanction of immediate dismissal;
- b) what is the sanction for public employees engaging in any retaliatory action against a member of the public for any reason; and,
- c) what is the minimum number of tested ethical compliance training sessions that public sector employees are required to complete each year and how is their completion of training assessed?

Answer

a) Any allegations of non-ethical activities for public servants are managed within the gross misconduct categories (disciplinary rules) within the disciplinary policy (which is a non-exhaustive list). The standards in the public service code of practice would also be applicable as a reference. In line with the disciplinary policy and procedure, any allegations of gross misconduct are handled through the disciplinary policy and procedure where an outcome of gross misconduct may result in dismissal. The employee rights at work code of practice confirms that no public servant will be dismissed without a fair procedure.

b) As above, this is outlined in the disciplinary rules and would follow a disciplinary procedure.

c) Public sector employees do not undertake formally tested ethical compliance training. Objectives are also now structured around the values. All public service employees adhere to and must represent the values of public service in their work, which SEB members are also committed to meeting. These include being respectful, being better together, always improving, customer focused and delivering. The values form part of the training provided in the MyWelcome corporate induction that all new hires complete when joining the government.

Links

[Disciplinary general rules and performance](#)

[Disciplinary policy for public servants](#)

[States of Jersey Codes of Practice](#)

3.24 Deputy M.R. Scott of St. Brelade of the Minister for the Environment regarding the Planning Services review (WQ.24/2023)

Question

With respect to the recently-announced [Planning Services Review](#), will the Minister provide the following information –

- a) how the review is to be undertaken;
- b) whether the review will extend to the planning policy making process and whether the Minister accepts that the quality of that process is critical to the quality of planning decision making;
- c) what opportunity, if any, there will be for Islanders to meet Mr Mackinnon individually; and
- d) the expected cost of the review to the taxpayer?"

Answer

a) The planning service in Jersey has a history of continuous improvement and evolution arising from external reviews of the service. Planning Officer Society Enterprises undertook three reviews in 2010, 2013 and 2019 respectively. As a result of these reviews, significant changes to the planning system were made, such as the introduction of protocols for ministerial decision-making, an independent planning appeals system and greater transparency in the planning process.

This review by Mr Mackinnon will analyse the functions of planning services in Jersey and make recommendations to deliver an effective public service and deliver Ministerial responsibilities under the Law.

The review will be taken in 5 stages:

- Stage 1: information gathering
- Stage 2: understanding processes and issues in detail, including a visit to the Island in late January to meet with the planning team and tour the Island, ensure full understanding of processes and procedures

- Stage 3: establish issues concerning stakeholders, including a visit to the Island in early March to hold workshops with key stakeholders
- Stage 4: draft report, taking into account workshops, written submissions, information gathered to form draft of report
- Stage 5: final report prepared

Issues to be addressed in the review include customer experience, performance measures and performance agreements, the resources within the planning team, consistency of decision making, pre-application advice and post-decision services, the possibility of a combined planning and building process, enhancements that could be made through digital services, and supporting the Ministerial priority for delivery of affordable homes.

A written report detailing the approach to, and findings of, the review will be provided at the conclusion of the work and will be published.

b) the review does not extend to the Bridging Island Plan, Supplementary Planning Guidance, Appeals, Planning Committee or Law changes as these have all been covered in previous reviews and recent Assembly decisions. These matters are also subject to statutory processes under the Planning and Building (Jersey) Law 2002. Whilst recommendations may arise for changes in those areas, this review is focused on the planning service functions as highlighted above.

c) Mr Mackinnon will be meeting with stakeholder groups in early March as per stage 3 of the process outlined above. Key stakeholders will be selected by the Minister for the Environment and Mr Mackinnon, based on their involvement in the planning service. Individual Islanders can write to Mr Mackinnon at J.Mackinnon@gov.je before 13th March 2023 and their views will be taken into account by Mr Mackinnon in the review.

d) the anticipated cost of the review will be under £30,000.

3.25 Connétable of St. Martin of the Minister for Children and Education regarding reports generated through inspections and audits of private schools in Jersey (WQ.25/2023)

Question

Would the Minister outline the Government of Jersey's awareness of, and access to, the reports generated through inspections and audits of Private Primary and Secondary Schools in Jersey and, if access is not already openly available, advise –

- a) whether these documents can be made readily available to the Department for Children, Young People, Education and Skills in extraordinary circumstances; and
- b) whether the Minister is satisfied that these documents can be readily made available to key stakeholders, including parents of enrolled pupils and teaching unions?

Answer

Please see below links to list of schools which show which are provided by the government and which are non-provided / private.

[Primary schools \(gov.je\)](#)

[Secondary schools \(gov.je\)](#)

Beaulieu, De La Salle and FCJ are grant aided by government, the remaining private schools are self-funding.

- a) Grant agreements between the Government and grant aided non-provided schools in Jersey, require the schools to submit evidence to my department of a validated independent provider's review or inspection and a copy of the report, every three years. The current agreements were signed in 2021 so they have until the end of 2024 to do this. There is no similar agreement with the schools that do not receive a government grant, although some do commission and publish their own independent inspection reports.
- b) Grant aided schools should publish any independent inspection reports they commission to key stakeholders; some do this via their websites. Reports for grant aided schools reviewed under the Jersey Schools Review Framework will be published on gov.je.

I have asked officers to check compliance with the grant agreement requirements for 3 yearly reviews that are published. I will review the requirements for reporting cycles within the Education Law for all schools.

3.26 Connétable of St. Martin of the Minister for Children and Education regarding support for private schools in Jersey from the Government (WQ.26/2023)

Question

Will the Minister confirm what support the Government of Jersey is able to provide to private schools in Jersey seeking to improve the quality and transparency of self-assessments, including the provision of further opportunities for stakeholders to provide additional challenge and feedback where possible, and whether this support is currently being provided?

Answer

Jersey's Government of Jersey schools, called 'provided schools' in the Education (Jersey) Law 1999, are directly accountable to my Department for Children, Young People, Education and Skills (CYPES). Local 'non-provided schools' (often referred to as 'private schools', as in your question) are responsible for their own performance, under their Governing Body, Trustees, or Directors. Government of Jersey provided schools are assessed under the Jersey School Review Framework (JSRF). Local non-provided schools can be reviewed under the JSRF, or choose to join relevant support networks, for example, the Independent Schools' Council (ISC), or buy in external inspection, for example, through the Independent School Inspectorate (ISI).

Please see below links to list of schools which show which are provided by the government and which are non-provided / private.

[Primary schools \(gov.je\)](#)

[Secondary schools \(gov.je\)](#)

Beaulieu, De La Salle and FCJ are grant aided by government, the remaining private schools are self-funding.

The Department does support all local schools to improve their quality of provision and self-assessment through the inclusion of all headteachers in the local Primary and Secondary Headteacher groups; through the inclusion of leaders and teachers in training and development programmes, including, for example, in inviting them to attend school improvement and leadership training such as the National Professional Qualification for Headteachers (NPQH) and National Professional Qualification for Subject Leaders (NPQSL). These programmes are delivered by the Department and, whilst not compulsory, many choose to take these up. Most recently, as part of the Review of Inclusive Education, all schools, both provided and non-provided have been given fully funded places on the Masters' level qualification for Special Educational Needs Co-ordinators, the NASENCo qualification. This is to ensure children and young people in all Jersey schools with special educational needs or disabilities benefit from the high level of qualification for the specialist leader in their school.

As well as training and development, the Department provides additional support has been provided to non-provided schools. This was particularly evident during the height of the Covid pandemic, when the Department set up a specialist hardship fund for families with children at fee-charging schools who were facing hardship. Heads of the non-provided schools worked closely with officers, sharing data and resources so these children and families had continuity in the pandemic.

Since the start of my tenure as Minister, my Department's officers have directly supported two non-provided school with various operational matters, and a third through a formal review under the Jersey School Review Framework.

3.27 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Infrastructure regarding Fort Regent (WQ.27/2023)

Question

In relation to the redevelopment of Fort Regent, will the Minister advise –

- (a) the current status of any development plans;
- (b) when any proposals are expected to be brought before the States Assembly; and
- (c) the number of organisations that still use the facility and proposed date of relocation of these organisations to a new facility?

Answer

- (a) plans for the future of Fort Regent that were developed under the previous Government are unfeasible in the current economic climate,
- (b) the Future Places Ministerial Group are reassessing what is feasible and are committed to developing an affordable and deliverable proposal for the future of Fort Regent, and to securing an appropriate mandate from the States Assembly.

- (c) the number of Government services, sports clubs and commercial enterprises operating at Fort Regent has reduced from 39 in 2019 to 21 in 2023, this is expected to reduce to 5 in 2024. The predicted figures are linked to the planned opening of facilities at Springfield Sport Centre in 2023 and Oakfield Sport Centre in 2024.

3.28 Deputy M.R. Le Hegarat of St. Helier North of the Chief Minister regarding #the employment of consultants across the Government of Jersey (WQ.28/2023)

Question

Will the Chief Minister provide the following information in respect of the employment of consultants across the Government of Jersey –

- a) the number of consultants engaged since 1st July 2022 to date;
- b) the specific roles that they are undertaking;
- c) the length of each contract;
- d) the cost per month in relation to each contract;
- e) the terms of reference for each contract;
- f) the process followed for the engagement of each consultant; and
- g) the involvement, if any, of the Council of Ministers in relation to the engagement of these consultants?

Answer

The compilation and reporting of consultancy costs is a large exercise that takes place on a six-monthly cycle, in accordance with P.59/2019.

The reports for July to December 2021 and January to June 2022 have now been published.

The process for producing the July to December 2022 six-month report has commenced and the report will be published in April 2023, as soon as it is complete, inclusive of all the information requested.

3.29 Deputy C.D. Curtis of St. Helier Central of the Minister for Infrastructure regarding drainage systems and flooding (WQ.29/2023)

Question

In relation to the recent floodings, will the Minister advise –

- (a) whether he is satisfied that the existing public drainage system is sufficient to prevent flooding in wet weather; and
- (b) whether surface water is getting mixed with sewage in many parts of the Island, and, if so, is this due to damaged pipes?

Answer

- (a) I am satisfied that the existing public drainage system is sufficient to prevent flooding in wet weather, however the drainage system is not sufficient to cope with extreme wet weather, which due to climate change is likely to happen more frequently in the future.

The public surface water drainage systems did reach full capacity in certain areas during the recent flooding on 17 January. The current focus is on Grands Vaux and working

closely with Jersey Water investigating means to attenuate the flows to reduce the risk of flooding to residents. IHE are also collecting data from installed flow monitors on all significant catchments. This data will be used by modellers to determine key flood risk areas for the Island where we may need to invest in further flood defences. This study will inform future business cases to fund required infrastructure investment for the island in order to become more resilient to future climate change related rainfall events.

(b) During the extreme rainfall events of 17 January surface water did enter a number of foul sewers causing them to become overloaded and spill to surrounding water courses. Whilst some of the ingress will be from faults in the sewer network the predominant ingress will be from the town combined sewer network and in rural areas down to illegal ingress into the system by private properties connecting their surface water systems into the foul network. Most of the time this is done inadvertently, however as surface water flows are significantly greater than foul sewer flows the foul sewers easily become inundated. IHE undertake annual private property investigations targeting catchments identifying surface water connections to the foul network. To remedy this situation IHE work with property owners to segregate and dispose of their surface water in the correct manner. IHE also carry out annual sewer repairs to the network to repair defects. Unfortunately, these overflows will occur in extreme events, this will be the same for recent flood events in the UK and New Zealand.

3.30 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding consultant remuneration (WQ.30/2023)

Question

Will the Minister confirm the aggregate cost of consultant remuneration to the Health and Community Services department in 2022?

Answer

Total Consultant Doctor remuneration in HCS in the financial year ending 31st December 2022 was:

£15,052,545

This includes the total cost of all Government of Jersey-employed Consultant Doctors, inclusive of the costs of Employer's Pension and Social Security Contributions

This figure excludes costs assigned to the Covid-19 Head of Expenditure (not allocated to the HCS departmental revenue expenditure budget)

3.31 Deputy M.B. Andrews of St. Helier North of the Minister for Economic Development, Tourism, Sport and Culture regarding a national sports stadium (WQ.31/2023)

Question

Can the Minister advise what discussions, if any, have been held with private investors in relation to the construction of a national sports stadium in Jersey?

Answer

The Inspiring Active Places strategy, adopted by the previous Government, set the ambition to create an Island Stadium which served the needs of both rugby and football.

Ministers have met with sporting clubs and private businesses who have previously expressed an interest in seeing the development of an Island Stadium. The Inspiring Active Places strategy has, to date not identified a site which serves the needs of both rugby and football and further consideration is needed on the strategy, including future capacity requirements, discussions have therefore not involved consideration of private investment or construction costs.

3.32 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding the cost of locum and agency staff (WQ.32/2023)

Question

Will the Minister advise the total cost of Locum and Agency Staff to the Health and Community Services Department in 2022?

Answer

Total expenditure on locum and agency staffing in HCS in the financial year ended 31st December 2022 was:

£15,087,534

This figure includes all types of agency staff, including Medical, Nursing, Civil Servant, Allied Health Professionals and Manual Workers.

This figure excludes costs assigned to the Covid-19 Head of Expenditure (not allocated to the HCS departmental revenue expenditure budget)

3.33 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding Government communications campaigns (WQ.33/2023)

Question

Will the Chief Minister provide the following information in respect of each communications campaign launched by the Government since she took office –

- (a) the purpose of the campaign;
- (b) the target audience and the number of people estimated to be in that target audience;
- (c) the methods and/or media used to reach the target audience;
- (d) the cost of the campaign including staff time;
- (e) whether she considers that the campaign was effective and provide details of how the effectiveness was measured; and for on-going campaigns detail the effectiveness to date; and
- (f) whether any lessons have been learned from the campaign and how such learnings might be applied in future campaigns?

Answer

In 2022, we produced 148 communications campaigns (external and internal) aimed at informing and engaging with the public and colleagues on important Government initiatives, as well as generating behaviour change in areas such as public health (this includes a pre-election period where no campaigns were launched). Approximately a third of these campaigns have been launched since June 2022, including a focus on the Chief Minister's 100 Day Plan, which included campaigns on addressing the cost of living, community and quality of life, economy and population, education, housing, trust and accountability in Government.

Given the number of campaigns and their detailed plans (which include situational analysis, audience segmentation, strategy, tactics, timings and costs, and success measures) it would be impossible to succinctly answer the question. Nevertheless, below, we have tried to explain our guiding principles and give a number of examples.

1. Approach

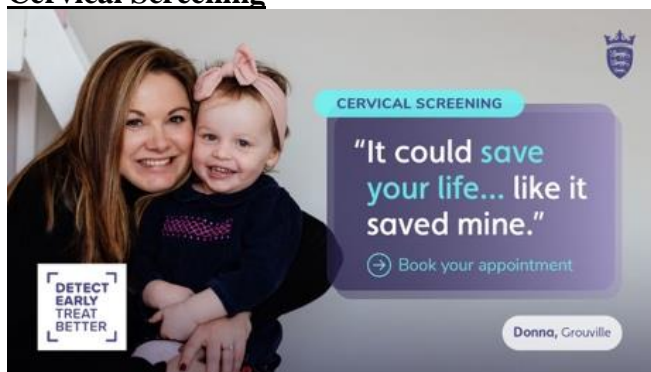
We follow the same campaign planning process for each initiative:

1. The need for a campaign is identified by Ministers and Departmental senior leaders based on agreed initiatives and priorities for the year
2. The communications directorate, led by a departmental Head of Communications, produces an initial draft campaign plan, which follows a template of Background, Objectives, Strategy (audiences), Tactics (channels), Actions (activity), and Controls (budget), and is signed-off by the Head of Strategic Communications
3. The draft is shared with colleagues across the directorate, including the Marketing & Campaigns team, for further input and creative
4. A final plan is produced and signed-off by the relevant Chief Officer before going to the Minister.

The following are campaign examples from June 2022. This information took less than 45 minutes to prepare, as it is already contained within our plans and is readily available.

2. Example campaigns from June 2022 onwards

Cervical Screening



Purpose

Cervical screening is one of the best ways to protect from cervical cancer. We need to make sure that eligible Islanders opt in and maintain cervical screening schedules to give themselves the best protection. Without promotion, Islanders are likely to be less informed and less like to opt in and attend.

Free cervical screening is offered to all women and people with a cervix aged between 25 – 64. Screening for those aged 25 – 49 is offered every three years and every five years for those aged 50 – 64.

Government of Jersey's KPIs for the 50 – 64 age group is 80% uptake, we are currently at 74%. We currently meet the KPI of 80% for the 25 – 49 age group. This group is required to opt in once they turn 25. Although the KPI is currently met, maintaining the promotion of cervical screening

is required to make sure eligible Islanders opt in for their first screening and keep up with their screening schedule.

Abnormal findings are more likely to be identified in the 25 – 49 age group, timely identification of these cells provides the opportunity for a lifesaving result.

The requirement to opt in for cervical screening is seen as the primary barrier for this age group. Secondary barriers mirror those for the older age group.

The uptake in screening attendance decreases in the older age group, this is mirrored in the UK.

General barriers are thought to be:

- Embarrassment
- Pain (known to increase in the older age group)
- Intention to go but not getting round to it
- Worries about what the test might find
- Logistical issues
- Lack of awareness that testing is free of charge
- An additional barrier has been identified for Polish Islanders, namely that the quality of testing in Jersey is perceived not as good as the tests offered in Poland, which include a scan (risks for having the screening in Poland result from a possible delay to frequency of attendance)

Funding for free cervical screening is approved by the Minister for Social Security. Free cervical screening was first introduced in 2018. The delivery of cervical screening is the responsibility of the Minister for Health and Social Services.

Target Audience

Eligible Islanders aged 25 (they become eligible at aged 25)

- Good level of English regardless of place of birth (translations not required)
- Young working professionals - not on the registry
- Locations and Interests: Socialising / Shopping in town / Gyms / hairdressers and beauty salons

Eligible Islanders age 26 + who are yet to opt in

- English and Portuguese translations required
- Professionals - not on the registry - mixed across all industries
- Working / part-time working / with families
- Locations and Interests : Socialising / Shopping in town / Gyms / hairdressers and beauty salons / cafes / restaurants

Cost:

£20,000

Media and Channels used to reach audience

- Posters and Mirror decals in:
 - Mirrors in beauty salons and hairdressers
 - Gyms changing rooms
- Print: JEP full page ad

- Pull up banner
- A5 front leaflet
- Digital adverting: JEP digital ads and social media, Bailiwick, Google Ads
- Clock tower, Bus Screens and CLS/HCS screens
- Social Media
- Portuguese: Video circulated via WhatsApp

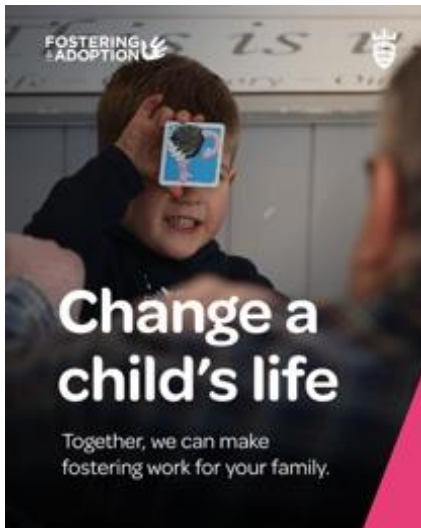
Effective and results

These are currently being collated. Outputs are based on the number of cervical screening sessions and effective use of our communication channels. Due to the increased media interest, we are aware of an increase in cervical screening sessions being booked. We also had over 3.5million hits on one social post. Although some of the sentiment was negative, this still contributed to the overall success of increasing bookings.

Lessons learned

The use of language and imagery to appeal to the transgender community caused an issue on Twitter and is currently being assessed. Further work with the community, and other groups, will be embarked on to make sure an inclusive approach is maintained but that all aspects of the campaign targeting women, females, and any Islander with a cervix are properly and sensitively considered.

Fostering and Adoption Dec 2022



Purpose

To address the lack of flexibility in the system to accurately match the needs of a foster child to a tailored placement.

Prospective foster carers were not signing up during the pandemic, and many former foster carers chose not to take on any more children. As it takes 6 months from signing up to becoming a foster carer, this is an ongoing issue.

Focus group research has shown there a number of misconceptions about foster care in Jersey – i.e. who can become a foster carer/ how much it requires from an Islander/ lack of support including financial. Focus groups didn't feel empowered to be foster carers.

Target Audience

Parents aged 30-55

- Work part time or stay-at-home parent with children at home or in school
- Wants to help other children
- Live in rented or owned secure accommodation
- Likely to have a spare bedroom (in some cases this isn't a condition)
- In a long-term relationship/married
- English speaking

Cost:

£7,550

Media and Channels used to reach audience

- Social media
- Channel 103 radio and digital ads
- ITV ad
- Google ads – targeted at online clothes shopping, news and entertainment
- Bailiwick ads
- JEP digital takeover
- Clock Tower
- A3 poster and distribution to key areas
- Digital screens at the Library
- Parentmail

Effective and results / Lessons learned

- This was a highly effective integrated campaign and resulted in 10+ foster carers coming into the system at a time of great need.
- We are currently assessing the use of images of children and the internal process for sign-off.

Tax 2022 launched January 2023



Purpose

Each year, Revenue Jersey runs a phased communications campaign to manage the flow of tax return submissions, encourage customers to file accurately and in good time, and remind customers of the tax filing deadlines and actions they need to take.

Many customers file within a week to 2 weeks of the filing deadlines, creating operational challenges and a stressful negative experience for filers, and for some, low customer satisfaction when the volume and nature of last minute requests for help can't be answered.

Using behaviour insights, a multi-channel, multi-message approach is taken as different customer groups tend to file at different times within the returns period, according to their circumstances.

In January 2023, taxpayers who filed using the paper form last year will receive a paper form again. Those who filed online in 2022 will receive an email letting them know they can complete their online return (these people won't receive a paper form).

Both paper and online filers will also receive a newsletter with their email / paper return.

Married couples and civil partners not yet in independent taxation, will also receive a leaflet that's part of the IndTax optional elections campaign, with their paper return or email.

A new Government of Jersey Digital ID solution, is available this year called JerseyMe. It allows customers without a smartphone to activate their onegov account, with face to face support available. Customer who have struggled with Yoti or are hesitant to use a non local solution, may be encouraged to use JerseyMe, which will then give them the option to file online in 2023.

Our customer strategy principles are to make it accessible, consistent, and easy for customers, and to think ahead, and our approach to supporting customers to file in a timely and accurate way, must align with these principles.

Deadlines for 2023 are: 31 May for paper returns and 31 July for online returns.

Target Audience

- Customer base is 65,000, aged 17 to 100, 4,000 or so who have tax agents, or friend /relative with Power of Attorney in place, who complete their return for them, but who will still be a taxpayer seeing the advertising.
- There is a mix of around 45,000 part and full time employees, who pay all their tax by ITIS, and 20,000 either self employed or retired taxpayers whose income is either part or wholly from non employment sources.
- 30% of customers leave filing to the last month, and almost 20% to the last week.

Insights

- TBC – Last minute filers are more likely to be self employed and need to do their business accounts, or have complex affairs
- 48% of taxpayers filed online in 2022.
- Yoti user age demographics show that generally, but not exclusively, those aged between 25-55, with more men than women, (unsurprising as married women cannot complete their tax return as not PT, and this is a main driver for setting up onegov accounts). See Appendix 1. Statistically, the distribution of those with a Yoti ID is similar to the overall population (compared with the 2011 Census)
- A number of retired taxpayers did also file online and were keen to do so, but some needed one-to-one support with setting up their digital ID. This is where JerseyMe has a fresh offering that could give many more customers online access to services.

- In 2022, we experienced only a 5% increase in online filers, indicating the current solution, Yoti, had plateaued take up.
- 52% of primary taxpayers still complete their tax return using the paper option, with all age groups represented

Cost

£15,000

Media and Channels used to reach audience

Phase 1:

Social Media

JEP print ads

Google ads

Posters

Digital screens

Bailiwick and JEP digital ads

Liberty bus and Jersey Post Digital screens

Channel 103

Effective and results / Lessons learned

We are currently assessing the impact of the campaign.

Vaccine Thank You



Purpose

The purpose of this campaign is to agree on the spokesperson element of the winter vaccination campaign and identify the correct spokespeople based on low uptake in certain audiences (outlined below). These spokespeople will appeal to target audiences in similar positions (work, age, lifestyle) and will help to spread the message that vaccination is important for themselves.

This is an element from the already approved and running winter vaccination campaign to drive an increase in vaccine uptake for eligible Islanders, with a particular focus on eligibility groups

where uptake is low. We only require agreement on the spokespeople for the relevant audiences and a plan for how we use them.

The Autumn Booster programme was launched at the beginning of September by eligibility group, this was then followed by the flu vaccine. Uptake is currently lower than desired for Health and Care workers including HCS, Care Homes, Dom Care agencies etc... this is an area of concern as this group is tasked with caring for vulnerable people.

As at 15 November (waiting for updated figures):

- 27.3% Health and social care workers
- 34.3% Care home staff
- 23% those aged 50-54
- 32% those aged 55-59
- 47% those aged 60-64
- 60% those aged 65-69

Care home and agencies are staffed by a large number of Portuguese speakers. A request for information in Portuguese has been made by the industry.

Other areas of focus are pregnant women, as well as a general push towards the 50+ (largest) group

The winter vaccine plan has already been approved.

Target Audience

- Health and care workers (English and Portuguese)
- Pregnant Women
- Those at Risk
- 50+ population

Cost

£19,000

Media and Channels used to reach audience

HCS & Domiciliary

- Posters in pause areas (all HCS sites, including laundry, Daily board messages etc)
- Leaflet and posters to organisations (incl translations)
- Digital screens
- HCS Twitter social assets using the #TeamHCS (push to remind staff after their shift)

Islanders

- Print – JEP adverts, Our Island Advert
- Digital ads – JEP, Bailiwick, Google ads
- Digital screen: bus screens, clock tower, Sand Street carpark
- Radio – Channel 103
- Information leaflets for midwives and GPs

Effective and results / Lessons learned

This is currently being assessed.

E Bike Grand Scheme



Purpose

The transport sector is the largest source of on-Island greenhouse gas emissions in Jersey. It produces 44% of emissions at a time when vehicle ownership levels are increasing and there are more cars on the Island than people.

Policy TR1 of the Carbon Neutral Roadmap is aimed at speeding up the adoption of electric vehicles, to help reduce emissions on Jersey's journey to net zero.

The Roadmap proposes a subsidy or grant scheme to support Islanders to make the switch to electric vehicles.

A decision has been taken to focus the initial tranche of grants on e-bikes. A separate scheme for electric cars will then follow.

Every quarter, Islanders will be given a week to apply for the e-bikes grant, with a lottery system then used to pick around 100 "winners" each quarter.

The first application week will open on Thursday 12 January 202.

Applicants will be able to select whether they want to go into the e-bike, e-cargo bike, or adapted cycle "draws". E-Mountain bikes are not part of the scheme.

Each successful applicant will be given a voucher to redeem at a participating local bike shop.

There is £300,000 in this subsidy pot, to be given out over a two-year period across the eight quarterly draws.

Target Audience

- Our primary audience will be those who are **considering** buying an electric bike, but for whom **cost** is the barrier. Whilst we don't want to explicitly target JUST commuters, it is our hope that a large proportion of applicants will want to use their e-bike for this purpose.
- Our secondary actors of change are the Island's bike shops, who will support change by engaging with the subsidy scheme and will promote the application process on our behalf,

and organisations and associations closely linked to our target audiences. We will seek to promote this partnership.

Cost
£300

Media and Channels used to reach audience

- Social Media
- Poster for Bike stores

Effective and results / Lessons learned

We had over 350 applicants in the first 2 days of the campaign.

Help 2 Quit



Purpose

At the end of the Stoptober campaign 57 individuals signed up to the Help2Quit services. 1/3 of the individuals that came through were from manual and routine labour – our target demographic for the campaign.

Most of the individuals who came to the service had heard about it through word of mouth and radio. Word of mouth is hard to determine exactly where the thought of the service campaign from, therefore understanding the effectiveness of the campaign can be unclear.

The previous campaign targeted routine and manual workers and those who work unsocial hours in lower paid jobs - targeting specifically through their places of work.

The new year brings a fresh start with increased motivation from Islanders to adopt healthier behaviours for the year a-head.

Help2Quit would like to re-run the stop smoking campaign encouraging Islanders, especially those who work in routine and manual labour roles and those who live in social housing to stop smoking

Target Audience

Those is lower income jobs and work in routine and manual labour:

Hospitality

- Retail workers
- Hospitality workers

Construction

- Infrastructure, Housing and Environment employees
- Construction workers

Cost:

£9,500

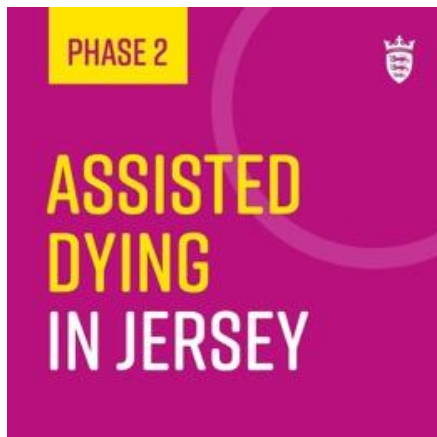
Media and Channels used to reach audience

- Social media
- Back of bus decal sticker
- Radio – Channel 103
- Digital Screens – Liberation Station, Clock Tower, CLS and Hospital
- Posters to businesses, pharmacies and GPS
- Translated posters for Portuguese hubs and Caritas

Effective and results / Lessons learned

Results are still being compiled.

Assisted Dying



Purpose

The first phase of the Assisted Dying campaign was launched in March which started the conversation of Assisted Dying in Jersey. A number of in person drop-in sessions were set up around the Island for individuals to discuss their thoughts, feelings and concerns around the proposed policy.

The States Assembly have now agreed to put in place a policy which will determine the outcome of Assisted dying in Jersey.

A 90-page consultation will be available for Islanders to understand the proposed principles of Assisted Dying in Jersey. Islanders can feedback on the consultation which will influence the overall outcomes that are put in place for Assisted Dying.

Target Audience

Charities:

- FNHC
- Mind Jersey
- MacMillan
- Hospice
- Jersey Association of Charities
-

Wider community, the understanding of the assisted dying consultation is an opportunity Islanders have the right to be made aware of and undertake.

Portuguese Speaking Individuals, ensuring non-English speaking Islanders are aware of the incoming policy impacting their rights on decision making for End of life.

Hospital users – Islanders ongoing dramatic life changing medication

Cost

£2,000

Media and Channels used to reach audience

Portuguese community:

The consultation to be translated into Portuguese – updated onto the webpage

Translated Poster, promoting drop-in session (relevant to Portuguese community) - distributed by Caritas (Portuguese ambassador to support)

English:

JEP full page, promoting drop in dates and consultation

Parish magazine, promoting drop in dates and consultation

Socials: FB and Twitter, next phase of assisted dying consultation

Poster A4/A3 promoting drop-in sessions – Parish halls, Hospital

Digital Poster – Jersey Association of Charities

Digital screen – Library (come and chat to a member of staff to find out more), Hospital

Direct engagement from the team in the form of group meetings, Q&A sessions, continued information provided through:

Care homes

Charities

Internal Gov comms

ALO's

Consuls

Effective and results / Lessons learned

This campaign is ongoing

Embrace our Difference



Purpose:

The embrace our difference campaign was launched last year which consisted of an all-Island survey to gain an understanding around perceptions of Disability in Jersey. An event took place at the town Library showcasing the research and findings from the survey. Stakeholders were invited to attend with pop-ups with invited individuals of interest.

There was good uptake in engagement throughout the campaign through various pop ups, social media monitoring and printed collateral.

To continue awareness and show progress, this year the aim is to expand on the campaign from last year, targeting larger audiences, stakeholders and visibility about Disability & Inclusion and how this looks day-to-day.

Starting with an event on 4th November for invited stakeholders hosted by Paralympian Liz Johnson and a campaign to follow after.

Target Audience

The whole Island plays a part in ensuring equality is delivered in Jersey.

- Students – direct engagement from the D&I with Liz going into schools to talk about inclusion
- Older Islanders 65+ harder to change attitudes
- Islanders online 25+ working islanders

Cost

£5,600

Media and Channels used to reach audience

- Social Media
- Digital screens – Liberation Station, Clock Tower
- JEP
- Accessibility – BSL and Portuguese translation

Effective and results / Lessons learned

This is being assessed.

Spread Warmth



Purpose

This year, the typical health pressures of the winter season will be heightened by predicted further waves of COVID-19 infection and forecast increases to the cost of living at levels not seen in recent times. These pressures will be felt across the community but particularly acutely by those on middle and lower incomes. A cross government winter plan has been developed by the Winter Risk Coordination Group (WRCG). This campaign plan is focused on the Public Health elements of the winter plan which are covered in groups 1 and 3 listed below.

The areas of concern for the winter plan can be summarised into three broad groups:

- COVID-19
- Cost of living, fuel poverty, and cold home related health problems
- Influenza and other seasonal viruses

To communicate the public health priorities of the winter plan with a multi-channel campaign targeting our defined audiences during the winter response period this includes:

To encourage uptake in vaccination (Flu, Autumn Booster and evergreen COVID-19) for eligible Islanders, implementing targeted comms to the priority groups where uptake is low. We aim to increase vaccine coverage from 40% to 60%

To share PH guidance on the best protection from seasonal illnesses, flu and COVID-19 and reduce the impact of these illnesses for Islanders. This will be measured by the following metrics. i. Episodes of flu like illness and confirmed flu cases ii. Confirmed hospital flu cases iii. COVID case rate iv. COVID hospitalisations

To prepare Islanders ahead of a move away from the post emergency response by indicating that we are moving towards a steady-state and sustainable approach to the management of COVID-19 and into closer alignment with other jurisdictions. By providing open and transparent communications, acknowledging what we expect as we move forward. This will be measured by audience listening (social, direct comments, insights from the helpline, testing and vac centres etc..)

Target Audience

- Islanders on middle and lower incomes
- Older adults (70+)
- Those eligible for vaccination

- Working adults
- Businesses
- Stakeholders

Cost

£12,500

Media and Channels used to reach audience

- Direct SMS (vaccination message only)
- Emailers to Stakeholders
- Parentmail
- Print – JEP
- Digital ads – JEP and Bailiwick
- Digital Screens – CLS, Bus Screen, Clock Tower
- Radio – Channel 103
- Google Ads
- Translated posters, video and leaflets
- BSL translations (Connect Me)
- Easy Reads (online and Connect Me)

Effective and results / Lessons learned

This is ongoing

Community Costs Bonus



Purpose

Following the announcement of the Council of Ministers mini-budget, the Community Costs Bonus (CCB) has been highlighted to achieve **two key objectives**:

- Increase the number of Islanders claiming the benefit by raising more awareness - from 1k to 7k
- Double the value of the bonus to over £500 (if approved in September)

Target Audience

It has been identified that there are c.7k Islanders who could be entitled to this benefit. The target groups within this number could be quite broad and include the following:

- Pensioners
- Families with multiple children/using childcare
- Islanders with mortgages

Cost

£11,500

Media and Channels used to reach audience

Print: JEP, Parish Magazine

Social Media

Digital advertising: Bailiwick and Google ads

Digital screens: Liberation Station, CLS, Library, Gov.je

Print: Posters and Leaflets. Target P&C customers through P&C team, churches, residential/care homes

including translations

Radio: Channel 103

Effective and results / Lessons learned

This is ongoing.

We have already noted that there have been four times the number of applications for the Community Costs Bonus this year than there have been in the previous 2 years.

Violence Against Women and Girls



Purpose

Violence against women and girls is one of the world's most prevalent human rights violations, taking place every day, many times over, in every corner of the globe. It has serious short- and long-term physical, economic and psychological consequences on women and girls, preventing their full and equal participation in society.

The magnitude of its impact, both in the lives of individuals and families and society as a whole, is immeasurable.

Conditions created by the pandemic – including lockdowns, reduced mobility, heightened isolation, stress and economic uncertainty – have led to an alarming spike in domestic violence and have further exposed women and girls to other forms of violence, from child marriage to sexual harassment online.

- This campaign aims to support the distribution of 2 surveys (one for the public and one for victims/survivors), heatmap and testimonials
- The purpose of the surveys and the heatmap are to build up a clear picture of the breadth of women and girls' experience of violence on the island
- The aim is to launch early/mid September
- Would like to use posters with QR codes linking to the site in various locations as a means of furthering our reach
- Targeting anybody over the age of 16 (public survey and heatmap), testimonials are for only 18+

Target Audience

Reach different age groups and demographics in Jersey

Cost

£16,000

Media and Channels used to reach audience

- Print – JEP, Our Island Parish Magazine
- Bus internal decals
- Google Ads
- Social Media
- Printed leaflets and posters – including translations
- Stakeholder emailer
- Lunch and Learn – internal event

Effective and results / Lessons learned

This is ongoing

Vaccine



Purpose

As a result of non-pharmaceutical interventions (NPIs) in place for COVID-19 – such as mask-wearing, physical distancing, increased hand washing and sanitising, and restricted international

travel – flu levels were lower than expected across the world in 2020/21 and subsequently in 2021/22.

Last year, in anticipation of higher levels of flu in the winter of 2021, it was recommended to combine the COVID-19 vaccine booster and the flu vaccine into one programme. 85% of Islanders over 60 (the most vulnerable) received their flu vaccine at the end of last year. However, less than 80% of those aged 50-64 received the vaccine. In order to boost vaccine numbers, targeted communication to this age group should be one of the priorities.

Although it was predicted there would be higher levels last year, the number of flu like illnesses was very similar to 2020. This may have been due to Islanders still being cautious as COVID-19 restrictions were eased. Islanders may not be so cautious this winter as there is a high level of covid-fatigue and as we have come to the point of living with the virus, it is possible there will be higher levels of flu this winter season, with more of the population susceptible.

Alongside this year's flu drive, the UK Government is preparing for an Autumn booster programme of COVID-19 vaccines, and the Joint Committee on Vaccination and Immunisation (JCVI) has published final advice on who would be prioritised for this booster from September 2022. With the transition to living with COVID-19, the protection of the most vulnerable people will continue to be of primary importance. The final recommendation from the JCVI is as follows:

- residents in a care home for older adults and staff
- frontline health and social care workers
- all those 50 years of age and over
- Individuals aged 5-64 years who are in a clinical risk group
- Household contacts of those who are immunosuppressed
- Persons aged 16 to 49 years who are carers

The Jersey Vaccination team will take the same approach as the NHS and the UK Government by delivering the this year's flu programme alongside the autumn booster programme for COVID-19 vaccines as part of wider autumn and winter planning. We will therefore need to communicate our autumn booster vaccine alongside this year's flu vaccine. Plans are in place to be able to deliver a booster vaccine programme from the beginning of September and the flu programme from early October.

Target Audience

The following people will be offered an Autumn booster dose as soon as possible from September 2022:

- residents in a care home for older adults and staff
- health and social care workers
- All adults aged 50 and above
- Persons aged 5 to 49 years in clinical risk groups
- Persons aged 5 to 49 years who are household contacts of people with immunosuppression
- Persons aged 16 to 49 years who are carers

Generic messaging can go out to all islanders, and those listed above will be told directly through their GPs/doctors or places of work.

Cost

£22,000

Media and Channels used to reach audience

Print – JEP and Our Island Magazine

Radio – channel 103

ITV tv advert

Digital Screens – Liberation Station, Clock Tower, Hospital

Digital adverts – JEP, Bailiwick and Google ads

Social Media

Posters – Hospital, GPs and Pharmacies

Effective and results / Lessons learned

This is ongoing

Leave No Trace



Purpose

- Second phase of Respect, Protect, Enjoy Countryside Access campaign.
- Islanders are having parties or BBQs in national park areas, leaving behind litter and general vandalism.

Raise awareness that Jersey's countryside and open spaces are there to be enjoyed in a responsible, respectful way, by all those that use them through the summer months.

Educate and inform social/anti-social behaviour in Jersey's countryside is advised against, and no trace should be left behind.

Leave No Trace focuses on reminding islanders that it is not acceptable to leave rubbish, BBQ ashes and remnants of parties at national park sites.

Target Audience

Young adults (Ages 16-25) - Having bunker parties, or parties in rural areas – leaving masses of litter, destroying habitats, vandalising heritage sites, ashes from BBQs, fires. Trespassing on land that doesn't belong to them. Disturbing wildlife.

Adults (30-50)- BBQs on the beach, picnics on the beach, leaving litter, bottles and plastic/food behind. Disturbing wildlife with noise and walking on paths/areas that are private.

Cost

£8,750

Media and Channels used to reach audience

Print – JEP

Digital advertising – JEP and Google ads

Bus Decals

Radio – Channel 103

TV – ITV

Social media

Digital Screen – Liberation Bus Station

Effective and results / Lessons learned

Ongoing

Fostering August 2022



Purpose

Fostering and Adoption campaigns are run regularly throughout the year with the intention to increase the uptake of foster carers in Jersey.

The campaigns have had the support from current fostering carers telling their experiences as well as from an individual from grew up in Jersey's care system.

Despite the campaigning, recruiting Foster carers continues to be a struggle with slow turn over. As a result of this research was carried out among current foster carers and non-foster carers about their motivation, behaviours and experiences of Fostering.

Target Audience

- Families: Female and male, Single, Same sex
- Current care givers: Nurses, Home carers, those looking after family members

- Empty nesters

Cost

£7,000

Media and Channels used to reach audience

- Website – gov article and web content updated
- Social media
- Full page JEP ad
- Radio 30 second ad
- Bus screens: £300
- Bootlid bus advert
- Roadside banners
- Pull up banner and posters
- Posters: £300

Campaign effectiveness / Lessons learned

- Over 25 enquiries,
- 444 website visits on launch day and 60 views per day during the campaign (compared to previously 1-3 views a day)
- over 11 Islanders signing up to become foster carers (as at 8 Sep but more signed up after the main campaign activity ended).
- This was the most successful fostering campaign to date in terms of the number of Islanders signing up to become foster carers, and the number of Islanders informed about the situation via measurable data such as engagement and enquiries.

100 Day Plan



Purpose

- The Chief Minister's Vision Statement requires the delivery of certain specific actions within CoM's first 100 days in office (the 100 Day Actions) which includes that Ministers present to the States Assembly their plans for the coming year (the Ministerial Plans).
- COM is required to lodge its Common Strategic Policy (CSP) and Government Plan (GP) with the States Assembly by **4 October 2022**.

Target Audience

- All Islanders
- Colleagues
- Commentators and influencers

Cost

£400

Media and Channels used to reach audience

- Social Media
- Internal – posters, countdown poster and timers, lock screens
- GoJ website

Effective and results / Lessons learned

This was a highly visible campaign and the first time a Jersey Government had put together a 100-day Plan. We achieved significant progress on 16 of the 18 actions in the plan and communicated on all 18 actions with regular updates to the public on progress.

Public Health Big Conversation**Purpose**

On Monday 10 October (World Mental Health Day), the Public Health Team will undertake a full day of public engagement to invite Islanders to “have their say” and help develop the Public Health Strategy for the Island, it will also start a week long online engagement. This activity will be known as Jersey’s Big Wellbeing Conversation

Target Audience

- All Islanders
- Colleagues
- Commentators and influencers

Cost

£5,000

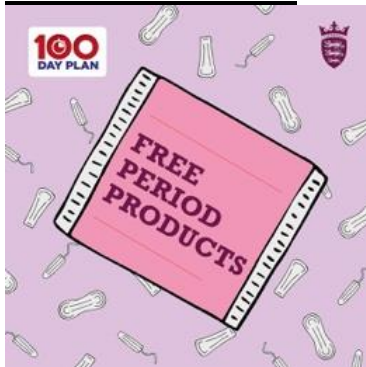
Media and Channels used to reach audience

- Press notice to launch Jersey’s Big Wellbeing Conversation – to include what, when, where, why, who and how. Offer interviews with PH team / MHSS
- Posters in public facing government buildings, sports centres, libraries, schools, parks ect...
- Posters in locations where in-person conversations will take place
- Posters in place Islanders currently visit for wellbeing, doctors, pharmacies, gyms etc...
- Translated posters in areas identified to reach minority groups
- Update gov.je with content and online conversation page
- QR code to gov.je across all material to provide instant opportunity to “have your say”
- Internal communications – corporate comms across Government to raise awareness of the activity OurGov takeover, lockscreen
- JEP ads
- Digital ads - Bailiwick and JEP
- Digital screens – Clock Tower, Liberation Station
- GoJ social media

Effective and results / Lessons learned

This was a highly visible campaign which resulted in over 500 responses by Islanders and has helped to inform the Public Health Strategy for the Island.

Free Period Products



Purpose

As part of the Government’s 100-day plan and mini-budget proposal, free period products have been identified as an initiative that will support the community as well as taking the stigma out of periods by educating and talking about this openly.

There will be 3 phases to the campaign

- Phase 1 – pilot of products in a select few locations
- Phase 2 – Survey out in public for feedback
- Phase 3 – Full campaign launch and further roll out of products in more locations (August 2023)

The purpose of the pilot is to:

- Make sure that some free products are available for those who need them as soon as possible (particularly at this financially challenging time)
- Understand the service specification for the full roll out in September 2023 by gaining data and insight on:
 - Demand and take-up of particular products
 - The logistic requirements of service providers in order to inform

The purpose of the consultation is to inform the service specification for the full tender by gaining data and insight on people's:

- Product preferences (what types of products)
- Venue/location preferences (where should products be available)
- Access preferences (how do people want access them – in toilets, from reception areas etc.)

Target Audience

- Focus on Females and people who menstruate in Jersey (14-55)
- Islanders can collect products on behalf of family members/carers

Cost

£7,500

Media and Channels used to reach audience

Phase 1 (Focusing on where women/people who menstruate are, to be able to inform them of the pilot scheme and current locations for supplies)

- Social media
- Posters
- Translations
- Digital screens
- Parentmail
- Internal comms (OurGov article)

Phase 2 (Digital campaign to enable people to click through to the consultation)

- Social media
- JEP social media
- JEP digital takeover
- Bailiwick digital ads
- Google ads
- Internal comms (OurGov article)

Effective and results / Lessons learned

The campaign was highly visible, positively received, and resulted in achieving our objectives of making sure that some free products are available for those who need them as soon as possible.

3.34 Deputy R.J. Ward of St. Helier Central of the Chair of the Privileges and Procedures Committee regarding constituency offices (WQ.34/2023)

Question

Will the Chair provide details of what plans, if any, are proposed to provide constituency offices to improve facilities for Deputies and allow for improved public engagement?

Answer

The Committee has established a Sub-Committee to consider constituency offices. The establishment of constituency offices was included within the Government's 100 Day Plan and although meetings have been held between the Chair of PPC, the Chief Minister and the Chair of the Comité des Connétables, the Committee believes a dedicated Sub-Committee will ensure coordinated political oversight of the project.

It is anticipated that the Terms of Reference for the Sub-Committee will be as follows:

- a) To identify the resourcing requirements (including venues, staffing and equipment) in order to establish, or embed, a constituency office in each constituency (or, where the constituency comprises more than one Parish, in each Parish of that constituency);
- b) To consider how the provision of constituency offices sits alongside the provision of central facilities in Town for States Members;
- c) To report back to the Privileges and Procedures Committee with findings and recommendations for the establishment or embedding of constituency offices in time for any recommendations to be considered during the preparation of the Government Plan 2024-2027.

The Committee has ensured that the Sub-Committee's membership includes at least one member from each constituency:

- Connétable K Shenton-Stone (St Martin)
- Deputy L.K.F Stephenson (St Mary, St Ouen, St Peter)
- Deputy M.R Scott (St Brelade)
- Deputy M Tadier (St Brelade)
- Deputy P.F.C Ozouf (St Saviour)
- Deputy K.F Morel (St Lawrence, St John and Trinity)
- Deputy C.S Alves (St Helier Central)
- Deputy R.J Ward (St Helier Central)
- Deputy I Gardiner (St Helier North)
- Deputy T.A Coles (St Helier South)
- Deputy B Ward (St Clement)

The Sub-Committee's first meeting will be held on 23rd February 2023. Arrangements are also being made for those members attending an upcoming CPA event at Westminster in May to have the opportunity to visit an established constituency office.

3.35 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding teaching vacancies (WQ.35/2023)

Question

Will the Minister provide details of the number of current teaching vacancies across the Island's schools?

Answer

The answer provided is for government provided schools only with data as at 30th January 2023. We do not hold data for non-provided schools.

There are 6 current teaching vacancies in primary schools and 13 current teaching vacancies in secondary schools.

To ensure continuity of education, all classes have teachers covering these vacancies through redeployment of existing workforce in schools and use of local and UK supply teachers (11).

We anticipate a further 3 teacher vacancies in primary schools over the next two months and 8 beyond two months. We anticipate a further 1 teacher vacancy in secondary schools over the next two months and 17 beyond two months.

These figures represent vacancies against our base staffing to the end of 2022. With additional funding approved in the Government Plan 23-26 Head Teachers are planning how best to invest that funding to reflect the needs of their school. This will result in new vacancies being created in 2023 many of which support the objective to strengthen inclusion in our education system.

We continue to focus on strengthening our recruitment capability through use of social media and marketing (<https://education.careers.gov.je/>), targeted campaigns, enhanced candidate management and workforce planning.

3.36 Deputy R.J. Ward of St. Helier Central of the Minister for Social Security regarding Andium Homes' tenants (WQ.36/2023)**Question**

Will the Minister advise how many Andium Homes' tenants are currently repaying loans for carpets?

Answer

A reasonable estimate of the number of households who were Andium tenants in 2022 and had a special payment loan approved for carpets is 74 households.

Loans are consolidated for the convenience of the individual. As the household could be repaying more than one loan, for example for carpets and white goods, it is not possible to isolate the requested figure and assign the number to Andium tenants without manually checking each Income Support claim.

4. Oral Questions

4.1 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Health and Social Services regarding skilled overseas medical staff (OQ.13/2023)

In the absence of a coherent plan for the new hospital, will the Minister advise what is being done to make Jersey attractive to skilled overseas medical staff and care workers in this highly competitive global recruitment market?

Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):

The Health and Community Services Department are undertaking various initiatives to attract skilled overseas medical staff and care workers. These include Career First, advertising through professional publications, using specialist recruitment agencies, and if Members would like some more information on this I have listed with the Health and Social Security Panel, through the scrutiny process, and with Deputy Southern through the questions process on various occasions on this topic specifically, all of which can be found on the States Assembly website. I would also like to note that this is a highly competitive global market for healthcare staff, which does not just affect Jersey so we do have to make additional efforts. One of the key issues bringing over medical and care staff is the cost of living and housing, and my colleagues and I are working together to address these issues.

4.1.1 Deputy L.J. Farnham:

Can I think the Minister for her answer? Of course she touched on the most challenging point for bringing staff to Jersey and that is cost of living here. As part of any staff retention programme is the Minister looking at how she might or the department might provide more realistically affordable accommodation for medical staff?

Deputy K. Wilson:

As we all know, the issues with housing in the Island have been well-discussed here and how it is affecting all industries and departments, not just healthcare. Myself and the Council of Ministers are looking at a whole range of initiatives to address this. The Chief Minister is leading a Population and Skills Ministerial Group looking at options for further key worker accommodation. The Minister for the Environment, through the bridging Island Plan, is enabling the delivery of 25 key worker units a year. The Minister for Housing and Communities is supporting H.C.S. (Health and Community Services) and other departments with key worker accommodation through our arrangement with Andium Homes and, in relation to that, a further 20 key workers at Le Marais are accommodated. There may well be further key worker accommodation at Hue Court. Andium currently house 138 key workers and the Minister for Home Affairs is also keeping her profile or her eye on the workforce permits policy under review so that we can attract people if they are applying for jobs on an individual basis.

4.1.2 Deputy R.J. Ward of St. Helier Central:

Can the Minister estimate the extra cost, perhaps as a percentage, of using agencies in the U.K. (United Kingdom) seeing as we seem to be heading down that track, not just in health but in other areas of our need?

[9:45]

Deputy K. Wilson:

I have prepared a written statement on this particular issue around use of locum costs and I would be prepared to provide some more detailed information for Assembly Members. But we all acknowledge that locum cover is hugely expensive so we must double our efforts to try and offer

contracts that are meaningful for people. But, as I have said, it is not just about offering the job. It is the wider conditions that support people's decision to come and live and work here.

4.1.3 Deputy R.J. Ward:

I just asked for that percentage estimate of how much extra it costs to hire somebody from a U.K. agency, who obviously take their cut, as it is to train and employ locally.

Deputy K. Wilson:

I do not have those figures with me but I would be happy to provide those to the Deputy. But it is a particular increase on the existing salary that we provide as part of a routine contract. We have also done some work on the locum agency that has been used to try and get some more value for money out of whatever locum agency contract we have. I will be able to provide more detail on that in due course.

4.1.4 Deputy G.P. Southern of St. Helier Central:

Given the ongoing debate around the size of the hospital does the Minister have an estimate for the numbers of staff she needs to deliver services required not only in the hospital but in the community?

Deputy K. Wilson:

We are going through a programme of transformation in Health and Community Services. What that will require is to look at our workforce strategy and our workforce plan and remodel that in relation to some of the ways in which we want to provide care going forward. At the moment we are basing our assumptions on the current workforce profile but the skill mix of that will change over time and that may mean for some professional groups there will be a change in the numbers and the percentages of the workforce that we will require around those particular professional groups.

4.1.5 Deputy G.P. Southern:

Has the Minister been engaged with the Minister for Infrastructure to produce a final figure for the size of staffing that she requires to deliver the service that she thinks this Island needs?

Deputy K. Wilson:

As you know, there is political oversight of the development of the hospital from both in estates and a workforce and service perspective. Clearly, the Minister for Infrastructure and I will be working very closely to align these particular issues going forward. We must start the work on the design of the service model of the workforce and then design the estate around that. But what I can assure the Deputy is that we are working together on this.

Deputy G.P. Southern:

Can I ask a supplementary there?

The Bailiff:

You have just asked a supplementary, Deputy Southern.

Deputy G.P. Southern:

The answer was not clear.

The Bailiff:

Sorry, I think if you can take it outside of the normal asking, you can do that.

Deputy G.P. Southern:

I accept your ruling, Sir.

4.1.6 Deputy L.V. Feltham:

In her answer to the original question she referred to working with other Ministers to provide affordable housing for healthcare staff. How confident is the Minister that the housing being provided is the type and quality that will attract and retain staff?

Deputy K. Wilson:

Yes, this has been a discussion between myself and the Minister for Housing and Communities as to how we can vary the offer to the various professional groups that are interested. I can assure the Deputy that we are working to address not only the issue of supporting people to live in one-bedroom accommodation but taking a much broader account of what the needs of families might be as well. I think we have also got a problem with the timing and the way in which these things come onstream. So there is some delay to addressing all of the need but we are actively working on it.

4.1.7 Deputy L.V. Feltham:

We all know that we are working within a competitive global market so, with regard to accommodation and the cost of living, how does the income that potential healthcare workers compare with other jurisdictions and has any work been done to ensure that Jersey is in fact an affordable place for healthcare workers to live?

Deputy K. Wilson:

Clearly this will be part of the review of the Workforce Skills Commission Group, and this is not entirely within the remit of the Health Department. But what I can say in response to the Deputy's question is that when you take a first glance of the salary scales and compare those perhaps to our neighbour in the U.K., we do offer a very competitive salary here. I think, as I have explained before, it is the wider cost of living and cost of housing here that is prohibitive.

4.1.8 Deputy L.J. Farnham:

Just turning a bit more focus on care workers. We know there is a shortage of care workers in the public and private sectors, and I understand that has resulted in beds being utilised in the hospital and causing ongoing problems. Will the Minister commit to putting more resources into helping to alleviate that problem across the Island?

Deputy K. Wilson:

Yes, I am very supportive of any initiatives or any design of health services to move people out of hospital nearer their home or into the community close to their home. We have a major challenge to redesign our health system and with that goes the redesign of our workforce. Ultimately that will mean that we will have to invest in the workforce that can provide care in an alternative setting other than a hospital. Yes, as part of our workforce review, I can give that commitment that we will look to make sure that we will provide staff where they are needed.

4.2 Deputy M.B. Andrews of St. Helier North of the Minister for Infrastructure regarding infrastructure issues in the Grand Vaux area (OQ.9/2023)

Will the Minister provide details of the work, if any, that is being undertaken to address infrastructure issues in the Grands Vaux area in the aftermath of the recent flooding?

Deputy T. Binet of St. Saviour (The Minister for Infrastructure):

I can assure the Deputy and Members that officers from all the relevant departments are working on an integrated plan to reduce further flood risks. I have committed to providing an update in person to the residents of Grands Vaux in approximately 5 weeks' time.

4.2.1 Deputy M.B. Andrews:

In relation to the provisions that could be increased, could the Minister indicate what those provisions would be in the event of future flooding?

Deputy T. Binet:

I am not sure that I can suggest any provisions but I can say that a lot of the work that has been done relates to work that is upstream of the reservoir. I think the simple fact is that the drainage network, however clean it may be, simply cannot cope with the volume of water that we experienced 10 days ago. I think all of the focus has to be on prevention rather than the cure. Those are the areas that we are investigating at the moment.

4.2.2 Deputy S.Y. Mézec of St. Helier South:

In some of the commentary that has been around the subject I have seen a figure of £200 million quoted as a potential cost for updating the old Victorian pipe network downstream from Grands Vaux. Could the Minister just explain where that figure comes from and how it is calculated?

Deputy T. Binet:

I have to confess that it is an exceptionally approximate figure. In speaking to Jersey Water yesterday they indicated it would probably require a pipe of some 5 metres in diameter to run from Grands Vaux out to sea. Unless the tide was out, you would need a significant amount of pumping equipment to pump that water to sea level. I think it could well be significantly more than that. I think one has to accept that it is really not a very practical and viable option.

4.2.3 Deputy M.R. Scott of St. Brelade:

Has the Minister considered whether there needs to be restrictions on development in the area to avoid more flooding in the event of another extreme weather event? If so, has he communicated that to the Minister for the Environment for the purposes of his own policy making?

Deputy T. Binet:

There are ongoing discussions with all the relevant parties and I think, in terms of further development in Grands Vaux, it is simply a matter of design. If buildings are raised above the flood level they can be designed above that and, while there might be problems with access to the housing while there are periods of flooding, if and where the house is already built above the flood levels there do not seem to be any problems. It is more a matter of design than stopping development.

4.2.4 Connétable M.K. Jackson of St. Brelade:

Does the Minister consider that Jersey Water have taken sufficient responsibility in terms of reservoir management for the incident that occurred?

Deputy T. Binet:

This is quite a sensitive topic. I think thus far Jersey Water can find themselves to providing us, very adequately I think, with clean drinking water. I do not think it has been on their mind to be part of an integrated system but, I have to say, over the last week to 10 days I am delighted to say that they really have come good and the discussions are a lot more meaningful than they were in the first 24 hours.

4.2.5 The Connétable of St. Brelade:

Is the Deputy aware whether the present level in the reservoir is at the correct level to prevent further spillages should we have excess rainfall?

Deputy T. Binet:

Having spoken to Jersey Water, the whole situation is a lot more complicated than it first seems but, I have to say, my instinct tells me that I would be a lot more comfortable if it were a metre or so lower than the level that it is at, at the moment. But that is just a personal comment and I am reluctant to make too many comments of that sort because I think we should be driven by the facts. As I say, I would not read too much into that. We will be making a very much more detailed presentation to residents, and to anybody else who is interested, in about 5 weeks' time. We will know a lot more by then.

4.2.6 Connétable A.S. Crowcroft of St. Helier:

The Minister may recall that in February 2010 the twin town of St. Helier, Funchal, suffered catastrophic flooding, and extensive infrastructure changes were made as a result of that. Would the Minister consider asking his officers to liaise with their counterparts in Funchal to see whether he can learn anything from the experiences of that city?

Deputy T. Binet:

I am certainly happy to do that but I am delighted to say that there have already been some pretty good suggestions, some fairly creative work done between the Drainage Department of I.H.E. (Infrastructure, Housing and Environment) and Jersey Water. I think we may find a locally-based solution but I am certainly more than happy that we make that contact.

4.2.7 Deputy G.P. Southern:

The Minister keeps referring to a plan for Grands Vaux, does he not accept that what we need is a plan for the Island to replace the Victorian sewers where appropriate? We need a much larger scale of initiatives.

Deputy T. Binet:

Delighted to be able to tell the Deputy that there is an ongoing programme. We are going to be raising some more money. We are working on that at the moment and I perhaps extend a personal invitation to the Deputy to visit Grands Vaux and Bellozanne and the new treatment plan, and happy to spend some more time with him going through our programme of works.

4.2.8 Deputy G.P. Southern:

When the Minister says a "programme of works", is that a programme of works that is already engaged or is it a programme of works to be performed in the future?

Deputy T. Binet:

I think the answer to that is both. There is a lot of good work going on and there is another £40 million worth of extra work programme that we are looking to find funding for at the moment. That is work that is currently underway.

4.2.9 Deputy M.B. Andrews:

When I spoke to the residents of Grands Vaux, some were very concerned about the response to the flooding and that there should have been an evacuation within hours of there being fair sight of the flood. So why was this not the case?

Deputy T. Binet:

I have to say I do not think the Grands Vaux flooding was handled badly. I think it was handled fairly well. It could have been handled better and when I say we are working on a fully integrated plan, I mean to have something at the end of this that really is first rate. We learn from our mistakes.

There were some mistakes made, I think, but overall it was not bad. I think I also have to pay tribute to Andium who did a brilliant job and the fire service. [Approbation]

4.3 Deputy S.Y. Mézec of the Minister for the Environment regarding the licensing of rented dwellings (OQ.19/2023)

Will the Minister advise when he will be lodging regulations to introduce the licensing of rented dwellings, as he has previously stated is his intention, and what measures will be included in these regulations which are different from previous versions?

[10:00]

Deputy J. Renouf of St. Brelade (The Minister for the Environment):

Very happy to answer this question. As we know, we have a significant issue with the quality of some private rented dwellings in Jersey and I have agreed with officers a timeframe within which I will lodge regulations to implement a rented dwelling licensing scheme. Before lodging there needs to be time for policy development, law drafting instructions to be produced, and Scrutiny briefings. However, I can say today that my aim is to lodge the draft regulations in mid-April and therefore anticipate a States debate on or around mid-June. I am very aware, as Minister, that I have a legal duty to improve the standard of private rented dwellings. I have taken on board comments from previous debates and indeed feedback from relevant stakeholders and applied a conciliatory approach, which I hope will mean that these regulations attract widespread support both within this Chamber and with the public at large. To this end, I am looking at a slightly simplified and clearer scheme in comparison to previously debated propositions. As this is policy in development, it would not be appropriate to say more at this stage. But I do believe that through the proposed scheme I am confident officers will be better equipped to address and bring about real improvements in standards of accommodation for the benefit of Islanders.

4.3.1 Deputy S.Y. Mézec:

I do not think the Minister adequately answered the second part of my question. When he uses the term “simpler version” in my years I hear “a weaker version”. Can the Minister give his assurance that that will not be the case and that the version of licensing for rented dwellings that he will bring forward will have all of the strength it needs to tackle those poor quality homes in the rented sector and will not make concessions to those who previously have argued for no action whatsoever to be taken in this area?

Deputy J. Renouf:

As a general rule, I do not intend to bring legislation to this Assembly that is weak and ineffective. So, no, it will not be watered down. What I do detect, and certainly having regard the debates of the previous times that this has been brought, there was a lot of confusion about the details of the scheme, about who it would apply to, about the costs of the scheme, about whether it would lead to regulatory mission creep and issues like that. I intend to address all of those in a way which I hope provides clarity and simplicity but without sacrificing essential safeguards, which are the whole point of the regulation.

4.3.2 Deputy R.J. Ward:

Can the Minister confirm that this will be a licensing scheme and not simply a registration scheme?

Deputy J. Renouf:

Yes, I can.

4.3.3 Deputy S.Y. Mézec:

I guess to ask the Minister to clarify beyond any doubt whatsoever that the scheme he will be bringing to the Assembly for approval will be one that is compulsory for all rented dwellings and which provides the Environmental Health Department with a proactive ability to be able to unlicence homes when necessary and take proactive action against those who own those homes when they are not meeting minimum standards and that there will be no get-out clauses?

Deputy J. Renouf:

I can confirm that the regulations that will be brought will apply to all rented dwellings within the scope of the Public Health and Safety (Rented Dwellings) Law 2018. Yes, the purpose of the scheme is to have a licensing scheme which enables a greater flexibility in enforcing regulations than the current scheme, which is an all or nothing; prosecution or nothing. The point about a licensing scheme is it allows a more flexible response where landlords can be engaged with, improvement sought, and if those improvements are not forthcoming or if there is not a positive engagement with enforcement then the sanction of licence withdrawal is what sits behind these changes in regulations. That would be of course used in those circumstances, which I think would be relatively rare but would certainly be used where we had non-compliant landlords unable to or unwilling to achieve the standards that are required.

4.4 Deputy L.V. Feltham of Chief Minister regarding Ministerial delivery plans (OQ.15/2023)

Before I ask the question I will note that I do recognise it is a little out of date but I did want to give the Chief Minister the opportunity to answer at least the first part of the question. Will the Chief Minister provide the Assembly with an update on Ministerial delivery plans and advise when they will be published?

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):

I thank the Deputy for her question. As she identified in the question, those delivery plans have now been published. They are available on gov.je. They are of course important working documents, which will give Ministers a guide as we deliver our programme for Government. As part of the monitoring process with the plans, I will be meeting regularly with Ministers to monitor that.

4.4.1 Deputy L.V. Feltham:

This is the first time that we have seen Ministerial delivery plans as opposed to departmental operational business plans. I would like the Chief Minister to perhaps give us more of a flavour about what the key differences are between the 2; what we have seen in the past and now what we see in these new Ministerial delivery plans.

Deputy K.L. Moore:

Thank you; gladly. Essentially these delivery plans are identifying areas where Ministers have committed to delivering on their mandate and on their work plans. These documents are part of us being able to hold officials to account in terms of delivering on the Ministerial aspirations for their term of office. We think that it is important to do so and a useful tool. It is new, of course, and the reason therefore for these being published on gov.je rather than on the States Assembly website is it is more a functioning working document that is aligned with our work, alongside officials.

4.4.2 Deputy S.Y. Mézec:

Does the Chief Minister regard the Ministerial delivery plan of the Minister for External Relations and Financial Services to be out of date now, and if so, when will it be reissued?

Deputy K.L. Moore:

Very hawk-eyed, and yes, of course, we will have to review that and redivide the responsibilities accordingly. I will be adding those to my own delivery plan.

4.4.3 Deputy R.J. Ward:

Given the Ministerial reshuffle in the past few days the documents are out of date, is it intended that they will be republished and, if so, in what format? Because obviously publishing things in paper form means we may have quite a lot of wastage going on.

Deputy K.L. Moore:

The delivery plans themselves have only been published online and, as I said, they are working documents. Therefore they can be amended accordingly. We will endeavour to do so as swiftly as possible.

4.4.4 Deputy R.J. Ward:

Will that include an update on the allocation of budget per Minister or does that still remain ... it is not clear whether it is per Minister or per project in the Government Plan?

Deputy K.L. Moore:

In the Government Plan that was agreed by the Assembly, there are heads of expenditure per Ministerial portfolio and so, where necessary, we will of course readdress that and discuss that with our relevant Scrutiny Panels. I would imagine that the differences will be quite minimal in that area.

4.4.5 Connétable D.W. Mezbourian of St. Lawrence:

How will the Chief Minister assess the performance and delivery of her Ministers against those plans?

Deputy K.L. Moore:

That is a very good question, and performance management is a key area of interest and I think one where much greater work and energy and focus is required to ensure that we do deliver for the public. That is why I will be meeting regularly with Ministers to discuss their delivery plan and how they are performing against that. I very much look forward to ensuring that the Ministerial team, because it certainly is a focused team, will meet those and their aspirations.

4.4.6 The Connétable of St. Lawrence:

Should a Minister not be performing appropriately and deliver the expectations that the Chief Minister and indeed we, as an Assembly, have of them, how will the Chief Minister deal with them?

Deputy K.L. Moore:

As perhaps the recent days have shown, when we fall short we will address that. It is an important part of performance management to ensure that we have sometimes difficult conversations as well as patting each other on our backs when there is cause to do so. I will not shirk from that part of my role.

4.4.7 Deputy G.P. Southern:

The Chief Minister referred earlier to holding officers or officials to account. Surely the chain of command says holding Ministers to account on their Ministerial delivery plans.

Deputy K.L. Moore:

I am slightly confused by the Deputy's question there. My job of course is to hold the Ministers to account for delivering, yes. Their job - part of it - is to hold their officials to account for delivering as the Government has requested of them.

4.4.8 Deputy A. Howell of St. John, St. Lawrence and Trinity:

In light of the announcement that, with the exception of commercial fishermen and organisations with pre-existing business arrangements, all users of Ports of Jersey will need to pay an additional 10.4 per cent for fees from 1st March 2023 ...

The Bailiff:

Deputy, I am struggling to see how this relates to the original question, which is Ministerial plans.

Deputy A. Howell:

So sorry, I apologise, I thought this was a separate question.

The Bailiff:

No, this is a specific question to the Chief Minister.

Deputy A. Howell:

Apologies.

The Bailiff:

Very well, a final supplementary, Deputy Feltham.

4.4.9 Deputy L.V. Feltham:

The Ministerial delivery plans state that they do not include all business as usual to be undertaken by Ministers and departments. How can Ministers and the Chief Minister be sure that other business-as-usual operations are resourced adequately and the performance on that business-as-usual operations attract?

Deputy K.L. Moore:

So, clearly business as usual is a matter of focus for all Ministers and a key part of our role is to ensure that the areas of responsibility are properly resourced so that they can deliver for the public. These are simply documents that focus on areas of particular Ministerial focus each year and, of course, what is critical to that is that we deliver for the public, as they would expect of us. But of course business as usual is always in the spotlight and we take our responsibility to the resourcing of departments extremely seriously, as I am sure does the Deputy in her role as Chair of the Public Accounts Committee.

4.5 Deputy R.J. Ward of the Minister for Children and Education regarding the Jersey Schools Review Framework (OQ.16/2023)

Given that the Minister has indicated that collaboration in relation to the Jersey Schools Review Framework depends upon the relationship between the Government of Jersey and the individual schools, will she outline what factors will impact the review process, and any subsequent actions, and advise how these may differ between fully state-funded schools and non-provided, grant-funded schools?

Deputy I. Gardiner of St. Helier North (The Minister for Children and Education):

I thank the Deputy for his question. All government-provided schools, whether fee paying or non-fee paying, are reviewed under the Jersey Schools Review Framework every 3 years. It was paused during COVID where we had virtual visits but the rolling plan of reviews are now fully up and running again. Through their grant agreements with the Government, grant-aided schools can be reviewed on the Jersey Schools Review Framework or provide evidence of external inspection, for example, through independent schools inspection, and again it is an every 3-year cycle. They may

also choose to join relevant support networks, for example, the Independent Schools Council. The Jersey Schools Review Framework is a supportive and collaborative system to further enhance the effectiveness of education in Jersey through the evaluation, support and challenge of schools and colleges. It is externally led and includes peer review from local schools. The department supports all schools, provided and not provided, to improve, for example, through training and development, in school leadership, S.E.N. (special education needs) and others.

[10:15]

4.5.1 Deputy R.J. Ward:

It seems that that was a slight contradiction there saying an “all schools review” but some schools can provide evidence for review. Can I ask the Minister, given that there is a choice of providing separate evidence for a grant-funded school, will the outcomes be comparable across schools in Jersey?

Deputy I. Gardiner:

It is a really good question. This is what I asked when I have been presented with the current arrangements. As it currently stands, we have a 3-year agreement with the grant schools, which agreement includes options for the schools to go through the Jersey Schools Review Framework or to go to independent inspection that they need to publish, for example, that De La Salle published in May 2022. I am going to work with all schools, private, or what they call private, not government-provided schools because I would like to explore the option to work through the Jersey Schools Review Framework, that we will have a comparison, as the Deputy rightly said, across the board within Jersey and not with different frameworks.

The Bailiff:

I am afraid there is no one else who is seeking to ask a question, and there is no final supplementary if there have been no intervening questions.

4.6 Deputy C.S. Alves of St. Helier Central of the Chief Minister regarding an individual’s personal data (OQ.18/2023)

Will the Chief Minister advise what work, if any, is being undertaken to reduce the duplication of an individual’s personal data across multiple computer systems in different areas of the Government digital infrastructure?

Deputy A. Curtis of St. Clement (Assistant Chief Minister - rapporteur):

The Chief Minister and the questioner have agreed that I can answer this one. So historically most government systems have been considering what are line-of-business applications. These typically store data and personal information in their own form and have limited access to be linked. There are some limited measures in place across systems such as “People Directory” and “Update your Contact Details” to provide some linkage but this is mostly limited to Customer and Local Services and Revenue Jersey. There is some work ongoing to improve these measures further, such as the development of a health demographic service to connect H.I.F. (Health Insurance Fund) systems across a healthcare estate. Having a joined-up approach to our data and a person’s identity across government I.T. (information technology) systems is critical to be able to use digital technology to improve an individual’s experience of the government, to improve the efficiency of government and to improve the outcomes of government. To support this I am going to be working with my digital group which I Chair; this has members of H.C.S. (Health and Community Services), C.Y.P.E.S. (Children, Young People, Education and Skills), M. and D. (Modernisation and Digital), the Cabinet Office, as well as T. and E. (Treasury and Exchequer), and this is going to be defining a digital

strategy and overseeing its delivery. Identity management will be addressed by this Digital Strategy Working Group and it is an area that I am prioritising.

4.6.1 Deputy C.S. Alves:

The digital strategy that the Assistant Chief Minister mentioned there and his priorities, is one of them to ensure that we will have a much more centralised system and one that can be accessed across all departments? If so, by when and, if not, why not?

Deputy A. Curtis:

The reality is it is not going to be a single system but what we do need is a considered strategy that allows us to join up data where appropriate. There will always be instances where we cannot join data for data protection and data reasons but we need to be allowed to enable departments that can access and share data to do so and for systems to do that. One obstacle that we are facing to do this is the current structure of the organisation means we hold very little ability to deliver change within the organisation without going to consultancies. I believe one of the key priorities at our Digital Strategy Working Group is going to identify not just what we should prioritise but the methods of delivery of I.T. So I think by bringing in a capability and a skillset in government we should be able to faster prioritise the areas that the Assembly and Government and citizens want through in-house delivery where it may not typically have aligned to project and department.

The Bailiff:

Deputy Scott, could you turn off your light, please? Once you switch your light on, could you look out for me acknowledging you; when I do, could you then switch it off because it stays on for a long time. Thank you very much indeed.

4.6.2 Deputy R.J. Ward:

Can I ask the Assistant Chief Minister what budget is being allocated to this project and what is the limit to this budget long term?

Deputy A. Curtis:

The Digital Strategy Working Group is not a project that requires a budget but it is a group of members from across the organisation who are looking at how do we define a strategy that can shape future budgets, so the prioritisation and joining-up of budgets I believe is one key area to deliver savings in I.T. We currently see projects that are stalling or not working efficiently because projects typically align to heads of expenditure or even within that to individual lines of projects. So this project, the Digital Strategy Working Group, does not have a budget and I am not seeking a large increase, or any increase, at the moment in I.T. budget, rather a reprioritisation.

4.6.3 Deputy R.J. Ward:

So the group itself does not have a budget but there must be some idea of budget on the digital development. Does the Assistant Chief Minister have an idea of the current spend on I.T. development and what the limit to that will be?

Deputy A. Curtis:

Yes, I do. The budget that we have is split between that that is spent through the Cabinet Office and Modernisation and Digital and by departments. I believe that we have got a breakdown of the Modernisation and Digital spend in the Government Plan. The large amount of revenue expenditure that Modernisation and Digital perform is to run the business which provides us very little leeway to use that as a change enabler within Government as we have typically used capital programmes to fund the change of I.T. So what we will probably need to look towards doing is changing how we approach budgets to increase the revenue element of the Government Plan to invest in elements that

incrementally improve the Government's digital I.T. system for both the civil servants and for the public.

Deputy R.J. Ward:

There was no mention of a figure there which was asked for. Is there any possibility of getting an answer like that?

The Bailiff:

Well that was part of the question, are you able to answer that?

Deputy A. Curtis:

The budgeting of this system is very complex. I can give you a rough order of magnitude but I think it is best if I take those numbers offline. We do know that some work within Treasury has been looking at the split between budgets within Modernisation and Digital and outside within the departments.

Deputy R.J. Ward:

With respect, I think offline is not the place to do it as a direct question has been asked in the Assembly. So can we have a figure, please?

The Bailiff:

Well, having highlighted the fact it was not answered on the last occasion, it is up to the Deputy how he answers it at this point.

4.6.4 Deputy M.R. Scott:

Given that centralisation requires a certain amount of co-operation by the population in terms of overcoming general data protection requirements and one of the main reasons why they may be hesitant to co-operate, could the Assistant Chief Minister please provide some sort of explanation about how he will be able to assure the population on the robustness of cybersecurity in this respect?

Deputy A. Curtis:

I am sure when it comes to cybersecurity the Deputy is aware that there has been significant expenditure on cybersecurity programmes within the Government, both pre the Ukraine crisis and following that to further invest and be robust. I am happy to also answer the question on the data protection side but that is quite different to the element of cybersecurity and trust in Government.

4.6.5 Deputy M.R. Scott:

Then by all means answer the question on the G.D.P.R. (General Data Protection Regulation) please.

Deputy A. Curtis:

Happily. On the case of a citizen having more trust in a government that joins up its systems, in holding our Digital Strategy Working Group one of the priorities I outlined in a digital government is one that uses data to be more empathetic and in tune with the population and not one that is cold and less empathetic, so using data to make citizens feel more welcome in government and not less.

4.6.6 Deputy M.B. Andrews:

With the Government being an organisation of over 3,000 employees, how will the Minister ensure that the integration of personal data is going to be fully implemented?

Deputy A. Curtis:

“Fully” is a tough word there and I think it is about prioritisation of systems that need to be integrated based on the user needs. The user in this case might be a citizen, an organisation or the Government. What I would like us to do is to prioritise the systems that get both the most use by citizens and can deliver the best outcomes for citizens if they are not being directly used. I think the way we will achieve a faster delivery and rollout of integration is by having greater capability within Government to solve these problems and building up a skillset that can work project after project within government, understanding our I.T. estate rather than bringing in people who have to learn, onboard and then leave at a far higher cost.

4.6.7 Deputy L.V. Feltham:

My question also relates to data protection. The Assistant Chief Minister referenced that there were some data protection issues that prevented some work being done. Could he outline exactly what those issues are, please?

Deputy A. Curtis:

My understanding is that a current department are their own data controllers, so the work I am referring to is that when a department wishes to share data with another department they must be creating a data-sharing agreement with that department. The example of the department I think with the most data-sharing agreements, or a fair number, would be Customer and Local Services who have a right under certain circumstances to access that data. That is not an issue, that is a design insecurity, but we may be able to come up with a solution that allows sharing of data while protecting the individual.

4.6.8 Deputy L.V. Feltham:

What instructions have Ministers given to departments to put data-sharing agreements in place and have Ministers considered reducing the number of data controllers to make data sharing perhaps more suitable for the purposes?

Deputy A. Curtis:

To my awareness, I have not instructed any departments to place any data-sharing agreements in place but I am open to talking with Ministers about how that will work. There will be both the process side of enabling data-sharing agreements and the technical side to having systems that could integrate once an agreement is in place. If I could ask the Deputy to remind me of the second part of her question.

Deputy L.V. Feltham:

It was whether Ministers have considered perhaps reducing the number of data controllers within the Government.

Deputy A. Curtis:

Yes, this is something that I have discussed with officers and I think we will be pursuing with the Digital Strategy Working Group.

4.6.9 Deputy R.S. Kovacs of St. Saviour:

Nowadays it seems that all the systems for the Government and everybody else are very reliant on the internet. We have seen in the news lately that Italy had a total breakdown of the internet for a few days. In the event that that can occur anywhere, including Jersey, do we have an appropriate resilience and contingency plan in case that happens to make sure that the data can be still accessed but also protected?

Deputy A. Curtis:

I thank the Deputy for her question. This is an area that I have identified with the department about the growing trend of cloud computing where a lot of services are hosted in external providers' data centres. I have highlighted that I believe we may need to have an approach to our own data ownership and systems ownership that goes beyond that of what a company may need because as a Government we offer a lot of critical national infrastructure through our I.T. estate. We will look at that as, again, a "how do we deliver I.T. and technology" through our Digital Strategy Working Group; that is a point that we will be looking at, and I take any observations that the Deputy has on that.

4.6.10 Deputy C.S. Alves:

Has any consideration been given to enable citizens to access their data digitally or online as and when they require it, as is the case in some other countries?

Deputy A. Curtis:

I thank the Deputy for her supplementary. This is very high on my agenda and I have spoken with officers about multiple parts of the Government I.T. infrastructure in which data should be accessible and is not. It is a priority to me that a system's trust in Government is understanding what data they have and their ability to propose changes and to have a global, joined-up approach will be less bureaucratic. I welcome any feedback from Members as to where they believe the prioritisation lies based on how their constituents report to them.

4.7 Deputy G.P. Southern of the Minister for Health and Social Services regarding contractual requirements for evening and weekend work for hospital staff (OQ.11/2023)

Does the Minister accept recommendation 5 of the Comptroller and Auditor General's report dated 24th January 2023, which recommends that Government implements contractual requirements to work evening and weekends for all staff involved in the delivery of services in the hospital; and, if so, when will she deliver on this objective?

Deputy K. Wilson (The Minister for Health and Social Services):

As outlined in the code of practice for engagement between Scrutiny Panels and the Public Accounts Committee and the Executive, it is for the relevant chief officer, not the Minister, to respond to the recommendations of the Comptroller and Auditor General. Furthermore, I would note that the report the Deputy refers to, which is our point 7/2023, has only been available for 10 working days and contains 21 recommendations.

[10:30]

The code of practice is clear that it allows a period not exceeding 6 weeks for the Executive to respond to the Public Accounts Committee. In light of this, I would not want to pre-empt a response which is to be presented to the States Assembly in due course, especially if doing so would override any well-established process.

4.7.1 Deputy G.P. Southern:

I can almost feel the officer while he wrote that response, and I congratulate him for it, and to the Minister for using it. However, the reference is to a previous C. and A.G.'s (Comptroller and Auditor General) report some time back that said this is the way forward. On the current report it says very clearly on page 29: "Not implemented." Could the Minister say why it has not been implemented in quite a significant length of time?

Deputy K. Wilson:

My reference in the question is the report dated 24th January and, as I have stated, the report has only been available for 10 working days. I would prefer to have some sufficient time to advise and receive the advice of officers to come to an informed position. I would suggest the Deputy waits for that presentation, which will be no later than Tuesday, 7th March.

4.8 Deputy R.S. Kovacs of the Minister for Children and Education regarding the free school meals programme (OQ.21/2023)

Will the Minister provide an update of the progress of the free school meals programme, including details as to which schools will be included and when the programme is intended to start within each school?

Deputy I. Gardiner (The Minister for Children and Education):

I thank the Deputy for her question. The plan is to roll out the school meals programme to all government-provided primary schools. Secondary schools have already a hot meal service. Further to the answer to the Written Questions 218 and 249 from October last year, the project team are currently looking to upscale the model to meet the 4,000 school meals requirement, assessing the current methodology and making recommendations to ensure delivery. Once this has been completed, more details to rollout, including a timeline for all provided primary schools, will be shared. I expect to be able to announce further details of the rollout plan by the end of March 2023 this year.

4.8.1 Deputy R.S. Kovacs:

I have also understood from previous responses to this that it is also due to some schools not having the kitchen facilities ready. Where those kitchen facilities are ready and the programme is ready to start, could that be implemented sooner and, if not, why not?

Deputy I. Gardiner:

I thank the Deputy. I cannot be more frustrated than anyone else because I was part of the Back-Benchers from the previous term who pushed for the school meals. The methodology that was used for 5 schools is currently impossible. I wish I could. I tried all possible ways to increase and to add at least another one school or 2 schools; I tried to do it. So we are definitely now in the process to establish a sustainable way to deliver. When each school would receive and will be enrolled in the programme I will announce by the end of March 2023, as indicated previously.

4.8.2 Deputy R.J. Ward:

It is clear that the project has been held up by inability to scale up production, not necessarily the provisioning schools of facilities. Can I ask, when the contract was issued, was it clear that there would be a problem with scale in production or was that something that has arisen since the contract was given?

Deputy I. Gardiner:

I thank the Deputy. I worked a lot with Deputy Ward in the previous term on this one and you are absolutely right. It is the production and what is clear, the contract was issued before my time, long before my time in the job. First it was 2 schools and after, 3 schools were added. When 3 schools were added and a methodology was developed there was no capacity. There is no contract. I could not extend the contract; I wish I could extend the contract. I asked if I could extend the contract and include more schools and go to different providers. This is the reason that we needed to go back to say: "What is the sustainable way to deliver 4,000 meals?" Because what is important for me is that

I will not deliver, and I will not be able to because there is no capacity within the system, so I am creating now this system that will have enough capacity to deliver this.

4.8.3 Deputy R.J. Ward:

May I ask, the publicity of this was great that we were going to have free school meals in all of our schools. Parents in really, really needy areas in the centre of St. Helier, for example, looked forward to that very much. Could I ask the Minister, does she feel that perhaps the wrong areas were prioritised first in order to get the maximum impact of the provision of free school meals and where they are most needed, i.e., in the centre of St. Helier where there is a concentration of need?

Deputy I. Gardiner:

I cannot agree more but this is what I found: I did not add any schools; I found 5 schools in the system; that there needs to be a trial how the school meals can be delivered to the schools outside of St. Helier. It is important to emphasise there are other schools not in St. Helier. There are several schools that I visited, and was surprised, in suburban areas that have a very similar need. Personally, for me, the St. Helier schools because of their urgent needs will be prioritised but I need the capacity to deliver these meals. It was not my decision, I found this system, I am in the job 7 months. I got the money in the Government Plan to have £1,600,000 towards this project, and it would be delivered. There is full commitment from myself, from the Chief Minister and from the Council of Ministers to prioritise the delivery.

4.8.4 Deputy R.S. Kovacs:

We have heard that the main problem is the capacity. What exactly is needed for the programme to be able to be delivered in all the schools that it is needed and sort this capacity? While this capacity and methodology is sorted, does the Minister intend to look at offering free meals to secondary schools as well?

Deputy I. Gardiner:

There are several questions and I will try to respond to all of them. It is really important not to underestimate the scale and complexity of the task. If it was simple to cook 4,000 meals a day safely, transport to schools, serve to schools, clean after and make sure that you are prepared for another day; it is the whole logistics from the preparation, cooking, delivery, serving. I would invite the Deputy and other Deputies to join for the lunchtime and see how it works in practice and how much operation is involved. I have done it with several Ministers, including the Chief Minister. They have each gone to different schools to see how it is working. It is a lot of work required to upscale production to the level and the service and the staff of the schools because we do not want to put extra burden on the teachers. We need to make sure that it is all delivered without extra burden on the teaching staff. Secondary schools: definitely we are looking to introduce free secondary school meals for children with Jersey Premium and work is in progress as well for this year.

4.9 Deputy S.Y. Mézec of the Chief Minister regarding the proportion of affordable homes (OQ.20/2023)

Does the Chief Minister stand by her previous voting record in wanting the proportion of affordable homes delivered by the States of Jersey Development Company on the Waterfront and South Hill increased from 15 to 30 per cent, and if not, why not?

Deputy K.L. Moore (The Chief Minister):

I do stand by my voting record across the various propositions regarding affordable housing which have come before this Assembly. Some of those propositions have been successful and others of course have not, and I respect the primacy of the Assembly. I voted for 30 per cent of affordable

homes on the Waterfront and at South Hill but that proposition was defeated. This Government has made it clear that we need to deliver more affordable housing and of course we have made that commitment clear by identifying the site at St. Saviour's Hospital as one that should be for affordable housing. That includes particularly for key and critical workers who we want to deliver services for and maintain a strong and vibrant economy. Housing is still and remains a theme of relentless focus for this Government as we seek to meet our current and our future challenges.

4.9.1 Deputy S.Y. Mézec:

That answer sounds like the Chief Minister has given up on the prospect of getting a better use out of the Waterfront and South Hill. Does the Chief Minister recall that the guidance that was issued as a result of those previous propositions stated that it was to be a minimum of 15 per cent and that in actual fact she can still act in accordance with States Assembly decisions by seeking to increase that to 30 per cent as was her preference previously? Will she therefore, as head of the Government, use the discretion she has to issue direction to the States of Jersey Development Company that they ought to come back with plans for a greater proportion of affordable homes on those sites?

Deputy K.L. Moore:

Well, that is a rather different proposition and I am sure I would have to talk to my Ministerial colleagues. I think, as I have outlined in my first answer, we have identified sites that are suitable for affordable housing and the relevant bodies, particularly Andium, are now fully focused on assisting us in achieving that. We are also in the process of identifying further sites because we do respect and absolutely acknowledge, as the Minister for Health and Social Services pointed out earlier in her answers to questions, the real need to do so.

4.9.2 Deputy M.B. Andrews:

In respect to credit lending when we have got developments where there is scale and we see there is a fixed percentage of 15 per cent of affordable housing, do you think there could potentially be elements of risk in terms of the viability of such projects being pursued if the percentage is increased to 30 per cent?

Deputy K.L. Moore:

Well, the Deputy is quite right. I think, if I think back to the time of that debate, that was one of the key points that the Jersey Development Company put to States Members. There was a vigorous pushback from particularly directors of the S.o.J.D.C. (States of Jersey Development Company) and we do have to take into account the experience and expertise that they bring to their roles on that board and we will have to listen to them. It is always about finding balance, it is about finding a proportionate way forward but there is no point in having a body such as the J.D.C. if we do not enable them to deliver as they see fit.

4.9.3 Deputy M.B. Andrews:

In relation to the 15 per cent that is maintained, is it the belief that having this percentage can provide reinvested capital for future projects compared to increasing the percentage from 15 per cent upwards?

Deputy K.L. Moore:

Well I think that that is part of the deal. There has been an amount of money returned to the public and an amount set aside for public realm projects which we are still looking forward to seeing delivered.

4.9.4 Deputy R.J. Ward:

Can I ask the Chief Minister, what would her definition of affordable be of this 15 to 30 per cent of homes?

Deputy K.L. Moore:

Well I think greater expertise than mine might be needed and of course affordable is a difficult thing to define, particularly in light of changing circumstances and inflationary pressures. I would look perhaps to the Andium Homebuy Scheme that delivers affordable homes for sale to members of the public and we are really pleased with the progress that they have been able to make.

4.9.5 Deputy R.J. Ward:

The converse of affordable is unaffordable and what we are looking at is 70 per cent of these homes being unaffordable. Is the Chief Minister happy that we are building on States-owned land unaffordable homes that will inevitably go to buy-to-let investors because no one else can buy them?

Deputy K.L. Moore:

If we stick to the facts I think that J.D.C. have on a number of occasions shared with Members the numbers of buy-to-let investors who have purchased their sites and units to date and there is a high percentage of owner occupation as well in those units. Of course, markets always have a variety of different price levels.

[10:45]

Affordability is of course essential for our young people, for our key workers and for many other members of our community. We are, as I pointed out earlier, absolutely focused on ensuring that there are enough units of affordable accommodation to ensure that Islanders have hope for the future and see a bright future for themselves in this wonderful Island. I will leave it at that.

Deputy G.P. Southern:

Could I have a point of clarification before we ...

The Bailiff:

There are no points of clarification that arise during question time, Deputy Southern.

Deputy G.P. Southern:

How right you are.

The Bailiff:

But you have not yet asked a question and there is probably time if you want to put yourself down for a question.

4.9.6 Deputy L.V. Feltham:

Given that we are in a housing crisis and the Council of Ministers have housing as one of their key priorities, I was quite surprised to hear the Chief Minister say in answer to Deputy Mézec's question about the previous proposition in the Assembly that she would have to go and speak to other Ministers about it. Could she confirm if she has had any conversations with Ministers about increasing the proportion of affordable housing on those sites?

Deputy K.L. Moore:

I am not generally one to look backwards; I tend to look forwards. Myself and my Ministers have been looking forwards at what we can do in terms of delivery and I have outlined that this morning. It is not something that we have considered. We indeed could do that but I think that at the moment

we are in a positive place in terms of identifying potential and appropriate sites for a greater number of affordable homes and we now need to get on with delivering the supply because it is all about supply.

4.9.7 Deputy L.V. Feltham:

Would the Chief Minister confirm to the Assembly whether she will instruct the Minister for Housing and Communities or not to look at increasing the numbers of affordable homes on the Jersey Development Company sites?

Deputy K.L. Moore:

I think the viability of that will most certainly depend upon where the Jersey Development Company are in terms of their planning. It is a most difficult process to plan for a major development and of course the costings of that are critical. Therefore, we cannot suddenly turn around and tell them that they have to rework those costings if they are at a certain point in progressing to delivery. I would prefer to see them deliver and use a site that is identified for development and therefore we can get on with delivering in other places which of course we are doing.

4.9.8 Deputy G.P. Southern:

The Minister in her speech not a few minutes ago referred to a list of those who bought J.D.C. properties and the types of people who bought or rented, can she state where those lists are to be found because I have not come across them before?

Deputy K.L. Moore:

I do believe that the Jersey Development Company has provided that information to States Members on at least one occasion. I do not have it to hand but I am sure we could ask for it again and recirculate it to Members.

Deputy G.P. Southern:

Will the Chief Minister do so?

Deputy K.L. Moore:

I think that is what I just offered to do.

4.9.9 Deputy S.Y. Mézec:

Is it the case from this Chief Minister that having once held a decent position when it comes to the Waterfront and South Hill that she has reverted to a position which is identical to her Alliance Party predecessor. Some better way, huh? Would this Chief Minister like to take a second look at these projects, given that not only has not a single brick been laid but planning permission has not even been given. We are talking about publicly-owned land, a publicly-owned developer and that she would be making better use of her time looking at those projects rather than telling us: "Oh, it is okay because there will be some affordable homes on the St. Saviour's Hospital site about 5 years from now." Would that not be a better way to take?

Deputy K.L. Moore:

Of course I will be happy to ask the Jersey Development Company if there is potential for that but, as I identified in an earlier answer, it very much depends on the process of getting that development ready for its planning application. I am not sighted at the moment on where they are in that process and certainly there is a better way and I think we are well on the road to delivery.

4.10 Deputy G.P. Southern of the Minister for Health and Social Services regarding clinical negligence insurance and also a private patient strategy (OQ.12/2023)

Does the Minister accept recommendations 6 and 7 of the Comptroller and Auditor General's report dated 24th January 2023 to "review the arrangements for the funding of clinical negligence insurance to ensure that they match the objectives of future clinical models and the future private patient strategy" and to "develop, publish and implement a Government of Jersey private patient strategy"; and, if not why not?

Deputy K. Wilson (The Minister for Health and Social Services):

As stated in my response to Oral Question 7, I would not want to pre-empt a response which is to be presented to the States Assembly in due course and, again, I would restate, especially if it would override well-established processes.

4.10.1 Deputy G.P. Southern:

I did not hear an answer in any shape or form to my question. What I would refer to is the statement on the report referring to a previous report, at least 2 years old, that says: "Recommendations 6 and 7 have not been implemented." Will the Minister state why not? What has taken priority over this policy of being competitive with other practices? What has taken over from it?

Deputy K. Wilson:

I have stated previously, I do not want to repeat myself, but I really cannot answer with any other information which is to say the report has only been available for 10 working days. Yes, it may well have made reference to previous actions that have not been implemented but I would prefer to have the information and sufficient time to receive the response from officers and come to an informed position regarding the recommendations. I would suggest that if the Deputy could await the presentation of the Executive's response, which I have said before will be no later than Tuesday, 7th March, I would be happy to respond on that basis.

The Bailiff:

Very well, then we come to question 11 that Deputy ...

Deputy R.J. Ward:

I did have my light on.

The Bailiff:

I beg your pardon, I could well have just missed that.

4.10.2 Deputy R.J. Ward:

I would like to ask the Minister, given that we are at the stage again of developing a hospital, is it not vital that a Jersey private patient strategy is developed before the facilities are developed for the next 30, 40, 50 years and beyond?

Deputy K. Wilson:

As I have said, I will wait for the response from officers on the position around the recommendations and will be able to respond to the Deputy on that basis.

4.10.3 Deputy R.J. Ward:

May I ask the Minister whether she feels that a new hospital and a Jersey private patient strategy needs to be developed at the same time or whether the private patient strategy needs to come first so

that we know what we are building and what public money might be being spent on to provide private healthcare?

Deputy K. Wilson:

I cannot be drawn into a debate about what comes first or second in this. As I have said, I want to wait for the response so that I come from an informed position and I will be able to give the Deputy a response in due course.

4.10.4 Deputy G.P. Southern:

What I would like to do with the final supplementary is to suggest that the Chair examines the answers given because it seems to me what we have heard is officer-led responses which have deliberately not answered the question, pointing out that previous reports from the C. and A.G. have not been implemented, and that in fact the officers and the Minister have effectively refused to answer the question I have been asking.

The Bailiff:

I will look at the answers to the questions that have been given, Deputy Southern, but generally speaking if a Minister addresses the question, and addressing the question can simply be: "I cannot answer it at this point" then the consequences generally that fall are political and not procedural as within this Assembly but I certainly will look at the terms of the answer if you wish me to do so. Very well, we come now to question 11 that Deputy Ward will ask of the Minister for Social Security.

Deputy R.J. Ward:

Sorry, I was a bit previous there. What I was going to say is the question has been answered in Written Question 33 from Deputy Feltham, so I do not need to ask it but I will take the opportunity to say that great minds think alike.

The Bailiff:

There is no opportunity for clarification as to which great minds you are thinking of, Deputy Rob Ward, but there we are.

4.11 Deputy M.B. Andrews of the Minister for External Relations and Financial Services regarding trade, investment and tax agreements (OQ.10/2023)

How many trade, investment, or tax agreements are currently being negotiated which are expected to be finalised in 2023?

Deputy P.F.C. Ozouf of St. Saviour (The Minister for External Relations and Financial Services):

I thank the Deputy for the question. External Relations leads and co-ordinates a negotiation of international agreements in line with the updated Common Policy on External Relations. We have a target of the number of agreements we sign each year; generally 3 this year. These include trade, investment and tax agreements. There is a whole range of bilateral and multilateral agreements. The precise timings of when each agreement can be finalised depends on the other jurisdictions or jurisdictions' negotiations. In parallel, in progressing new agreements, External Relations also works with Revenue Jersey and the Minister for Treasury and Resources to make amendments of older tax agreements which are required to bring in line with global standards. The Minister and I hope to bring a number of these to the Assembly in the autumn. As far as international standards on tax are concerned, we also expect it may be necessary to sign new multilateral or bilateral agreements in the area of tax and this includes agreements to implement the O.E.C.D. (Organisation for Economic Co-operation and Development) Pillar 1 and Pillar 2 on the digitalisation of the global economy. Details are going to become clear later this year but I was pleased, with the Minister for Treasury and

Resources, to brief the Economic and International Affairs Scrutiny Panel on those agreements. Finally on trade agreements, I should say that Jersey does not negotiate trade agreements in its own right; however, in line with our established constitutional position, we seek to advance Jersey's interests through working with the United Kingdom. Since Brexit this is a new competence that the United Kingdom has and, as Members will know, there are a number of agreements: the C.P.T.P.P. (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) and its bilateral negotiations with India, Canada, Mexico, Israel, Ukraine, Greenland and also the G.C.C. (Gulf Cooperation Council). It is impossible to say when all these negotiations will conclude but I will keep Members informed as negotiations and public information is available.

4.11.1 Deputy M.B. Andrews:

In relation to Jersey's internal sovereignty and the powers that he retains in terms of his Executive powers, is the Minister hoping to be arranging future agreements without the need to have the U.K. be first of all having to agree in principle before then going through our legislature?

Deputy P.F.C. Ozouf:

We do seek effectively entrustments from the United Kingdom in a number of different respects to negotiate certain different types of agreements. We have an entrustment in relation to international tax agreements, we have entrustments in relation to the bilateral investment treaty in respect of the U.A.E. (United Arab Emirates) and we seek to advance others where there are jobs and growth and a benefit for the people of Jersey. We seek those entrustments and we will not hesitate to do so.

Deputy M.R. Scott:

I thank the Minister for providing his delivery plan really after this question originally was drafted. Could the Minister please identify what percentage of his busy agenda for work in his portfolio relates to financial affairs?

The Bailiff:

I am sorry, I think that is outside the scope of the original question which related to trade, investment or tax agreements not financial affairs.

[11:00]

Very well, there is no valid supplementary question there, so there is no further supplementary, Deputy Andrews.

4.12 Deputy L.J. Farnham of the Minister for Health and Social Services regarding support for care workers during the pandemic (OQ.14/2023)

I think the Minister partially answered this in her response to my final supplementary of the last question but will the Minister indicate what proportion of the approximately £700,000 allocated to support the care sector during the height of the pandemic in 2021 was utilised and in what way; and further advise how many carers were recruited as a result of this funding and what proportion of the remaining funds were reallocated to support the care sector going forward?

Deputy K. Wilson (The Minister for Health and Social Services):

Firstly, I would just like to clarify that it was not £700,000 that was allocated, it was less than that. It was £621,500 and this came from the Fiscal Stimulus Fund for a project known as the Domiciliary Care Market Stimulation. Of that funding, £195,548, equivalent to 31.5 per cent of the fund, was used as described by the project. All unspent funds were returned to the Treasury at the end of the financial year. The project was set up to provide targeted, temporary and timely support to encourage skills development and new employees into the domiciliary care market. In total 33 new staff were

recruited into the sector and 55 existing employees were upskilled as part of the training programme that was offered.

4.12.1 Deputy L.J. Farnham:

I thank the Minister for correcting me. I knew it was approximately £700,000 but I could not quite remember and it is good to hear that 33 carers were recruited. I am presuming the balance remained with the Fiscal Stimulus Fund, which is fine, but I think the Minister, she gave a commitment previously to investigate further funding for the domiciliary care market, so I will hold her to that and wish her well with her endeavours. Thank you. After all of that, I am not asking a supplementary, I do apologise.

The Bailiff:

Well that is probably a rather long way of giving a speech during the course of question time, Deputy, so perhaps we will avoid that going forward, if we may. Thank you very much.

Deputy K. Wilson:

Sorry, can I just correct what the Deputy said about commitment to domiciliary care. I think what I said ...

The Bailiff:

It was not a question; there is nothing to answer. Very well, that ends questions with notice. We come to questions without notice. The first period is for the Minister for Home Affairs. Connétable of Trinity.

5. Questions to Ministers without notice - The Minister for Home Affairs

5.1 Connétable P.B. Le Sueur of Trinity:

Could I ask the Minister if she agrees with me that the Honorary Police provide a vital service to the Island of Jersey and save considerable expense to the public purse but a burden on the Parishes is the cost of the very excellent training which is provided by the States of Jersey Police to the honorary officers. Does she consider that perhaps some of that, if not all of that cost of training, should be provided centrally? Secondly, while I am on my feet, there is another area of cost which is vitally important in the TETRA radios which we have which provide valuable communications and, most importantly, facility for officer safety and that is a significant burden on the Parish, if there was any scope to do anything.

Deputy H. Miles of St. Brelade (The Minister for Home Affairs):

Thank you, Connétable, for that question. The Assembly will know that I am a vociferous supporter of the Honorary Police and the honorary system which has served our Island so well for so long. I think we have all seen the contribution that they have made recently to the disaster at Haut du Mont and also the flooding at Grands Vaux. The honorary services has provided that just voluntarily and I think it is a matter that we need to look into further. Certainly there was a report done some years ago which was unable to put a figure on monetary terms of the value that is provided to this Island by the Honorary Police. If we look across the water to the United Kingdom, the other police have special forces, they have police community support officers, and it certainly is not a requirement for local communities to be funding things like uniforms and training. We have an opportunity with the development of the Civil Contingencies Law to relook at this issue, and I have already asked my officers to reconsider a different funding model, specifically for the training, but also for the cost of the TETRA radio. It would be inconceivable for Honorary Police services to drop off of that radio system because obviously connectivity in times of emergency and even standard patrol is absolutely necessary.

The Bailiff:

A supplemental, Connétable?

The Connétable of Trinity:

No, thank you. I just thank the Minister for her response.

5.2 Deputy L.J. Farnham:

The tourism industry and many other industry sectors in Jersey are suffering from severe staff and skill shortages. Would the Minister be able to please update the Assembly as to the progress being made in adapting and improving the current 9-month work permit scheme, which I think is far too restrictive in its current format for the prevailing economic circumstances?

Deputy H. Miles:

I thank the Deputy for his question. When it comes to work permit policy, I and my officers have been very carefully considering changes that might need to be made in light of the challenges being faced by employers and employees across some sectors. When our work permit policy was developed in the early 1980s, it was designed to keep people out and make sure that people did not come to Jersey and gain their housing qualifications and stay too long and take jobs away from local residents. Clearly, we are in a very different position now but it is important that we strike the right balance between enabling appropriate and necessary migration to the Island but also ensuring security of our border because we are an entry point into the Common Travel Area. It is well acknowledged, I think probably every representative when they were campaigning on the doorstep picked up the fact that employers do not feel that current work permit rules work well for them. It is the case for those sectors to present me with a robust business case to consider changing our work permit rules. The hospitality industry have done that. The work permit policy is currently evolving, so I do anticipate making some amendments to the work permit policy for both hospitality and agricultural sectors. Labour shortages across the hospitality sector have resulted in a review of our temporary hospitality work permit routes and my intention is to introduce a new 12-month temporary hospitality route that can be extended on a yearly basis up to a maximum period of 3 years. At the end of that work permit period, the employee will be expected to leave the Island for a period equal to the time that they have spent in Jersey under work permit conditions. I would like to say as well that under a 3 month ...

The Bailiff:

Minister, the normal rule is one minute, 30 seconds for an answer. You are pretty well at 2 minutes now, so if you could ...

Deputy H. Miles:

I am so sorry.

5.2.1 Deputy L.J. Farnham:

Can I thank the Minister for her answer? I think it is very welcome; it will provide some welcome relief to those people who are preparing now for the summer season in recruiting staff. Could I just perhaps ask for the Minister's assurance that these welcome changes to the permit will be in place as soon as possible so businesses can start preparing for the summer?

Deputy H. Miles:

Yes, I can confirm that.

5.3 Connétable K. Shenton-Stone of St. Martin:

Is it the Minister's intention to improve legislation for firearms and ammunition ownership during her tenure?

Deputy H. Miles:

I thank the Connétable for the question. Yes, on my Ministerial delivery plan you will see the plan for 2024 is a review of the Firearms Law. The current Firearms Law started in 1995, was implemented in 2000. We are in a very different situation to where we were 22 years ago. The review, having said that, will focus on risk and safety issues.

The Bailiff:

A supplemental, Connétable?

The Connétable of St. Martin:

No, but I thank the Minister for that because it really does need tightening up.

5.4 Deputy M.R. Le Hegarat of St. Helier North:

It is Sexual Abuse and Sexual Violence Awareness Week. What additional training, if any, is being provided for front line officers in assisting them with dealing with the matters of these offences?

Deputy H. Miles:

I thank the Deputy for her question. There was a very comprehensive response to a written question earlier. All emergency services, but particularly the States of Jersey Police, receive very specific training to deal with sexual offences and also domestic abuse. That is also part of the wider safeguarding training regime that the States of Jersey is aiming to deliver to anybody who comes across vulnerable people, be they children or adults.

5.5 Deputy R.J. Ward:

Does the Minister have an understanding, or does she track whether the number of lone patrols by police officers is increasing and, if so, what is the trend?

Deputy H. Miles:

The issue of lone patrols and lone working is one that has always taxed police forces, clearly because of the resource implications. Any lone patrol is operated on the basis of a risk assessment and it is the same for lone officers operating in police vehicles.

Deputy R.J. Ward:

The question was about whether there was an awareness of trend. I do feel I am using all my supplementaries to ask the first question again.

The Bailiff:

So you are basically saying, could the Minister answer the question concerning trend, if she is aware of one?

Deputy R.J. Ward:

Yes, an awareness. There may not be; that is fair enough.

The Bailiff:

Are you aware of trend?

Deputy H. Miles:

I am not aware of any trend and certainly not a concerning trend.

5.5.1 Deputy R.J. Ward:

Does the Minister have any concerns over if there are more lone patrols that they can lead to greater risk for officers and, in particular, with the greater issuing of tasers it may lead to the greater use of those devices because of the situation that a lone officer finds himself in?

Deputy H. Miles:

As I said in my first answer, any lone patrols are only operated after a significant risk assessment. I should also make the point that officers who are equipped with Taser are carefully trained to deal with those as a less lethal weapon. So I would certainly hope that there would be no more risk attached to a lone patrol providing risk assessment has been carried out effectively.

5.6 The Connétable of St. Lawrence:

Talking about great minds thinking alike, the Constable of St. Martin asked my intended question so plan B is to ask the Minister to elaborate please on the process that she will be undertaking of the review of the Firearms Law.

Deputy H. Miles:

The review of the Firearms Law will not be throwing the existing law out with the bathwater, as it were. It will be to go through each of the Articles and to understand whether each of those Articles are still fit for purpose in 2023. There is absolutely no intention to impede the bona fide hobby of sport shooting over here but I certainly do have the intention of tightening up some of the risk and safety factors, particularly around, for example, those referees of firearms permit applicants.

5.6.1 The Connétable of St. Lawrence:

How much public consultation does the Minister intend to undertake and with what specific groups?

Deputy H. Miles:

In the past in 1995 we had a Firearms Law Liaison Group. That body did not dissolve and was still in place until about 2018. I aim to take a slightly different approach this time which will bring focused consultation according to the focused changes that we wish to make. I have already approached some of the Connétables to be part of the group because clearly the Connétables are responsible for issuing firearms licensing in Jersey. Any changes to the law ultimately will be brought before the Assembly who will decide to make those changes.

5.7 Deputy M.R. Scott:

I was very pleased to hear about the changes to permits with respect to the hospitality industry. I would like to ask the Minister to provide similar information in respect of the agricultural sector, and also by when does she expect these changes to be implemented.

Deputy H. Miles:

I thank the Deputy for the question. There are labour shortages that are directly associated with horticulture which have been brought to my attention. What I intend to do is incorporate both landscape gardening and tree surgery into the agricultural route which had previously been limited to farming. Employers in those businesses will be able to recruit those with the necessary skills to fulfil vacant posts for a period not exceeding 9 months, and then those permit holders will then have to leave the Island for a minimum period of 3 months. While implementing those changes it is

important to say that employers will need to meet all the existing criteria around suitable accommodation available of a good standard to support the health and well-being of those employees.

[11:15]

5.7.1 Deputy M.R. Scott:

Could the Minister please say by when she expects these changes to be taking effect?

Deputy H. Miles:

Apologies, I should have answered the second part of the question. These changes, both to hospitality and agriculture, will be taking place imminently.

5.8 Deputy A. Howell:

This is a follow-on question from the questions about permits that have already been asked, and I thank the Minister very much indeed for her replies. I am very pleased now that landscape gardeners are going to be included in agriculture but I just wondered if she has any thought that they may be able to extend their permits for a year as well as in hospitality.

Deputy H. Miles:

I would treat that sector the same way that we treated hospitality and I would expect to see a business case from landscaping businesses, and we would need to be assured that there is sufficient work and that those vacancies cannot be fulfilled from within the Island before we would extend the policy to 12 months.

5.9 Deputy R.S. Kovacs:

When juvenile crime occurs on the Island both social workers and prison officers agree that the solution of imprisoning those minors at La Moye is not the appropriate solution. We have seen in the media that that had to happen because we do not have the appropriate space for accommodating the needs of those children at Greenfields. Can the Minister confirm if an appropriate site would be made in place for these kinds of situations and when can we see something done?

Deputy H. Miles:

From a criminal justice perspective I do not propose to be seeing the construction of buildings that would imprison children. I think the question is probably better directed to my colleague as the Minister for Children, Young People, Education and Skills, who has responsibility for secure accommodation of young people.

5.9.1 Deputy R.S. Kovacs:

Maybe I did not phrase it rightly. For them to have an appropriate secure space when that occurs, but I understood it is in the remit of the Minister of Home Affairs to find that secure space and the programme in case juvenile crime occurs.

Deputy H. Miles:

Just to clarify, that once a young person is sentenced to custody or detention by the court there is what we call a placement panel who will decide the most appropriate place for that young person. In all circumstances that should be secure accommodation and at the moment that place should be Greenfields. As the Assembly will know, as a community we failed miserably in that we ended up having to imprison a 15 year-old at La Moye this year. That person has since been released and I am of the opinion that no other children should be imprisoned at La Moye.

The Bailiff:

That ends the time available for questions to this Minister without notice. We turn now to questions to the Minister for Infrastructure.

6. Questions to Ministers without notice - The Minister for Infrastructure

6.1 Deputy R.J. Ward:

May I ask the Minister, given that Jersey Bulls have had to withdraw from the combined counties premier league cup due to costs, will the Minister consider removing the fees that they pay to use the public facility at Springfield, even for a temporary period, in order to support them financially?

Deputy T. Binet (The Minister for Infrastructure):

I would like to thank the Deputy for his question. That is a point of detail of which I am not aware but I am certainly happy to look into it and to get back to him.

6.1.1 Deputy R.J. Ward:

There is an urgency, I would say to the Minister, that the club is supported because unfortunately, or fortunately for us, it is a victim of its own success in cup competitions and if we want as an Island to promote ourselves this is one way to do it. So I would ask the Minister to meet with myself as soon as possible to perhaps try and facilitate that exact process and really help the Jersey Bulls out and support them, as many of us do on Saturdays.

Deputy T. Binet:

Without further details I could not commit to anything financially at the moment but I am certainly happy to commit to meeting the Deputy at the earliest possible time.

6.2 Deputy L.V. Feltham:

The Minister and the Assistant Minister for the Environment with responsibility for energy and climate wrote 2 separate letters to Grands Vaux residents yesterday. As the Ministers are working in a collaborative Government why did they both not co-sign the same letter?

Deputy T. Binet:

I think that is quite simple. I think the Minister for the Environment wanted to relay one message and I wanted to relay one of my own. It is probably right and proper that we do offer our individual thoughts.

6.2.1 Deputy L.V. Feltham:

In the Assistant Minister's letter she refers to the Minister mistakenly estimating the cost to install rainwater drainage for £60 million when it was more likely to be in the region of £200 million. How did the Minister come to make such an inaccurate estimate and how will he ensure that other estimates given by him in relation to other spending are more accurate?

Deputy T. Binet:

It is a nice one and I am quite happy to say that it might well happen again. In instances where you are dealing with emergencies and sometimes you are called to make comments with very, very little notice, you can pick up the phone and ask somebody for the back of a cigarette packet estimate and that is what you give out, and if you make a mistake or it is inaccurate you give further details and the reasons why. As I say, yes, it happened on this occasion, probably quite likely to happen again, but I think people can take it for what it is.

6.3 The Connétable of St. Helier:

Would the Minister update the Assembly on his progress in fulfilling the agreements agreed by the States last year in P.61 which, in case he is not familiar with the proposition, requested the Minister to ensure that changing rooms and toilet facilities at the Havre des Pas Lido are available all year around for those intrepid swimmers who are swimming through the winter.

Deputy T. Binet:

I thank the Constable for his question. As the Constable knows, we met yesterday in one of our regular meetings and the subject was raised and I have promised to look into the feasibility of making sure that those changing rooms can be open.

6.3.1 The Connétable of St. Helier:

I would also like to know, and I think the public would like to know, what progress is being made by his department in establishing the steering group that the Assembly agreed should be set up to better manage the facilities of the Lido going forward.

Deputy T. Binet:

As the Constable knows, that is on hold for the time being simply because we have an issue as a landlord and resident situation that requires clarification. The relationship between the 2 parties has not been the best that it could be and I have committed to resolving the issues that relate to that before we make any further moves. I am hoping we can do that by roughly the end of March. It may be a little bit beyond that but that is the hope.

6.4 Deputy C.D. Curtis of St. Helier Central:

My question is about our great new skatepark. Some parents raised this matter with me yesterday. Can the Minister advise whether children using the facilities at the skatepark have to wear protective equipment such as helmets?

Deputy T. Binet:

Just to check; was that the skatepark?

The Bailiff:

Yes, as I heard it, the skatepark.

Deputy T. Binet:

Once again I have to confess that is an answer that I cannot give. I am not entirely certain what the requirements are for children's protective clothing but once again I will find out and I will let the Deputy know as soon as possible.

6.4.1 Deputy C.D. Curtis:

I would like to receive that information but also to check whether public liability insurance is in place - I expect it must be - but which includes safety requirements.

Deputy T. Binet:

Yes, quite happy to provide that information too.

6.5 Deputy L.J. Farnham:

I was able to ask questions of the Minister for Treasury and Resources recently at a Corporate Services Scrutiny Panel hearing in relation to the costs of the hospital. The Minister for Treasury and Resources was unable to give any guarantees. Does the Minister himself have any idea at all as to what this new hospital idea might cost?

Deputy T. Binet:

I spoke to the Deputy before the sitting today and I asked him to make sure it was an easy question and he has not done that, which is a bit of a let-down. I have to follow the line made by the Minister for Treasury and Resources; I think we are far too early to put any firm costs on anything. I can confirm that we are working tirelessly to move the hospital project forward and as soon as we have got proper figures we will make them known.

6.5.1 Deputy L.J. Farnham:

Can I thank the Minister for that and his honesty in answering the question. Would he also undertake not to come back to the Assembly to seek any rescindments of the previous decisions without first having all of the information on costs, logistics and timescale of the new plan?

Deputy T. Binet:

All I am prepared to say at the moment is that there are no plans to do that, and that is I think as far as I would be prepared to commit myself.

Deputy L.J. Farnham:

No plans to come back to the Assembly for a rescindment?

The Bailiff:

I understood the Minister's answer to be no plans to bring a rescindment motion at this moment. Is that correct, Minister?

Deputy T. Binet:

Yes.

6.6 Deputy G.P. Southern:

Can the Minister confirm that in previous answers today he will bring an Island-wide report to the States on the state of our water and sewage infrastructure and, if so, by when?

Deputy T. Binet:

Rather than do this in one, the work with both drains and water will be ongoing. There is going to be significant work taking place between I.H.E. and Jersey Water and, as I say, I would rather keep the Assembly informed on an ongoing basis because this is going to go on for quite some time and this is not a one-off presentation. But I am very, very happy to keep everybody properly informed of everything that is going on.

6.6.1 Deputy G.P. Southern:

Surely the Minister must agree that he does want an overarching structure and at least to estimate the costs that updating our water and sewage infrastructure will be, because he will need to make some bids to get the funds to do it.

Deputy T. Binet:

In my earlier questioning I did mention that we have got some significant plans in place for the drainage side of the work and I have extended a personal invitation to the Deputy to come and take a closer look himself. But I will stick to what I have said before, and I think it is ongoing and I am happy to keep everybody updated as we progress.

6.7 Deputy S.G. Luce of Grouville and St. Martin:

On a recent visit to the La Collette reclamation site my Scrutiny Panel noted that when it came to inert waste the site was basically full. In the private and public sectors they have large demolition

contracts going ahead and notably under the Minister's auspices Overdale yet to come. What are the Minister's intentions with inert waste?

Deputy T. Binet:

I have to confess that inert waste is going to provide us with a significant problem, particularly as we are looking to start demolition at Overdale later in the year. I suspect that we are going to have to apply to raise the level of inert waste storage at La Collette and that is going to involve us making a planning application, which I hope will be looked upon favourably by the Minister for the Environment. Thereafter we are looking at some coastal defence issues that may involve the utilisation of some inert waste and we will be fast-tracking these as well. These are all measures that we are taking to make good on an inert waste problem that has been in the wings for some time.

6.7.1 Deputy S.G. Luce:

I thank the Minister for his answer but surely when we started the reclamation site at La Collette it was to be for the benefit of the Island and we could construct on that land structures for commercial, light commercial or housing. Does the Minister think it is acceptable to continue to super fill this site?

Deputy T. Binet:

I think that rather than it being acceptable or not acceptable it is inevitable. We do not have any alternative unless we are going to bring the building trade to a halt and we are going to stop the hospital development. This is a problem that we inherited and that has been quite long-running. This has been sort of an accident waiting to happen and we are now addressing it, but we have got a series of measures that we are discussing and we will be coming back with further plans to deal with the problem.

[11:30]

6.8 Deputy M.R. Le Hegarat:

During the bridging Island Plan I was heard on many occasions to discuss foul sewage and my concerns about the lack of capacity, particularly in the west of the Island. Can the Minister please confirm whether there is sufficient capacity to be able to do all of the developments that were voted for out west?

Deputy T. Binet:

I have to be honest; if they were all to be commenced tomorrow the answer would probably be no. But we will be moving forward. We are looking at a funding mechanism to get the main drainage plan underway. It is going to take a number of years and it will be on a priority basis. We will be looking at the future developments and working backwards from those in making our decisions.

6.8.1 Deputy M.R. Le Hegarat:

Does the Minister, therefore, think that this is a critical matter that needs to be dealt with now?

Deputy T. Binet:

Yes.

6.9 Deputy L.J. Farnham:

The Minister will know there are problems with floodwater around the Island in a heavy rainfall and the rising of the water table has meant we have had problems in different parts of the Island. I understand that the Minister is intending to prioritise some further capital expenditure towards that

in the short term. Could he just confirm his intentions and his commitment - it follows from Deputy Le Hegarat's question - to dealing with some of these issues as a matter of urgency?

Deputy T. Binet:

Sorry to be so blunt but I am afraid that the answer once again is yes.

6.10 The Connétable of St. Brelade:

My question is really to the Minister regarding the bus service. The existing contract comes to an end shortly; have negotiations started as to the parameters for the contract, and just added to that would he confirm when the present contract does finish?

Deputy T. Binet:

I am led to believe the present contract runs out in April. I am also led to believe that the contract has been extended pretty much in its current terms. There are some ongoing discussions about minor changes and there will be a brand new contract issued in April 2025. As the Constable will know, there was a transfer of ownership recently and we had to make it reasonably feasible for the purchasing party to have some certainty and that is why we have extended it for 2 years roughly in its current form.

6.10.1 The Connétable of St. Brelade:

Will negotiations take place with the new incumbent with regard to the supply of additional bus services to the new hospital at Les Quennevais from all parts of the Island, not just St. Helier?

Deputy T. Binet:

That is a definite, yes.

6.11 Deputy R.J. Ward:

Can I ask the Minister, will he commit to maintaining the 18 and under buss pass and the one for full-time students, because it is massively popular?

Deputy T. Binet:

I agree that it is indeed popular. I will not commit to anything absolutely but I think there is a very high likelihood that that will be continued.

The Bailiff:

Very well, that brings the time available for questions to this Minister to an end and we now have the remaining question period which is for the Chief Minister.

7. Questions to Ministers without notice - The Chief Minister

7.1 Deputy G.P. Southern:

Will the Chief Minister outline what progress, if any, has been made in reviewing the operation of zero-hours contracts in Jersey?

Deputy K.L. Moore (The Chief Minister):

Thank you for the question. That was not quite where I was expecting we would start affairs today but I thank the Deputy for keeping us on our toes. That area of zero-hours contracts is one where we have identified there should be fewer of them in the public sector but where the work is at the moment I will have to report back to the Deputy after this session.

7.1.1 Deputy G.P. Southern:

Will she state whether she intends to bring forward for debate any necessary legislation to fulfil requests made by the Assembly through the adoption of regulation of zero-hours contracts, P.32 of 2021?

Deputy K.L. Moore:

I think if the Deputy has a proposition before him he might recognise that it is not necessarily the Chief Minister who tends to bring them and I believe it is in the programme of work of another Minister.

7.2 Deputy S.Y. Mézec:

On 2nd February the Chief Minister said that Ministers should be judged on how they perform in their official role rather than on private matters. On 5th February she said Ministers must uphold and be seen to uphold the highest standards in all aspects of their lives. What changed in the meantime?

Deputy K.L. Moore:

I thank the Deputy for the question. I have always felt that Ministers should uphold the highest standards and indeed we are all very familiar with the Nolan principles. In relation to that, nothing has changed. I also believe that Ministers should be held to account for their actions and we, as a delivery-focused Government, are intent upon delivering for the public and we expect to be held to account for whether we achieve that or not at the end of our term. However, on reflection, it was my decision at the end of the week that I had perhaps not focused entirely on the appropriateness of Deputy Ozouf remaining with his portfolio for financial services, and that is for a number of reasons. That conversation started over a cup of tea with the Deputy Chief Minister when we were talking about the good business charter. I am a great fan of the good business charter. One of their key points is that when doing business one should pay one's bills quickly and, therefore, that set a train of thought running. So we have readdressed an issue. I have identified that perhaps there was another way of looking at this issue and we have set about rectifying it. Deputy Ozouf has played an excellent role in his role at External Relations and we want to see him remain there. But it is a demanding role, it is one that incurs a lot of travel and, therefore, it is sometimes difficult, even more difficult than it is for many Ministers to maintain that balance of public and private life. In order to assist him in doing that and delivering to the best of his abilities, which we all know he is greatly able to do so, I have taken the decision to make this minor reshuffle.

7.2.1 Deputy S.Y. Mézec:

She says it was her decision but of course the letter from Deputy Ozouf in her initial statement suggests that it was his decision rather than hers. There is an inconsistency there. In the Chief Minister's interview on ITV last night she refused to commit to supporting the Minister for External Relations if further issues arise. Will the Chief Minister indicate to us whether over the weekend she became aware of any further issues which may arise, including issues which would affect Jersey's reputation internationally?

Deputy K.L. Moore:

I think we need to be proportionate in this matter and I believe that where we are now is a proportionate way forward. I am not aware of any issues that would be a matter of international interest and I am very pleased with the position that we have. I think we have a very able Council of Ministers and I think we have met our responsibilities in an appropriate fashion and we can now progress with our delivery plans and our strong agenda for change in the Island.

7.3 Deputy R.J. Ward:

May I ask the Minister, at this moment in time which Minister is legally responsible for Financial Services?

Deputy K.L. Moore:

That would be me. I am very pleased to take that responsibility. I think it is very important. This morning I signed a Ministerial Decision to make both Deputy Millar and Deputy Gorst Assistant Chief Ministers and they will have - after the 2-week period of course - responsibility for Financial Services along with myself.

7.3.1 Deputy R.J. Ward:

We seem to have a growing number of Assistant Ministers who have portfolios which are sometimes called Ministers and it is getting very confusing for this Assembly. Can the Chief Minister make clear that the accountability pathway - that is a new phrase I just made up on the spot, the accountability pathway, you might want to use that one - is extremely clear for this Assembly and for everybody else involved, particularly when it comes to Financial Services.

Deputy K.L. Moore:

I think that is an extremely important point and when I proposed my agenda to Members of this Assembly at the very beginning I made it clear that we wanted our titles to reflect the delegated responsibilities that we have. That is an ongoing discussion with the Privileges and Procedures Committee who perhaps do not quite see it in the same way, but it is important that we are clear about what our responsibilities are so that we can be properly held to account.

7.4 Deputy A. Howell:

I am sorry, this is a repetition of what I said previously. In light of the announcement that with the exception of all commercial fishermen and organisations with pre-existing business arrangements all users of Ports of Jersey will need to pay an additional 10.4 per cent fees from 1st March 2023 and from 1st April 2023 at the airport, with profits going towards major capital programmes including the redevelopment of the ferry terminal and alterations in freight facilities, please can the Chief Minister give this Assembly an update of what scrutiny and what oversight is undertaken in regards to the running of ports and also this proposed very major project.

Deputy K.L. Moore:

This area lies with the Deputy Chief Minister in his role at Economic Development, Tourism, Sport and Culture. Of course it is a matter of great interest and I am absolutely certain that the Deputy Chief Minister will be in discussions with Ports in this important area, but it is not one that I am aware of.

7.4.1 Deputy A. Howell:

There was also a consultation conducted in October 2022 regarding possible port redevelopment which we took part in, yet we have had a prior information notice and 2 industry days before the results of this consultation has been given. I just wondered if the Chief Minister might agree with me that this is perhaps having disregard with the views of Islanders.

Deputy K.L. Moore:

We have of course as an Island a great number of assets and some of those are managed by arm's length organisations; the ports being one of those. Therefore, it is a very difficult relationship sometimes because we have to enable those businesses to get on and manage those assets as they have been asked to do. However, the Treasury team have set about strengthening relationships with

our arm's length organisations in ensuring that we have a greater level of dialogue and engagement with them. I think that is the appropriate thing to do.

7.5 Connétable K.C. Lewis of St. Saviour:

This is something I am sure the Chief Minister will be interested in, and I am pretty sure both her Minister for External Relations and Home Affairs will be working on. It is regarding the French *carte nationale d'identité* or the French I.D. (identification) which has historically been used in lieu of a passport for day-trippers both child and adult to come to Jersey. I am fully aware of the items regarding Brexit and of course the Common Travel Area, but would the Chief Minister update the Assembly on negotiations please?

Deputy K.L. Moore:

It is a shame the same question was not asked of the Minister for Home Affairs because she is ably leading that process. All I can say is that those conversations are ongoing and I know that the Minister for Home Affairs is fully sighted on that and will be making an announcement at some point soon.

7.6 The Connétable of St. Brelade:

In a previous Government there were significant issues with regard to the allocation of credit cards to government employees. Would the Chief Minister confirm that she is satisfied with the management of credit cards under her regime, and indeed whether Ministers are in fact allocated with credit cards by the Government?

Deputy K.L. Moore:

I think the best thing to say here is that I shall go and find out and perhaps respond to the Constable. I do not think that many parliamentary Members have access to such cards at this present moment in time but I will find out.

7.6.1 The Connétable of St. Brelade:

I am pleased that the Chief Minister has given that answer because this is an area where one would not wish to see Ministers compromised in any way by false accusations which tend to be flying around.

[11:45]

Deputy K.L. Moore:

If you would like me to respond I can perhaps agree, and I am grateful to the Constable for his advice.

7.7 The Connétable of St. Helier:

Does the Chief Minister share my concern at the wholesale loss of properties from the tourism industry and what plan does she have to address it?

Deputy K.L. Moore:

I believe that a number of members of the public have recently expressed this view and of course we are not alone, we all greatly value our tourism industry. I know that it is a matter that the Minister with responsibility for that sector would be focused on and is focused on. The Constable recently joined members of the Future Places team in a visit to Fort Regent and of course that is one site where the future use of it could be something transformational. We very much look forward to identifying other potential sites, both for tourism use, as well as of course what is first and foremost in our minds at the moment, and that is accommodation use.

7.7.1 The Connétable of St. Helier:

Would the Chief Minister discuss with the Minister for the Environment the situation which arises ... and we have seen in today's newspaper the loss of La Rocco apartments at La Pulente. I was on the Planning Committee when that was given approval some years ago and a strong case was made for a large development on our western coast in the interests of tourism. How can it be that we are now being asked to see those premises go into private accommodation? Surely there must be stronger safeguards that can be placed when people make these kinds of applications?

Deputy K.L. Moore:

I thank the Constable for his question and I will endeavour to have that discussion with the Minister for Planning.

7.8 Deputy M.B. Andrews:

How can it be justified, looking at the civil servant headcount, there is an increase of 547 employees who are on a salary above £60,000 since 2018?

Deputy K.L. Moore:

Of course we are in our early days of Government and I was once a careful critic of the actions of the previous chief executive, but I am slightly puzzled by the stance there of that question because of course we have experienced inflation and of course we need to ensure that our public sector employees earn a salary that enables them to enjoy life in the Island. Of course the numbers and the levels of the service are a matter of great interest to the States Employment Board. Just yesterday we had a very positive and productive session looking at those and starting to think how the States Employment Board wishes to progress in order to ensure that we have a strong and stable workforce who can help to deliver services for Islanders.

7.8.1 Deputy M.B. Andrews:

Will the Minister seek to reduce the upper salary band headcount and provide a reprovision of budget to increase the provision of services by increasing headcount among the lower salary bands, especially in Health and Social Services?

Deputy K.L. Moore:

I think the Deputy is asking for something that is a very complicated process. We have seen in the past of course workforce modernisation and other programmes that have been complex and highly difficult. It is a matter for the States Employment Board and of course one of our great challenges and focuses is to deliver value for money and to deliver the best possible services for Islanders. We will always seek to ensure the very best balance of that.

PUBLIC BUSINESS

8. Reduction of Lodging Period

The Bailiff:

That brings the time available for questions to the Chief Minister to an end and that concludes question time. We now come on to L, which is Public Business, and before we start Public Business there needs to be a decision made by the Assembly about whether the minimum lodging period is reduced with regard to a matter listed on the Order Paper relating to proceeds of crime. Deputy Millar, I think you wished to make that proposition under Standing Order 80 for Standing Order 32 to be suspended so the matter can be listed and the lodging period reduced in accordance with Standing Order 26 to allow this to be debated at this sitting, is that correct?

Deputy E. Millar:

Yes, please, Sir.

The Bailiff:

Very well, do you wish to say anything more about it?

Deputy E. Millar:

Shall I just give a brief word of explanation as to why?

The Bailiff:

It is a matter for you but you will need to persuade the Assembly why it should happen.

8.1 Deputy E. Millar:

Yes, I will do, thank you. I apologise to the Assembly for bringing this proposition at such very short notice. The States will remember that some legislation was adopted on 18th January as part of proposition 113 concerning the Proceeds of Crime (Consequential and Miscellaneous) (Jersey) Regulations 2023. Unfortunately the regulations inadvertently deleted the defined term “supervised business” throughout the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 and substituted it with “schedule 2 business” which is a narrower definition. This has had the unintended consequence on the ability of the Jersey Financial Services Commission to supervise the prescribed non-profit organisations which power was intended to come into effect on 1st January. It is quite important with the perspective of our forthcoming MONEYVAL inspection that the F.S.C. (Financial Services Commission) are able to commence that supervision and put the necessary processes and procedures in place as a matter of some urgency. The issue arose entirely due to human error and full responsibility for that has been accepted by the relevant officers, and I can only apologise for the oversight. But the error has been picked up very quickly and to rectify the issue as soon as possible the Minister for External Relations and Financial Services lodged a proposition yesterday. The regulations contained do not change the sense in any way of the policy as adopted in January and it is merely a means to correct a drafting issue. Because it does impede the F.S.C.’s supervisory powers and it is an important matter to correct I would be grateful if the Assembly would agree to allow this proposition to be debated as a matter of some urgency during this sitting.

The Bailiff:

Is that proposition seconded? [**Seconded**]

8.1.1 Deputy G.P. Southern:

The Assistant Minister failed to indicate why any urgency should apply in this case. The question I wish to ask is: does any delay stop the MONEYVAL process because if not then perhaps this time we should not just wave it through?

8.1.2 Deputy R.J. Ward:

I am going to raise yet again the number of times where - it is remarkable - that we are shortening lodging periods, comments papers are late, things are not happening, and I wonder whether the changes in Ministerial portfolios and shifts and changes in the number of Assistant Ministers where the clarity is not clear as to portfolios is enabling that to happen. It is a real shame. My concern is, as a Member of this Assembly ... and I remind Members that the decisions of this Assembly are paramount in our democracy, not Government, that this Assembly is being taken, I must say, for granted too often and actually being ignored. I would raise the quality of answers that are given to questions because there often are not any answers to questions - and I am not the only Member of this Assembly I think who is sitting here wondering about the quality of answers - and also oversights

seem to be just as a matter of course: “Well that is okay, we will just bring it to the Assembly and shorten the lodging period, do not worry about it.” Also I would say if we are that accurate and that keen and that sure that we are managing our governance correct, appropriately, efficiently, effectively, then why are these things continually coming back to the Assembly for shortening of lodging periods. Or are we just going to forget the rules of this Assembly at the convenience of Government? That is my underlying concern whenever this happens and it is a concern that is growing and growing and growing, and it is growing outside this Assembly because this is a very particular governance system that we have, a direct democracy that we should not take for granted. There may be all sorts of little reasons as to why this is convenient to do it now, but convenience is not enough. I urge the Government to say ... if they cannot manage their affairs appropriately then do something about it and perhaps move out of the way and let other people who could, do it properly.

8.1.3 Deputy M.R. Scott:

Following on from Deputy Ward’s soapbox speech; convenience is not enough, I agree.

The Bailiff:

I am sorry. Firstly, we do not have exchanges between Members on the floor of the Assembly, particularly when one of them is speaking. Please carry on, Deputy Scott.

Deputy M.R. Scott:

I agree that convenience is not enough. However, this is not just a case of convenience; this is a case of the actual finance industry that funds many of the actual projects, the support that States Members want for this community. It is relevant to MONEYVAL because in 6 months’ time we have an important visit that is very relevant to our ability to demonstrate whether our finance industry is well-regulated or not. In order to demonstrate whether it is well-regulated or not we need to have certain legislation on our statute books to actually have been approved by the States Assembly at least 6 months before that visit. Now, if you can count on your hands, we are going back to March now, to approve these things by March. Next month. So this is the reason why it is important to get this legislation in the right form approved by the States Assembly. What has happened here has been a small error by whoever drafted this legislation, and indeed sometimes they happen. They happen to all of us. While respecting Members who may have a concern about - and indeed as a scrutineer I do have many concerns about being given things at very short notice - I will support the Minister in this. The Economic and International Affairs Scrutiny Panel has raised no objection to it and I, therefore, ask the States Assembly to support her proposition to have it included in today’s debate.

The Bailiff:

Does any other Member wish to speak on this proposition? If no other Member wishes to speak I close the debate and call upon the Assistant Minister to respond.

8.1.4 Deputy E. Millar:

I am sorry that Deputy Ward has chosen to leave as I was about to reply to his comments. Firstly, nothing about this proposition is seeking to change the date of the MONEYVAL assessment. That assessment will happen on its due date regardless of what the States decide to do today. It is important. As I explained, this is an error in law drafting - and I thank Deputy Scott for her support - it is an error in the law drafting, there is no sense in which the Government is treating this Assembly in a cavalier fashion. It is a mistake, it is human error, we have apologised for that, the officers and people involved have apologised for it, but we must correct it because we have to have an F.S.C. which is able to regulate these organisations and to be able to sit in 6 months’ time and say: “We are regulating, we have the procedures, we have everything in place to do that.” We cannot delay that. I would also just like to remind Deputy Southern and Deputy Ward of the Reform statement which

was published yesterday emphasising the importance of the MONEYVAL visit to the Island and the importance of getting that assessment and our preparations for it right. So I do again ask everybody to support this proposition and allow this to be voted on today. There is absolutely no sense in which we are discounting the views of the Assembly and I am sorry, again, that we are having to bring this at short notice but it is simply a case of mending a drafting error, and I really do ask for the Assembly's support.

Deputy G.P. Southern:

A clarification, Sir?

The Bailiff:

Yes, if you will give way for a point of clarification, Minister?

Deputy E. Millar:

Yes.

Deputy G.P. Southern:

Will the Minister illustrate why it is urgent to get this done some 3 or 4 months before MONEYVAL arrives and we have to pass a test? It seems to me the Minister has failed to say why this is urgent.

The Bailiff:

Are you able to clarify, Minister?

Deputy E. Millar:

I thought I had said. I think if we do not debate today the F.S.C. lose yet another 3 weeks in their preparations. This is to allow the F.S.C. to put their policies and procedures and to start regulating now. I believe that we cannot make legislative changes within a set period of time of the assessment.

[12:00]

It is important that any legislative changes are made in good time prior to the assessment and this is an important one for the F.S.C. to bring this important sector within the supervisory and regulatory net of the F.S.C. We do have to start that now rather than wait another 3 weeks for that legislation to become properly effective. I hope that helps.

The Bailiff:

Thank you very much. Those in favour of adopting the proposition kindly show. The *appel* is called for. I invite Members to return to their seats. The vote is on to allow this proposition to be tabled and debated at this week's sitting. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The proposition has been adopted

POUR: 41		CONTRE: 3		ABSTAIN: 0
Connétable of St. Helier		Deputy G.P. Southern		
Connétable of St. Lawrence		Deputy R.J. Ward		
Connétable of St. Brelade		Deputy M.B. Andrews		
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

9. Draft Sea Fisheries (T.C.A. - Licensing of Fishing Boats) (Amendment of Law and Regulations - No. 2) (Jersey) Regulations 202- (P.115/2022)

The Bailiff:

We will table and debate that proposition during the course of this sitting. We now move to the first item proper of Public Business. The first item is the Draft Sea Fisheries (T.C.A. - Licensing of Fishing Boats) (Amendment of Law and Regulations - No. 2) (Jersey) Regulations, P.115, lodged by the Minister for the Environment. The main responder is the Chair of the Environment, Housing and Infrastructure Scrutiny Panel. The debate is resumed following the adoption of the principles on 18th January this year and the referral of the legislation to Scrutiny. We, therefore, continue with the matter in Second Reading. Minister, how do you wish to propose the regulations in Second Reading?

9.1 Deputy J. Renouf:

En bloc.

The Bailiff:

You propose them *en bloc*. Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations or any of them?

9.1.1 Deputy S.G. Luce:

I am grateful to lead off on this. I just want to say to Members that calling this in was not something that my Scrutiny Panel did lightly. We thought it was important to hear views, especially those of Jersey fishermen. It was clear during meetings that we held, and have held since our last sitting here in the Assembly, that the views of both sides did not necessarily align. Despite our best efforts we could not get both sides together, either physically or in their opinion on certain matters. But I want to be clear that it is not necessarily these Regulations that are the issue. We have had Brexit, we have the T.C.A. (Trade Co-operation Agreement) and we need to move forward. So this proposition itself is not really a problem and most of the Regulations within it fall into the same bracket. We do not have the Granville Bay Treaty anymore and we need to move forward. Can I, right at the outset, thank the Attorney General for his answers to questions posed by Deputy Scott over the weekend. Article 502, as Members will know from the T.C.A., indeed much of the T.C.A. is not particularly specific and that is helpful and unhelpful in equal measures. We know that we need to allow and we need to maintain the access to our waters for our French cousins and their fishing boats. That includes replacement vessels but how we do that is the issue at hand. It has been agreed, quite rightly, that if you could prove that you were fishing in Jersey waters during the reference period then you should be allowed to continue and you should carry on doing what you did in the way you did it. It is the level of detail that we apply to the “as you were” policy and approach that my Scrutiny Panel have been keen to understand. Specifically, can the French fleet get bigger physically? I know when Constable Jackson - a member of my panel - speaks in a minute he will address some of the technical differences because Members may or may not know that the length of a boat, any boat, can vary depending on how you calculate it and the method of formula that you apply. Anyway, Members will know that there are boats that are under 12 metres and over 12 metres and the Minister has pointed out in the last sitting and previous to that, that when a boat of less than 12 metres is replaced it cannot be replaced with a vessel that is over 12 metres, and that is correct. However, what is not made quite so clear is that when that same vessel that is under 12 metres is taken out of the French fleet then its tonnage and power can be transferred to vessels over 12 metres. So there is the ability within the current policy for bigger boats to get bigger. Our recommendation 4, which the Minister unfortunately rejects, seeks to keep the power and tonnage in boats which accurately reflect that size of vessel in perpetuity. We as a panel are not seeking to go against the T.C.A. but are asking that we accurately reflect the nature and intent into the future. We are saying if you had a small boat you should continue to have a small boat. There has to be some variation in size as we move forward but not to the extent that the Minister has in his policy. To be clear, it is our opinion that in that policy it could be more specific and still stay within the T.C.A. Members will note that my Scrutiny Panel’s other recommendations have been accepted by the Minister, and for that I am grateful. We have made some points on clarifying fines and the penalties for non-compliance. We made some points about the number of checks at sea and received assurances that vessels will be boarded and checks will happen. We have also received some assurances about making sure that vessels fishing within our waters carry the necessary technology that we can monitor. I think that all sides will accept that data is everything, and there is no doubt that technology will allow us to monitor boats in our waters much better than ever before, so keeping an eye on boats via A.I.S. (automatic identification system) or V.M.S. (vessel monitoring system) will be vital. But I would highlight to the Minister, and his excellent team at Marine Resources, we have never had such a wonderful team as we have now, but I would remind him not to overly rely on the technology alone for all this data because, for example, some of the variables put into calculations for catch levels, and scallops I am thinking of here in particular, will change. Those variables will change and that could result in a much increased level of catch; something that can only be monitored by physical observations taking place rather than electronic calculations via internet monitoring. I am not going to dwell any further and I thank Members for their time but, after all, it is the Regulations that we are debating here and not the policy.

The policy is in the Regulations and I would remind Members in item 3(b) at the bottom there on page 10 that the Minister can accept a substitute vessel, having regard to the policy published by the Minister from time to time. It is that policy that we sought to look into. I will finish by saying that my panel are going to support this proposition and we are going to vote accordingly, but at the same time I say to Members that my panel will keep a very close eye on the policy that I have just mentioned, and how our fishing fleet develops in the coming months, maintaining a viable and profitable fishing fleet here in Jersey is vital, but there are some real challenges ahead. However, local fishermen can be assured that my panel will listen to their concerns and act where necessary.

9.1.2 The Connétable of St. Brelade:

I am pleased to follow the panel Chairman. I am going to confine my remarks really to the question in hand, which is to do with the changing of the size of vessels permitted by the Minister. I think one of the pertinent points that arises is that the Minister is proposing to have a degree of discretion in determining the issue, and that is really the area I would like to be sharp on because there are variations. I would suggest that given that it is a larger vessel will make it important for the holder of that larger vessel, which is going to cost more, to get sufficient income to make it viable. A comment from our local fishing fleet was to refer to ... the feeling was that the Minister is being naive in suggesting that to believe in the place that a 10-metre-plus vessel will be making enough money to justify being at sea on 60 kilograms of scallops an hour clearly shows how little understanding he has of the industry. A point that the panel have discovered is that there seems to be a lack of support for the Minister from within the industry, which we did try to correct by facilitating or proposing to facilitate a meeting between the industry and the Minister as part of this process, as part of this snap review. The Minister chose not to do that which is regrettable, but he in my view really does need to get to sea with the fishermen and understand exactly what their issues are so that they can be brought onside and understand that the Minister is working for them. With regard to the dimensions of the vessels, if I can just outline my history is to do with yacht building, yacht management and suchlike, and indeed part of that involves yacht design. I have not seen in any of the documentation coming from the Minister whether there has been any consultation with yacht designers, ship designers, boat designers in any shape or form. I make that point particularly because if you want to beat Regulations, whether it be in fishing, whether it be to achieve the result in designing an aircraft carrier perhaps or perhaps a racing yacht, the naval architect will make it fit. That is what they do. We have these parameters laid out before us in terms of size and horsepower. If I wanted my fishing boat to be the most efficient, I would go to my naval architect and say: "Make the best out of those parameters for me, please." That is exactly what they would do. As a little aside on to that, in terms of the length of vessels, how is the length measured? We have seen quotations that we use the E.U. (European Union) methodology. I can tell you that length of vessels can be measured from the stem to the stern, as you would think logically, but no, in registration purposes very often it is from the stem to the rudder post, which can be a couple of metres shorter. It is these little details I would like the Minister to be fully aware of when he is using his discretion in allowing larger vessels. Finally, the suggestion is that vessels have to increase in size. They do not. Many vessels these days are moulded in fibreglass. They come out of a mould and if your vessel needs replacing you buy one out of a similar mould. You will find over here many of the fishing boats in our fleet are very similar because they come out of the same mould. There is no obligation to go bigger should the Minister not wish to do so. I am conscious that this legislation needs to go through but I would like the Minister to be aware of those points, and the Minister for External Affairs, when he comes to negotiate with our French colleagues, that we do not need to be perhaps as flexible as they may wish.

9.1.3 Deputy M.R. Scott:

I agree with my colleagues that the Regulations themselves are relatively unobjectionable. The difficulty here is they do refer to a policy and it is that that I have been exploring on behalf of the

indigenous fishing industry that we have, such as we have, which is a lot smaller than the French fleet and, indeed, very few of them have access or are looking for access to French waters. The policy depends on an interpretation of T.C.A. and I have a lot of sympathy in terms of the Ministers, the officers who have been working along the lines of trying to make a way forward here. I am sure it has not been easy.

[12:15]

But the real difficulty I have had and where I have been exploring is the way in which the treaty has been interpreted to maintain a static pool for access. I thank the Attorney General - I was not going to mention my correspondence with him but another Member of the Assembly has - for answering my questions in this respect. Where I come down to is that the treaty itself does not have the definition. There is no actual statute that I can refer to that has the definition. But that has been agreed. That has been agreed somewhere. It has been agreed by the U.K. It has been agreed by Jersey. It has been agreed by Guernsey. One of the questions that I raised with the Minister for the Environment in trying to work out how I feel about voting for this, bearing in mind the impact, the potential impact, on our fishing industry, how much does this policy as it has been published, which if you like it tells you how these Regulations will be used, how much does that policy require the T.C.A. to be interpreted in the way ... where did this interpretation come from? Despite the efforts of the Attorney General, despite the efforts of the Minister for the Environment, I find this incredibly ... it lacks transparency. Who decided on behalf of Jersey that it be interpreted in this way? Did the U.K. decide on behalf of us that it should be interpreted in this way? Were our hands tied? I keep coming back to: I do not really know how they were tied and whose responsibility, who is accountable. What happened behind the scenes? Were there incentives? Were there threats? I do not know, but what I do know is the way that it is being interpreted is not, at least in the view of the indigenous fishing industry that we have, particularly supportive of it. Again, there may be other elements that perhaps we should bring into account. I would have liked to have had more of a discussion with the Minister for Economic Development, Tourism, Sport and Culture about this, but I was told that really it is the Environment Scrutiny Panel's call to be scrutinising the Minister for the Environment. I mean, for example, shellfish farmers: might they not be allowed to land their shellfish if we do not support this policy? I just feel like I am being kept in the dark. On that basis, I have to say that I feel I remain reluctant to support these Regulations because the manner in which they are to be used does cause me a lot of discomfort and I believe that in order to support this I need to feel comfortable with that.

9.1.4 Deputy A. Howell:

I am very much in the vein of Deputy Scott. I am not sure if we are supporting our local fishing industry enough. I realise it is a very sensitive subject and I am very grateful that the Minister has accepted the 4 recommendations of the Scrutiny Panel. I think perhaps it is a shame that there is not perhaps more room to accept their fourth recommendation, but I just am really concerned for our fishermen. They have to pay for their licences. I do not think others perhaps in Europe have to do that, and I just feel they are getting a bad end of the ... we are not supporting them and I think we should be.

9.1.5 Deputy R.J. Ward:

I would like to thank the members of the panel as well, Constable Jackson and Deputy Luce, who ... I have had a training session in fishing over the last few weeks and months, and, indeed, the officers and the Minister, and it is an interesting one to go through. I think there is an issue here which I understand ... sorry, Sir, I am just moving that so I can see it and it makes a horrible noise. The context of the arrangements is the much wider context of the T.C.A. and we understand that. It is understood and the principles went through. We understand that Jersey has a limited say in the

outcomes of those negotiations and what we do, but this is where the ... and I wrote on my little pad here the phrase “lingering concerns”. I want to try and approach this really positively so that in this public forum I can talk about the lingering concerns that are there, not just from myself but from the Jersey fishing industry in particular about what the long-term consequences of these Regulations could be. I make that point because the long-term consequence, 10 or 15 or 20 years’ time, we will not be here. It will be different people making those decisions but they are left with a legacy of a decision that we make today. I say that because I think Members need to be extremely certain as to what they are agreeing to if that is the case. That is one of the lingering concerns I have. Remember that there are continued and sometimes we see growing friction between the E.U. and the U.K. in their negotiations and the ongoing how they are going to deal with Brexit and trade deals and the promise of a trade war and all of these things that go on. Again, another concern is that Jersey becomes a little ... I almost said prawn, but a pawn in that game. We have to be so aware of the consequences for us as a small jurisdiction. This is about replacement vessels and the regulations that go with them. There is an allowance of a 20 per cent increase in size, and Constable Jackson made the point about whether that is actually an obligation that needs to be taken on. It was that word “obligation” that was used that I think was really important. I was searching for it and I jotted it down as it was said. I think that is one of the questions we have to ask because throughout these Regulations, throughout what we talked about with principles, there are many little points where there is uncertainty. When you add those uncertainties together, it does not make for good legislation because of the long-term impacts of the sum total of those small parts. I think I said this before. It is almost gestalt, the total is more than the sum of the parts. That is my concern. That is what I cannot get over and that really worries me as we are about to press a button and vote for something. Let me explain one of them, and I think it is important that we take the time to do this. It is clear that the French fishing fleet do access wider areas and bays around the coast of France. Of course they do; they are a bigger fleet. Larger vessels are very, very useful for that, so I completely understand why the French fishing fleet would want to increase the size of their vessels. It means they are more productive; they can take larger catches; they can be out at sea for longer; they can travel from the Jersey fishing grounds to other bays. But the question I would ask is: that changing nature of that fleet, what impact will that have long term on Jersey fisheries? What does it leave behind if it can fish its quota quicker and then go? What impact does that have on the environment? Now, I know and I have been in the meetings and we have heard a lot from the officers, and I want to genuinely thank the officers - I am not just saying that, I mean it - for being so lucid in what they have said. But there is some question over whether the monitoring that is proposed is fully in place, can be as effective as we want it to be, and not just as we want it to be, as it has to be if we are certain that what we have agreed is working. That is another concern I have. You can see that what happens is one small concern after another small concern, they build on each other until it becomes something that is really not nagging away and not going away. How we are monitoring those catches is really important. Then we get to the point that, well, that is okay because there are licences and there are permits and those permits limit the catch and those licences will not be any different from the licences that were given before, but there is not clarity on the long-term positioning - is the word - of those licences across that fleet. There simply is not that certainty. We have to think long term when we look at this. Now, the categorisation and not moving those categories as suggested by the Scrutiny Panel I think would have been a solution to that, and I personally do not believe it would have been in breach of the T.C.A. because it would have meant that we sustain the level of fishing that was there before. It is that issue as to whether you need those larger boats, or those larger vessels one should say. I think that is where I have the real issue. There has been money, for example, allocated to the Jersey fishing industry and that is always welcome, but that comes with a number of caveats. That is not certain as to what those caveats will mean for the Jersey fishing industry. I know they are linked to sustainability. They are linked to what we shall fish here in order to sustain our fishing grounds and that makes sense. If we were just looking at the Jersey fishing fleet with that money,

then that would be a great way to control those fishing areas. Unfortunately, we are not because we are sharing those grounds with what could become a larger, more productive set of vessels. This is not me being in any way anti another country's industry. Of course that country wants an industry and it is very important for the culture of those areas. I think Jersey's links with Brittany are probably greater than the links with the U.K. in many ways, so we understand that. But what we have been given, and this is what upsets me to some extent in terms of this debate, is as if it is an ultimatum: well, you may have all of these concerns but we have to do this and we have to do this now because the consequences are so great. I simply do not believe that. I believe that what we have become is consequential ... I do not know if the word is ... I was going to use the word "victims" but that is too strong a word, so I just do not know another word. We have just become a product perhaps of the outcomes of much larger talks. Now we have got to that fine point. I wrote down that this is a triumph of administration. This really is a triumph of administration, those layers of administration that come from Brexit, from the U.K. to us to our fishing fleet, over the last Assembly, the production of licences, finding out who is fishing here, the disagreements over that. But a triumph of administration is not going to help our fishing fleet and I think there is a real risk, and unless I can be reassured that that is not a risk long term there is a real risk to the viability of Jersey's fishing industry. That is something that, as I stand here as a member of Jersey's Assembly, I cannot allow with all good faith in my vote. So that has to be addressed with these. The Regulation 7(3)(b), point 2, it comes to something like, off the top of my head ... there we go, that is how much time we have spent on this. I think it is that; I will probably get it wrong now, where the Minister has discretion to allow a replacement vessel. I have no criticism of the current Minister in terms of what he may allow and he has given assurances, but with the best will in the world that Minister may not be here for ever and there may be different Ministers and those change, and to vote for a regulation that allows that level of discretion from one Member of an Assembly I think is difficult. I do not know how we can be reassured about that, but I would like a reassurance. I have just set an impossible task there for the Minister, I understand that, but that is the point of it. That is the point I will finish with. Sometimes there are some impossible things in here and I recognise that, but we have to be extremely careful as to what we are voting for because of the long-term implications of these Regulations. I know I have just asked many, many questions but I think that is where I come from on these. I have to be certain before I agree with a change that I think could be really detrimental if we are not careful.

9.1.6 Deputy P.F.C. Ozouf:

First of all, I acknowledge completely that the Minister will respond in a fulsome way to the individual issues which he is called to answer. I would say that I have worked very closely and my department have worked very, very closely with him and it is important that as an Island, as an Assembly and in my role as External Relations, that we show goodwill, flexibility and the importance of openness. I understand completely the remarks of Deputy Ward and his concern about Jersey in relation to the U.K. Trade and Co-operation - the T.C.A. - Agreement, which has been applied in a meticulous, evidence-based approach. They are not concessions that Jersey is making. We are effectively implementing, the Minister is proposing to implement, through a proper process. Extent and nature discussions were said not to be possible.

[12:30]

Well, they have been possible and they have been concluded in recent days, and I warmly welcome the acceptance. Members will recall the difficulties last time when we were issuing licences and we had the unseemly situation of a demonstration of French fishers in our harbour. We had the warship that was deployed by the then Prime Minister. We have not seen that because we have dealt with things properly and appropriately. What I would say to Members is, yes, this is a difficult issue. It is technical, but what I can assure Members is that the Minister and all the members of the Council of Ministers who are aware of this have implemented the T.C.A. That does not mean that Jersey

fishers will be disadvantaged. We are absolutely committed to getting an acceptable outcome for Jersey in fisheries matters in the general sense of the word. We are aware of issues that underline the Jersey Fishermen's Association's concerns about the implications of Brexit and we are endeavouring ... my work has endeavoured to secure a better access at the same time as these issues, concomitantly if you like, in parallel to this, to get a better access arrangement for these Jersey fishermen. One could describe it as a negotiation and, yes, it is a negotiation, but it is a negotiation that is a political, diplomatic negotiation. Members will know that, for example, our Jersey fishers were dreadfully treated in relation to port opening times. As a result of the endeavours of the Minister and I and, indeed, the Minister for Economic Development, Tourism, Sport and Culture and the Chief Minister, we got those port opening times opened significantly. I can advise Members - they will have seen the media reports - I was in Paris just before Christmas and I was pleased to meet the 2 Secretaries of State for Europe and the Secretary of State, Monsieur le Secrétaire d'État de la Mer. He is the new postholder to the preceding incumbent that threatened our electricity supplies. I can inform Members that because of the goodwill, because of the properness, the professionalism that this Assembly and the Council of Ministers has directed and under the Chief Minister's guidance, that we have improved matters in our negotiations with France. I can advise Members that I have been in contact after Christmas with the Minister of the Sea and I have written to him. I will not repeat the letter in French, although I am able to speak in French, but I will paraphrase it by saying that I was grateful for the meeting in Paris, and this matters to this very debate because it is not directly linked but it is indirectly linked that we expect and we will demand and we will request and I have requested in addition to the port opening facilities that the S.I.V.E.P. (Service d'Inspection Vétérinaire et Phytosanitaire), which is the arrangements that fishers have for landing their catch in Granville, which is a sanitary inspection post, I have asked that the Secretary of State for the Sea, Monsieur Hervé Berville, advances that. It is a central government administration. It is a matter that was sitting on the desk of the Prime Minister of France, as I understand it. He reports straight to the President. I spoke to the Secretary of State over the weekend in order to further advance this issue of the opening of the Granville S.I.V.E.P., which is going to assist hugely in the fishing by our local fishers. So I understand the dilemmas that Members may have in what is effectively a complex but necessary measure to allow replacement vessels. That was the requirement under the T.C.A. It is a necessary consequence of the licences that have been issued. It is both licences and permits. The Minister will explain much better than I do. In the French language there is the word "*permis*". That is involved. The Minister has wisely adopted both a licence with a permit condition on it and he will explain that. In step with that, we are negotiating, we are requesting properly and professionally, better access for our fishers in France. That is what we are doing. We have already succeeded greatly in that and there is a huge amount of goodwill. I have spoken to the President of La Manche, the President of Normandy, the President of Brittany and the Secretary of State, all of which are, I must say, having a tangible sense of goodwill about Jersey and the way in which we approach matters. So extent and nature has been a success, I would say to the Minister. I have heard of one Breton fisherman who is asking the Minister to reconsider the licence application. I understand he is doing so. If the Assembly passes this replacement necessary obligation under the T.C.A., appropriately done by the policy that the Minister has done and the concessions that he is listening to the local fishers, we in turn at External Relations will persist in having better access. Granville is one of them but paperwork issues which we are also in discussions with the department ... there has been change, announcements only in the last few hours of a Ministerial reshuffle in the U.K. Members will recall that the Minister of Justice came over. We used that as the interlocutor but we will be asking the D.I.T. (Department for International Trade) in the U.K. and Defra to use their best endeavours to get experience that we can have a simplified paperwork arrangement agreement for our local fishers. We will be doing a huge amount for our local fishers to improve their access to French markets. This is a necessary decision. It is a decision that is a requirement under the T.C.A. for replacement vessels and we are going to be pressing concurrently with that better access for our fishers in Jersey. I am

dedicating my time, as Members will know, to do this and I am grateful for the fact that I am going to be given even more time to be able to advance these matters in the subsequent months. It is not a single issue, it is a continued operation and it is a continued persistence, but with goodwill, with professionalism, with properness that this Assembly has shown in the previous decisions, we will get there. But every journey starts with the first step and there is a series of steps and those steps are never-ending. We will get there and we will get there with persistence and properness. This Assembly I hope will understand the trade-offs that are required in that. I congratulate the Minister and I thank the Minister for his enormous work, and his team, with External Relations in advancing these issues. I hope Members are going to accept that this is a proper way, the right way, of going forward and they will wish us luck in our endeavours to get better access for Jersey fishers in the French markets and others.

9.1.7 Deputy G.P. Southern:

If I may say so, following on from Deputy Ozouf's speech, all the assurances in the world do not make a fact. All the goodwill that may be felt or whatever, all the goodwill means nothing for the future. So what I have heard today is that a French fisher can replace his licence and may choose while he does so to increase the length of his boat. He can do that. He is perfectly free to do that and he should be, as has been suggested. The Jersey authorities equally are likely to grant him his permit, and no reason why not. Replacement, replacement, plus 20 per cent; nothing to stop that French fisher going and fishing in whatever bays he chooses until he reaches his permit limits, how much he is allowed to catch. Far more easy if he has a bigger boat. So what is going to happen in the future? Is there any guarantee, any assurance that can be given, that our fishermen, our fishers, will not be disadvantaged? Nothing in what we are about to pass. The French fisher can apply for a licence and expand his ship 20 per cent. The authorities may and are likely to grant him that permit. This according to Jersey fishers is the key crux issue. Down the line somewhere in there the Jersey fishers lose out and the French fishers become increasingly dominant. How long before that happens? No guarantees, no assurances in what we are about to pass. In 10 years, in 15, 50 years, we could see the end of fishing in Jersey and that is a possibility. It is not ruled out by this legislation. There are many who feel, and certainly Jersey fishers believe, that it should be. This spells, they think, the end of fishing in Jersey. It is no use Deputy Ozouf shaking his head as he often does when he disagrees with an idea, but that is the reality. There is nothing in this law that says "must". It says "may".

9.1.8 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:

I cannot imagine the Minister is going to sum up in just 5 minutes. I just was prompted to speak after the words of Deputy Southern, who suggested that Deputy Ozouf just gave us a lot of fine words with no substance, yet if we listened carefully to what Deputy Southern said to us, I would suggest perhaps it was the other way around. Deputy Ozouf explained the good work that he and the Minister for the Environment have undertaken. He is right to remind the Assembly that they have worked very closely with their French counterparts to ensure in dealing with extent and nature, which was technically challenging, evidentially challenging, in a way which has been largely accepted, although we have seen a little bit of media commentary, which has been balanced, that some French fishers are content with how that has been dealt with and others not so content. That is exactly what we would expect in a negotiation that has been undertaken professionally, carefully and using all the available evidence. Some would have wanted more. Some feel that they have been dealt with fairly. But what is important is that we have not seen a return of the blockading, of the actions that were taken previously, and I think they are to be congratulated in that regard. We remind ourselves that the officials in the sea fisheries department at the Environment Department are experts in their field. Some of them even have doctorates in these sorts of things. How one can have a doctorate in understanding sea fisheries issues, but they do. They can stand, as I have seen them do, in rooms in Brussels, in rooms in Paris, in rooms in Whitehall, and they have carefully argued the case for why

what they have proposed and the licences and the permits that they have put in place are evidentially sound. In part of those conversations, in interpreting the T.C.A. - and I will not comment on what Deputy Scott said - those officials and those Ministers have reached a common understanding. I support the 2 Ministers in the work that they have undertaken. I think that they have reached a pragmatic solution and they believe that the evidence will show that the caps that they are putting in place will be sufficient to ensure that some of the difficulties that other Members have raised will not take place. I have every confidence that they and their officials will carefully negotiate and adjust accordingly if required in due course. But if we are not careful, if we do not work carefully with our French colleagues and we do not see the *port sanitaire* opened on the Norman coast in the way which Deputy Ozouf is seeking to see opened and unblocked from the desks of Ministers in Paris, if we do not take these steps and take those actions, then I do fear for our fishing industry. So it is step by step that we unblock the difficulties that were and did arise out of that T.C.A. agreement. I am grateful to the Chair of the Scrutiny Panel, and I think the deputy Chair, who both have said that they support these Regulations today. I have no doubt that they are going to keep the pressure on the Minister around the policy and whether they can persuade him to do refinements in due course, I have no doubt about that, but they are clear and that also gives me confidence that the right thing for the Assembly to do today is to approve these Regulations so that those steps can be taken. I shall sit down now, if I may, but before I do could I call for the lunch adjournment?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The Assembly stands adjourned until 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

Before we resume, I can announce the following proposition has been lodged: Trainee Minimum Wage, P.5/2023, lodged by Deputy Andrews.

Deputy S.Y. Mézec:

Just before we begin, Deputy Porée has let me know that unfortunately she was not feeling well over the lunchbreak so she has just asked if she could be noted as absent because she is ill, for the rest of the day.

The Bailiff:

In which case probably if she wishes to be marked absent by reason of malade as opposed to just absent someone should take the oath. Are you prepared to do that?

Deputy S.Y. Mézec:

Absolutely.

The Deputy Greffier of the States:

[Oath read]

The Bailiff:

Very well, I shall make my note accordingly. Yes, I have next noted to speak on the principles Deputy Catherine Curtis.

9.1.9 Deputy C.D. Curtis:

It is clear that the Scrutiny Panel has done a thorough job and it was good to see their recommendations, which I would have liked to see all accepted. The replacement vessel scheme will encourage boats to increase in size and I am not convinced this will not result in unsustainable fishing practices and work against our own fishing industry. I appreciate that officers have worked hard on this. However, I cannot support it while our Jersey fishing industry have real, genuine concerns and they are not supportive of these Regulations.

9.1.10 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

I would like to thank everyone, particularly the Scrutiny Panel, for the work they have undertaken over the past few weeks. I just wanted to say in response to Members who have voiced concern about the future of the fishing industry and in more general terms I think people who have spoken about that are absolutely right to be concerned. I just wanted to reassure Members that it is also a huge concern for the Government itself and we are engaged with the fishing sector. Indeed, I met them just in the past week as part of our marine economy advisory group. Obviously, in that group I listened to their concerns themselves but also was able to advise them of the £300,000 support scheme that we will be bringing in, that will be paying out money in the next few months, and of our genuine commitment to ensure that we do have a sustainable fishery into the long term and that it will be very heavily managed in an appropriate way. It is the Minister for the Environment who will undertake that management, and I can say he has my full faith that he will do so appropriately. As far as these Regulations are concerned, we are, there is no question, just one among a number of parties, including the U.K., the European Union, France, the regions of Normandy and Brittany, that has to work together to find resolution and to find ways forward. These Regulations represent a way forward that has been accepted by both the French, the European and the U.K. sides as well. So it is really important to understand that I think even if we were to say no to these Regulations we do not really have another way forward for them. It is the case we have to get agreement among all those parties. That is the way it is. From a Government perspective, we will continue to work to develop the fishing industry in all its forms, and that does mean looking at new methods of fishing, much more sustainable methods of fishing. It does mean marine protected areas. It does mean making the most of our territorial waters in all ways which enhance the economy but, most importantly, which protect the incredible wildlife that lives within those seas. So I just wanted to speak to reassure Members that this Government is entirely committed to the fishing sector and will continue to be throughout its term. I hope that we can adopt these Regulations and then move forward because without these Regulations we will not be able to move forward at all.

9.1.11 Deputy R.S. Kovacs:

I am just speaking to respond in a way to Deputy Morel's affirmation because if he had consultation lately with the fishing industry and got involved with his officers he would also be probably aware that his officers also consider that this increase in vessel size and power would give advantage to French vessels over our local ones. That is the worrying part that made me not be able to support this. Maybe if this proposition would have been taken in parts the rest would have been acceptable, but the part that disadvantages our local ones is the one that I cannot agree with.

Deputy K.F. Morel:

A point of clarification, please, Sir?

The Bailiff:

Are you prepared to give way for a point of clarification?

Deputy K.F. Morel:

Thank you. I was just wondering if Deputy Kovacs could clarify when she said “his officers” did she mean officers from the Economy Department and was this in their representations to Scrutiny?

Deputy R.S. Kovacs:

No, it was in the personal questions.

Deputy K.F. Morel:

Sorry, Sir, I did not understand that.

The Bailiff:

I believe the answer was personal impression. Was that right?

Deputy R.S. Kovacs:

No, personal discussions.

Deputy K.F. Morel:

So not in a representation to Scrutiny and not in any public or verifiable format?

Deputy R.S. Kovacs:

No.

The Bailiff:

Very well. Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading, I close the debate and call upon the Minister to respond.

9.1.12 Deputy J. Renouf:

I would like to start by thanking the Environment, Infrastructure and Housing Scrutiny Panel and their officers for working at great speed to complete their review of this proposition so that it could be brought back to the Assembly at this sitting. It is important that we debate and I hope pass this proposition in a timely manner so that we can complete the implementation of a new set of rules for the French fishing fleet fishing in our waters. I would also like to thank Members for their considered contributions to this debate. I will come back to the Scrutiny report and to Members’ speeches shortly, but I would like to preface my comments with a thought about the bigger picture. Last Wednesday, 1st February, was a big day in the management of fishing in our waters. It was the day we began issuing licences to the French fishing fleet that for the first time included permits setting out limits within which they must fish, what is known as the extent and nature of the French fleet’s fishing activities. We have 136 French vessels licensed to fish in our waters and each one now has a permit specifying what it can catch, using what gear, and how much it can catch. This is the start of a new era in fisheries management for Jersey. Not within living memory have we had this degree of visibility and control over the activities of the French fleet. When it comes to fisheries management this is a good time to be Jersey’s Minister for the Environment. So let me turn to the matter at hand. If we look at the proposition there are a series of changes to consider. They relate to the 1994 Sea Fisheries (Jersey) Law and to the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 as amended. I do not propose to recap the details of all those changes, most of which are technical in nature. I am going to concentrate on the most significant change, namely that which is made to paragraph 2, (j)(2), of Article 7 of the 1994 law and, in particular, part (b), which allows the creation of an additional category of replacement vessel. It says that the Minister may grant a licence for a replacement vessel which the Minister decides to accept as a substitute vessel having regard to the policy published by the Minister from time to time. Members will have seen

that policy published more than 3 weeks ago. Many Members have sought reassurance in their speeches that this new policy does not give too much to our French neighbours perhaps at the expense of our own fleet. Members have also queried whether, even if the policy works now, might it be changed in the future to the detriment of Jersey. I believe I can give reassurance on these and all the other points raised. Let me start with Deputy Scott, who wondered in her speech if the changes to the replacement vessel policy were really necessary. Have we been dragooned into an unfavourable interpretation of the T.C.A.? No, that is not the case. Jersey and Guernsey, supported by the U.K. and the E.U. and France, have all interpreted the requirement to reflect the “actual extent and nature” of fishing in the track record period, which is the key clause of the agreement, as requiring the Crown Dependencies and E.U. to enable a static level of fishing activity to be maintained in their waters by fishing vessels of the other party, a static level of fishing activity. That bit was agreed early on and is not controversial. Let me turn then to the replacement vessel policy. The reason it needs to change, as I explained in the previous debate, is that the existing policy is highly restrictive and if we kept it we would be in danger of reducing the ability of the French fleet to maintain its fishing effort, which we cannot do under the T.C.A. The policy that I published allows me discretion to license a replacement vessel that is slightly larger than the vessel it replaces on 2 parameters, its gross tonnage and its engine powers; not length, by the way, as the Connétable of St. Brelade suggested. But, and this is absolutely critical, the overall tonnage and power of the French fleet cannot increase. In other words, if there is an application for a replacement vessel that is larger than the original boat, then there must be a reduction elsewhere in the fleet. This could be achieved by retiring another boat, in other words effectively by handing in its licence, or it could be achieved if another vessel was replaced with a boat that was smaller than the original boat. Either way the total tonnage and total engine power of the French fleet cannot increase. Now, that seems pretty clear but the J.F.A. (Jersey Fishermen’s Association) and Scrutiny have raised some questions because of the detailed way in which the policy might play out in practice. To understand those objections, and I hope deal with them, I am going to have to dive into some of the detail. Because a crucial part of the policy I have published is that it divides the French fleet into 2 categories, those under 12 metres and those over 12 metres. Vessels under 12 metres can have replacements that increase in size up to the 12-metre threshold but their increase in engine power is limited. It must remain below 221 kilowatts. Very important, there can be no migration between the size classes. In other words, none of the 108 vessels can be replaced by a vessel over 12 metres. We will never have more than 28 vessels over 12 metres, which is the number that currently are in existence. In the over 12-metre category things are a little more restrictive. A replacement vessel in this category can only increase its engine power by 10 per cent and its gross tonnage by 20 per cent, always remembering that any increase can only happen if there is an equivalent or greater reduction elsewhere in the French fleet. It is also important to know that any further replacement vessels, a replacement of a replacement vessel if you like, has to refer back to the original boat. There can be no incremental increases in size over time. So Deputy Southern’s point about the French fleet gradually getting bigger and bigger is not what is going to happen. So what is the problem then? Scrutiny have identified 3 potential issues and I think it is worth tackling each one in turn. I hope that way I can give Members the reassurance that they have been seeking earlier in this debate. First, they argued that the replacement vessel policy could have the unintended consequence of allowing a shift from what they call latent or unused effort into active fishing effort. According to the J.F.A. there are a number of smaller boats that do very little fishing in Jersey waters. Those boats could be retired and the tonnage and engine size donated to bigger and more active replacement vessels in the over 12-metre class. In this way, tonnage and engine power could migrate over time from the less active smaller boats to the more active bigger boats and the fishing effort would, therefore, increase. There are 2 reasons why this is not an issue.

[14:30]

The first is that the actual migration of tonnage and engine power from the under 12-metre to the over 12-metre category can only ever be minor. Officers have calculated that if every single one of the 28 vessels over 12 metres was replaced with a vessel that maxed out on its allowable increases in engine power and gross tonnage, then only 3.5 per cent of the fleet's total engine power and around 12 per cent of its total gross tonnage would migrate into the bigger class of boats. It is just not that big a deal. But there is an even more fundamental reason why it is not possible for fishing effort to increase as a consequence of the replacement vessel policy. The argument is that there is a latent or unused effort in the French fleet. I am afraid the concept of latent effort does not really exist. This is because all licensed boats are entitled to fish to the limits of their permits and those boats that do not intend to use their entitlement in any year can redistribute their permitted effort elsewhere in the fleet. There is no latent unused effort because the French redistribute all the fishing effort to the boats that need and can use it. If a boat that used to fish for scallops decided not to fish for scallops, then that just means its permit gets handed out to a boat that will fish for them. Therefore, the replacement vessel policy will have no bearing - no bearing - on the total effort of the French fleet because all of the permitted effort is being used. So I repeat: there is no latent or unused effort in the French fleet. The second big issue raised by Scrutiny and the J.F.A. concerns enforcement. I think essentially you could sum it up as saying the J.F.A. do not believe that the permit framework will be effective because the French will simply exceed the permit controls. Indeed, as has been pointed out in the debate, I was called naive for my belief that we could adequately police their permits. If I may, that made me smile a little bit. I will just note that the J.F.A. also implied last year that I was naive for believing that the French would agree to extend to nature permits. They told me that now that the French had their licences they would never accept restrictions on what they could catch. Well, they have. I was right and they were wrong. But what of enforcement? I will tell you what. When I look at the situation today with regards to enforcement, I feel very lucky. Just look at the previous situation. On 1st January 2021, there were 342 French vessels with licences to fish in Jersey waters. Jersey had no say in the *métiers*, the methods if you like, that those vessels could prosecute, the level of fishing effort that could be expended and the amount they could catch. Jersey had no say in licensing, including for replacement vessels. Fisheries management was covered by French Regulations, over which Jersey had no say. The net effect? We had to estimate the number of vessels fishing in our waters, what they were doing, how they were doing it and what was being caught. Contrast that with where we are now. There are 136 licences available to French vessels. Licensing occurs in Jersey, including for replacement vessels. Each vessel must fish according to the terms of the fishing permits that Jersey will issue to it. Those fishing permits dictate the gears the vessel may use, the species they may target and the levels of fishing effort that the vessel may expend. The collective level of fishing effort is fixed and cannot expand. So is the size of the fleet. We will know at the start of each year what the expected effort and yield should be for each stock. Under the terms of their licence, French vessels must submit their daily catch data within 48 hours of landing. That is something that is already in place and they do submit that data. All vessels must be V.M.S. enabled. That is fitted with a satellite tracking system. So for the first time ever we know what to expect in terms of fishing activities for the year ahead across the entire French fleet and can monitor it in real time. Compared to what has gone before, it is just light years ahead in terms of our ability to monitor and enforce fishing permits. Well, yes, but can we actually stop fishers flouting the rules? The first point is since 1st July last year we can track every French boat via V.M.S., as I have said. Scrutiny asked how we will know that a boat has fitted its satellite tracker. Well, it is a legal requirement in France for all fishing vessels to be V.M.S. enabled. They would be in breach of French law if they did not. Given the extent of regulation of the fishing industry in France, we do not consider it at all likely that a French vessel will operate without V.M.S. The other point is we know the patterns of activity that accompany various types of fishing so we can get a rough estimate of how much fish they are catching on any given visit. We also respond to tip-offs so if there is something suspicious, whether it is in the tracking data or from tipoffs, we have 2 boats, the Norman Le Brocq and the

R.I.B. (rigid inflatable boat), that can go and take a look. As a jurisdiction we have a good reputation and record for enforcement in our waters. In 2021, the last year for which we have compiled statistics, fisheries boats made 258 inspection checks and the Norman Le Brocq on its own travelled 2,500 nautical miles. That was a low year because it was still being affected by COVID so boarding was difficult. So this is definitely not just desk-based enforcement. Scrutiny also asked about penalties. The penalties for the breach of licence conditions are clearly set out in the legislation. If found guilty, a fisher is liable to an unlimited fine, disqualification from holding a licence for a period of time, and the forfeiture of fish, net or gear. Actual penalties are, of course, decided by the courts, not me, but it will be apparent that these are potentially very significant penalties, which will act as a deterrent to someone thinking of gambling their livelihood on a bit of quota busting. I have every confidence that we will be able to monitor the French fleet to a much, much higher standard than has been possible before because we have the technology and the powers to do so. Can I guarantee that there will not be some rule breaking? No. What I can say is that the replacement vessel policy will make no difference to the job of enforcement. If there are weaknesses in enforcement, they apply equally whether we have a slightly more relaxed replacement vessel policy or not. Of course, we can also react if it becomes clear that we need to improve our enforcement. Finally, concerns have been raised about fisheries management. Will slightly larger French vessels cause greater environmental damage? Let us remember: they cannot catch any more fish. Let us also remember that it is a vessel's fishing permit that limits the amount it can catch, not its size. Let us put this in perspective. A 10 per cent increase in power, which is all the larger boats are allowed, is the equivalent of trading in your 1-litre Ford Fiesta for a 1.1 litre. Yes, it is more powerful but it is not a Range Rover. Of course, as I keep saying, the total tonnage and engine power of the fleet is capped, so a bigger replacement vessel can only be agreed if capacity has been freed up elsewhere in the fleet. There is something else to bear in mind. Under the T.C.A. I have additional management powers. Article 494 contains the fisheries objectives and principles, which includes applying the precautionary approach, promoting long-term sustainability, protecting juvenile fish and spawning aggregations, minimising harmful impact of fishing on the marine ecosystem, timely data sharing and so on. So if we ever did feel that fishing practices were causing more environmental damage, then the tools exist to respond through the T.C.A. Those are tools that I will not use wilfully and without consultation with all affected parties, but Members may not be surprised to learn that effective management of a sustainable fisheries is a very high priority of mine. We have spent the last 2 years trying to get to a system of fisheries management that is fair to all sides and compliant with the T.C.A. We now have a licence system and each of those licences comes with a permit. The final piece of the jigsaw puzzle is to make our replacement vessel policy slightly more flexible. The French fleet have perfectly good reasons for wanting this flexibility, not least, as has already been noted, because their boats operate across wider areas. For that reason this proposed replacement vessel policy has been developed alongside Guernsey and the U.K. so that whatever we agree will dovetail with their policies. This means that a French fisher wanting to replace their boat will know that it can easily be made to fit all 3 jurisdictions in which it is likely to fish. The Scrutiny Panel asks us to consider dividing up the under 12-metre part of the French fleet into many smaller subcategories and preventing tonnage or engine power from moving between categories. This is a solution to a problem that simply does not exist. We already have all the controls we need to manage the fishing effort of the French fleet. Were we to restrict replacement vessels in this way we would be causing immense administrative complication. We would undermine compatibility with neighbouring jurisdictions with a risk that the policy would be judged so restrictive as to be in breach of our commitment to maintain the French fleet's fishing effort, and all to achieve something that the policy I have already set out already achieves. That is why I cannot support it. However, I am very happy to commit to return to Scrutiny to review how the policy is working and, of course, I would do the same if I were to propose changes to that policy. In doing so, I would open up the possibility that a proposition could be brought before this Assembly asking me to withdraw or modify that policy. That may not give Deputy Rob Ward

total assurance but I think it goes quite a long way down that road. I have spent a lot of time explaining the detail of this policy and how it applies to the French fleet. I have not discussed the Jersey fleet because neither the extent and nature provisions nor the replacement vessel policy that applied to E.U. vessels are applicable to our fleet, but that does not mean the Jersey fleet has not been in our thoughts. Members will be aware that this Government has made considerable progress on several issues of importance to our fishers. Already the Minister for External Relations has pointed out the work that has been done to improve port opening times and my colleague the Minister for Economic Development, Tourism, Sport and Culture has made available support packages and continues to work with his officers and with the fishers to find more and better measures. Now we have in place a licence and permit system that for the first time gives us the ability to monitor and control fishing activity of foreign boats in our waters. I said at the start that this was the start of a new era in fisheries management for Jersey, but I believe it is also the start of a new era for our own fleet. We should be proud of what has been achieved over the last couple of years. This replacement vessel proposition is part of a ground-breaking package of measures that are good for our fishing fleet, good for Jersey, fair to our French and E.U. neighbours and a solid foundation on which to build stronger environmental protection into the future. I move the Second Reading and call for the *appel*. **[Approbation]**

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the adoption of the Regulations in Second Reading, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The Regulations have been adopted in Second Reading.

POUR: 34		CONTRE: 9		ABSTAIN: 0
Connétable of St. Helier		Deputy G.P. Southern		
Connétable of St. Lawrence		Deputy R.J. Ward		
Connétable of St. Brelade		Deputy C.S. Alves		
Connétable of Trinity		Deputy S.Y. Mézec		
Connétable of St. Martin		Deputy T.A. Coles		
Connétable of St. John		Deputy M.R. Scott		
Connétable of St. Clement		Deputy C.D. Curtis		
Connétable of Grouville		Deputy L.V. Feltham		
Connétable of St. Ouen		Deputy R.S. Kovacs		
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy M.E. Millar				
Deputy A. Howell				

Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Do you move the Regulations in Third Reading, Minister?

9.2 Deputy J. Renouf:

Yes, Sir.

The Bailiff:

Are the Regulations seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

The Connétable of St. Brelade:

I would just like to say a few words and congratulate the Minister and his officers for the amount of effort and time that have gone into this proposition. The reality is that I think it is important ongoing that the Minister gets our fishing fleet on side, and I would urge him to accept offers or invitations to go out to sea for a day or so and see how it works in practice. I am sure he will find that very enlightening and contribute to his discretion, which he will be able to use in the future. So, my congratulations go to the Minister.

9.2.1 Deputy S.G. Luce:

I know the Third Reading is not the time to do it so I will not address the issue of latent effort, where I would disagree with the Minister. I would remind him that power is not something that you calculate by whether you have 1,000 or 1,100 cc engine. A smaller capacity engine can be a lot more powerful than a large cc engine. I would say to him that his policy does not actually do what Scrutiny asked for, even though he said it did, but I agree that this is a new era for Jersey fishing.

[14:45]

We have more visibility and control than we have ever had before and despite our arguments as to whether we have given too much away there is no doubt that all the countries involved agree with the way forward and it will guarantee a static level of fishing activity in our waters, so I will be supporting this.

9.2.2 Deputy M.R. Scott:

The reason why I was still feeling hesitant about supporting these Regulations, bearing in mind that much of it is just to do with the underlying policy, is I totally accept that Jersey has evolved insofar as it is now in a position where it can grant permits, and indeed it has, to French fishing boats, many more to fish in our waters than our indigenous fleet which is smaller and has smaller boats. Where I still find myself kind of hesitant is understanding the urgency because this was very much presented to me originally as something that had to be done in order for the licences to be granted. They had to be granted urgently. They have been brought and yet licences to fish have been granted. We are talking about replacement licences and we are talking about for whom. So I still find myself disappointed that perhaps there has not been more of a focus on this as well as perhaps more comfort, because if something is reasonable I am sure that the Jersey fishermen would be accepting that. They

are not the sort of people who go and block ports and that sort of thing just because they are upset about it. I do believe that they are quite reasonable and able to understand and, indeed, have spent a lot of time trying to understand the regulations themselves. So I would welcome more content on this in order to change my position, so I just thought I could give the opportunity for that to be done.

9.2.3 Deputy P.F.C. Ozouf:

Very briefly, may I say I was incredibly impressed with the way the Minister for the Environment addressed the Assembly in the Second Reading and clearly has the overwhelming majority and support of the States Assembly. This Assembly will be transmitting the news of hopefully this positive move. I have a saying: doing the right thing is always the right thing, and this Assembly has dealt with this issue professionally and properly based upon analysis and evidence. That will put us in good standing when we are trying to get ... the efforts that we are making to get our fishing fleet more accessible in French waters. We will work tirelessly on the basis of the professional approach that the Minister has taken. I think that that shows the professionalism of Jersey, that we are a small Island but we do things properly. Doing the right thing is always the right thing, and we expect the French to do the same thing in relation to opening their ports wider and accepting our fishers on the same basis. I think that this is a very good day and it gives me further enthusiasm and encouragement to work with French counterparts to get what we need for our Jersey fishers in those French markets, as I know the Minister for Economic Development, Tourism, Sport and Culture wants me to do.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, I close the debate and call upon the Minister to respond.

Deputy L.J. Farnham:

The *appel*, please.

The Bailiff:

Well, the Minister has not responded yet.

Deputy L.J. Farnham:

Oh, I am sorry. [Laughter]

The Bailiff:

But we think we know the *appel* is coming.

9.2.4 Deputy J. Renouf:

Deputy Farnham is perhaps slightly bored of hearing me speak. It looks like I should be preparing my sea legs and take up an offer of going out on a fishing boat. Let us hope the good fisher folk of Jersey are not so unhappy with me that they do not turf me overboard at some point just off Noirmont. To respond to Deputy Scott's point, the urgency is this: that the French fleet has had some replacement vessel applications in for some time. I had to turn one down before Christmas because under the existing policy it would not fit. I think there are half a dozen French vessels that are currently in line and have been for several months. I think the urgency of this is, as I explained when we discussed the principles, that we did not want to move on replacement vessels until we had extent and nature because the whole point is once you have got permits you separate the fishing effort from the size of the boat, within reason, it does not matter how big the boat is, if it is tied to a permit that limits its catch. Once we have that in place we no longer have a good reason for not allowing a slight relaxation in the replacement vessel policy because it enables them to match the effort that they have under the present one. Members may remember that the reason why they cannot, if they stick to the current vessel policy, is that it requires them to be equal or less than on 4 different parameters and

the actual consequence of being equal or less to on 4 different parameters when you are buying second-hand boats is that you will almost certainly only hit one of those parameters and the rest will have to be lower and, therefore, over time your fleet will shrink its size and effort. That is the reason why we have to do it and it has been sequenced in this way quite deliberately in order to make sure that we had the guarantees that we needed before we went down this road. In the past fishing efforts has been the only tool we have had to maintain control over fishing effort because we did not control the permits and we did not control the licences, was to control the size of the boats. Now we have licensing and we have permits we can afford that slight relaxation but within those strict limits that I have outlined, so that is the reason for it. But, Sir, if I could call for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption of the Regulations in Third Reading. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. I can announce that the Regulations are adopted in Third Reading.

POUR: 34	CONTRE: 8	ABSTAIN: 1
Connétable of St. Helier	Deputy G.P. Southern	Deputy M.R. Scott
Connétable of St. Lawrence	Deputy R.J. Ward	
Connétable of St. Brelade	Deputy C.S. Alves	
Connétable of Trinity	Deputy S.Y. Mézec	
Connétable of St. Martin	Deputy T.A. Coles	
Connétable of St. John	Deputy C.D. Curtis	
Connétable of St. Clement	Deputy L.V. Feltham	
Connétable of Grouville	Deputy R.S. Kovacs	
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy C.F. Labey		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy K.L. Moore		
Deputy P.F.C. Ozouf		
Deputy Sir P.M. Bailhache		
Deputy H.M. Miles		
Deputy J. Renouf		
Deputy M.E. Millar		
Deputy A. Howell		
Deputy T.J.A. Binet		
Deputy M.R. Ferey		
Deputy A.F. Curtis		
Deputy B. Ward		
Deputy K.M. Wilson		
Deputy L.K.F. Stephenson		
Deputy M.B. Andrews		

**10. Draft Social Security (Amendment of Law No. 17) (Jersey) Regulations 202- (P.110/2022)
- as amended (P.110/2022 Amd.)**

The Bailiff:

We now come to the Draft Social Security (Amendment of Law No. 17) (Jersey) Regulations, P.110, lodged by the Minister for Social Security. The main respondent will be the Chair of the Health and Social Security Scrutiny Panel, Deputy Southern, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Social Security (Amendment of Law No. 17) (Jersey) Regulations 202-. The States make these Regulations under Article 50 of the Social Security (Jersey) Law 1974.

Deputy E. Millar:

There was an amendment also filed to these Regulations, can I take the Regulations ...

The Bailiff:

It is a matter for the Assembly. I was going to ask you whether you were going to take them as amended when we came to Second Reading.

Deputy E. Millar:

Apologies.

The Bailiff:

I do not see any reason why the Assembly cannot agree to take them as amended at this point. Do Members agree to take it as amended by the amendment of the Minister? Very well. When we come to Second Reading we will assume they are read as amended.

Deputy E. Millar:

Thank you very much.

The Bailiff:

Carry on, please.

10.1 Deputy E. Millar (The Minister for Social Security):

I am bringing these Regulations to amend the Social Security (Jersey) Law 1974 to stop the States grant to the Social Security Fund for 2023. This is a consequence of the Government Plan for 2023, which was approved by the States Assembly in December which envisaged the grant not being paid. These Regulations are entirely mechanical and make a small change to part of the Social Security Law to permit this to happen. In normal circumstances, the States grant helps to create a regular level of total income into the Social Security Fund each year. Stopping the grant for 2023 means the Minister for Treasury and Resources will have an extra £71 million available in the Consolidated Fund. The Social Security Fund meanwhile will use reserves from the Social Security Reserve Fund to help pay for the scheme's working-age contributory benefits and the old age pension during 2023. The Government Plan also sets out that the States grant will be returned to its full value of some £82 million in 2024. This is an important source of funding to the fund to ensure its long-term financial sustainability. The Social Security funds in total have approximately £2.1 billion of reserves. This is equivalent to 7 years' worth of social security pensions and contributory benefits. We expect to use some of these reserves over the next 20 years to pay for the sharply increasing cost of social security pensions for the ageing population. The actuaries are reviewing Social Security funds now and I expect to be able to publish their report, including new financial projections, early in quarter 2 of this year. This will support us in our long-term planning looking forward for some 60 years for

the Social Security Fund and considering any changes in policy that might be necessary. I am confident that this change for 2023 will not affect the ability of the Social Security Fund to pay out social security pensions in the future, nor will it affect its ability to pay out contributory benefits to people who need them, such as our sickness and incapacity benefits or our parental benefits. I would be glad to answer any questions that Members may have and I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

10.1.1 Deputy G.P. Southern:

Although my panel has not had the time to take this proposition and investigate it in depth, initially I thought that this was a matter of just time passing in that I believe we already agreed that the States grant will not be paid up to the tune of £71 million into this account and that in 2024 the whole system will return to normal and will be paid on contributions back into the fund. However, with giving it some thought it seems to me that we cannot just nod this through. We took a decision some time back, 2 years ago, to, effectively, rob the Social Security Fund of money that we were due to give it and that seems to me ... because the Social Security Fund is supposed to be ring-fenced, i.e. it is there only to support benefits and especially of those benefits pensions. That is what it is there for and here we are, without a by your leave, saying let us do away with £71 million of that, despite the fact that it is been collected. The question must remain, I think, and the question needs to be asked and needs to be answered as to what are you going to do, Ministers, with this £71 million? Is it really more important to spend that and to allocate it to the Consolidation Fund prior to spending it or is it more appropriate in current circumstances that we do not do that? That we take away from this fund £71 million; to what use is that £71 million being put? Is it really worth more than abandoning the principle of ring-fencing and, who knows, in a few years down the line that ring-fence may be done away with? But it should not be done away now, I do not think. I think we have been given an opportunity here for whatever reasons to reconsider the decision we made 2½ years ago to scrap the way of doing things with the grant which is supposed to pay for, bear in mind, those people who do not earn enough to get a full social security pension. It compensates them and tops them up so that they can. It is a very useful tool for countering poverty.

[15:00]

But the essential question that I would ask, and I want it answered with specific examples, what are we going to spend this on? Is it really as important as all that or should we reconsider, rethink, revote on whether we do as the Minister says? I look forward to hearing what the Minister has to say in specifics about where is this money going to go or should it really be put back in the fund and let us carry on as normal. Do we need to do this, this decision which was taken 2 years ago? The questions must be answered today, otherwise they will not be getting my vote.

10.1.2 Deputy B. Ward of St. Clement:

May I first declare an interest, since I am a pensioner? However, I do not believe that gives rise to any conflict of interest because what I want to say relates only to the generality of the way in Jersey that pensions are provided in law and financed by taxpayers. Our paper today is based on my experience of some 20-plus years as a trustee on a multibillion-pound pension fund, working closely with actuaries, investment managers and advisers and I hope you find my views helpful. I note that this proposition is on the surface merely about giving legal effect to one aspect of the Government Plan, which the Assembly approved last year, and I have to include myself in that. But having now looked more carefully at what has and been done, I have changed my mind. I thank the Minister for bringing this to the Assembly, which provides the opportunity for us to debate. Pension matters are very important aspects of Island life, which hardly got the attention it warranted in that earlier debate

of the Government Plan. Pension funds on the whole are contributory funds by the members. In our case it is the people of Jersey, the employees, employers and the grant from the Government, it is there to provide monies and support for retirement purposes and many other health benefits; doctors' visits, prescriptions, low-income families, et cetera. If we look back to March 2020 the States agreed to the cessation of a States grant transfer for the years 2020, 2021 and 2022; that is a total of just short of £207 million, with the grant value returning to its underlying formula-led value in 2023; that is this year. I, therefore, ask why has this date changed to 2024 from what was originally agreed, especially when we, the public, have recently been advised that the pandemic has now subsided and that it is to be treated and likened to all community viruses and infections? Why is this - I thought it was £72 million but I am advised by the Minister £71 million - being proposed to be withheld again from the Social Security Fund? What is the withheld grant being used for now that the original emergency needed to cover for COVID is over? On page 74 of the Government Plan it states very clearly and I quote: "Borrowing for the impact of COVID-19 is expected to be repaid in full by the end of 2022." We were further advised at a fiscal presentation at St. Paul's Centre and this week confirming it had been paid. If this amendment is agreed the Social Security Fund will have lost some £278-plus million; that is from 2020 to 2023. This is a huge loss of income and investment to the fund and in turn a loss of 2 per cent, that is nearly £6 million, into the Health Insurance Fund. During this period the Social Security has had and will be having to go forward and dip into the reserve fund to ensure pension and benefit payments have and will be met and that is at a tune of over £300-plus million a year. What I find most worrying is the reality that if the Social Security Fund closed tomorrow there are only enough funds in the Social Security to pay for the next 7 years, which is very concerning for a 60-year pension fund. It will be interesting to see what the actuarial report says as to whether this fund is adequately funded for the length of its 60-year term, as at present it clearly is not. We are guided by the Minister the report is due for early 2023, well it is early 2023 now: where is the review? How can we justify keeping another huge sum of money back from the pensions pot for all when we do not even yet have the actuaries' up-to-date opinion on the state of the fund? When we do finally get the report we can only imagine how grim a picture it might be; more pensioners calling on the fund, a worsening ratio between the employed who pay social security and the retired, higher inflation, cost-of-living crisis, more people and families needing income support, poor investment performance and so on. Indeed, with no action taken, as the Government Plan itself said, by the 2070s the fund would be down to only 4 times cover of annual spending; this is unsustainable. Yet the Minister wants to take the further risk of keeping another £71 million away from the fund this year and draw down more of the Social Security reserves instead to meet benefit obligations. It just does not make sense. The ring-fenced Social Security Fund or any other pension fund is not and must not be used as a piggy bank for a Government or employer to dip into as the go-to alternative, in our case when the COVID, rather than use our own savings account like we should have done with the rainy-day fund, which in Jersey was established to cover costs in severe circumstances. In my view the COVID pandemic was a perfect example of a severe circumstance for Jersey and the world. Therefore, the rainy-day fund should have been the go-to in the first instance in an open and transparent way and not take money out of a ring-fenced pension fund. I have 3 questions for the Minister, if I may. May I ask the Minister to have for the past year's Government grant shortfall, that is between £207 million and £278 million, to be paid back into the Social Security Fund to ensure protection of the fund going forward and be invested like regular savings in order to pay for future old-age pensions and benefits, the potential for which is getting bigger and bigger? My second question, Minister, is about her to commit to presenting the actuary review to this Assembly and its citizens the moment it is published and to tell us now in her winding-up speech what the exact state of play is with the report. Thirdly, may I ask the Minister to say whether she or anybody else has received the report already? For now I regret that I cannot support this proposition, as in my view this is a thoroughly bad proposal, even though I did vote in favour of the Government Plan as a whole previously, as I have set out. This is a truly serious big matter and

I hope many of the Members will think likewise and vote against this amendment/proposition. Thank you, Sir, and the Assembly for listening.

10.1.3 Deputy P.M. Bailhache of St. Clement:

May I also declare that I am a pensioner but I do not think that I need to declare an interest in the context of this debate because I think that everyone in this Assembly has an interest in the Social Security Fund? I am glad to follow the last 2 speakers because I agree very much with both of them. The Minister's report states that the last Assembly agreed in 2020, 2021 and 2022 to stop the States grant and I quote: "To help with the exceptional circumstances and costs of COVID-19." But no explanation is given in the report as to why the payment is being stopped in 2023. Perhaps I missed it but I did not hear in the Minister's speech any explanation of what the reason for this proposition is either. I assume that it is really just to cover a gap in the Island's finances. This is very disappointing because the Government seems not yet to have abandoned the irresponsible approach to Social Security funds, which was the policy of the last Government and indeed the last Assembly. These funds are not pots of money to be dipped into at will to cover some crisis or gap in current Government finances; that is not why they were created. They do not belong to the Government or indeed to the States for that matter; they belong to the people of Jersey. They have been built up by employers and employees and the States in order to secure the pensions of current pensioners and pensioners to come. The clue is in the name, they give security to pensioners. They ensure that there will be for the foreseeable future enough money to pay the pensions of the elderly. The Minister expressed confidence in the ability of the fund to pay out future pensions and obligations. But when she replies I would be glad to know on what she bases that confidence. Nearly everyone in this Island has an interest in these funds. In the Health Insurance Fund debate I described the Government's proposals as plundering and this is no different, except in relation to the scale. The amounts that will have been taken from the Social Security Fund if these Regulations are adopted are truly staggering. They amount to nearly £300 million over the years 2020 to 2023 or more than 10 per cent of the reserve fund. It may be said that the money is not being taken out of the fund, it is just that money is not being paid in. But that, in my view, would be sophistry, a clever but false argument. The 1974 law requires the States to put money into the fund in accordance with a set formula in order to cover the cost of the pensions of those whose contributions are not high enough to fund their pensions, the less well off. Article 4 provides and I quote: "There shall be paid into the Social Security Fund out of monies provided by the States such amounts as are determined in accordance with Article 9A for the purpose of contributing to the cost of supplementing contributions." By not contributing in 2023 it will be necessary for £89 million to be drawn down from the reserve fund in order to meet the fund's liabilities. The pension fund will be worse off to that extent. Interestingly - and the Attorney General might like to ponder this - there is a derogation from the obligation contained in Article 4 for 2020 but not for 2021, 2022 or 2023. In due course perhaps he might like to confirm that the Regulations will achieve what they set out to do. But I am not making a legal point, I am making a political point. The Government may say that the fund can afford to lose £89 million but I would say that that is unknown in advance of the actuary's report. When the Minister replies I would like to know whether she has seen a draft of the actuary's report. It was due to be delivered in early 2023 and the custom is for the actuary to allow Ministers to see a draft of the report before it is published.

[15:15]

If she has, what does it say about the failure of the States to pay in nearly £300 million over the past 4 years? What is the general state of the fund? Would it not be sensible indeed to defer debate on these Regulations until we know what is in the actuary's report? But I assume the Minister will say that the fund can afford it, but even if it can that is really not the point. The point is whether the fund should be depleted in this way. If there is a surplus in the Social Security Fund I can think of several ways in which the surplus might be better spent. The state pension could be increased in real terms

so that it gets closer to the living wage. Some pensioners have to go through the hoops of applying for income support in order to survive financially or a greater proportion than 2 per cent could be attributed to the Health Insurance Fund which might then be able to set up a dental treatment benefit, either of those would comply with the purposes for which the funds were established and indeed the spirit of the 1974 law. It is not appropriate, in my view, to deplete the Social Security Fund in order to meet other financial pressures on the States. The Social Security Fund is the property of somebody else; the Island's pensioners. Depleting it is tantamount to the misappropriation of pensioners' property and that is not something that the States should properly do.

10.1.4 Deputy K.F. Morel:

I was prompted to speak because I heard the Chair of the Health and Social Services Scrutiny Panel mischaracterise what is happening here. The Chair referred to the spending of the ring-fenced funds. The funds have not been ring-fenced because they are not in the fund. These are not employee or employer contributions; they are ring-fenced and they are within the fund and that is where they remain. I would also take issue with Deputy Bailhache's characterisation of this as sophistry. There has been no sophistry going on, the sophistry was trying to claim that the funds are already in the fund when they are not, that is the sophistry that was portrayed by the Chair of the Health and Social Services Panel. I just wanted to clarify, these are not funds that are in there, these are funds that are outside of the Social Security Fund; that, I think, is a really important clarification. I think we will find we are in something of a bind as a States Assembly if the States were to reject this because the States Assembly, that is all of us here as an Assembly, have accepted the Government Plan and the Government Plan has this transfer of funds within it. Should the States Assembly choose to reject this, somebody somewhere in the Government is going to be losing £70 million. That could be Health, that could be Education, that could be G.P.s (general practitioners), that could be nurses, I do not know because that would be £70 million which has been spent by this Assembly or allocated by this Assembly elsewhere. I think it is an interesting bind we will find ourselves in because somebody, a department, many departments, are going to have to lose £70 million that this Assembly has already spent.

10.1.5 Deputy R.J. Ward:

It is interesting to follow that. A couple of things, I did not think this would be a very interesting debate but there are a couple of really interesting points that have come up. The first one from the last speaker I will say is not everyone voted for the Government Plan, so please do not tar us all with the same brush. I think that is a really important point to make. Also, I would say that it is an interesting argument to say that someone will be short of money if we do not do this. Perhaps the Minister could detail where this £72 million is going because it is an allocation of funds across the Government Plan and there is not real detail in this as to where it is going. The other interesting thing was to see a split within the Jersey Liberal Conservatives. It is really difficult to keep a party together and so it is very interesting to see that and nice to see, in one way to see how that mechanism is addressed and it would be nice to see. The question with this is, again, my concern is just simply there is a fund there that we keep drawing from, and I think this is in the back of a lot of people's minds. When does that stop? There are some funds which whatever we do we do not touch, you do not do that, they are important, we have them in the background. But this one is not and I think this is a slow decline, as you might say. I know it says in the proposition that in future years the money will be allocated as normal but it will not take long to bring in a proposition from Government in the next Government Plan to do the same again, probably lodged late, to be honest but that is just me being ... forgive my cynicism. But that is okay because that is allowed nowadays, so subsequently we will move forward. I just want to point out again, we have got to be very careful when we remove money from funds and to not tar us all with the same brush.

10.1.6 Deputy I.J. Gorst:

I am pleased to follow the last speaker of course because he says he knows the Government Plan is governed by public finances and the statutory obligation along when that has to be lodged. It is not simply governed by Standing Orders. He is of course right to point out taxpayers pay money to Government, that comes into one big pot and then the States Assembly agrees various heads of expenditure during the Government Plan process. In the agreeing of those heads of expenditure this money is allocated and is part of that big pot that then gets divvied up as this Assembly agrees. It is interesting that during that Government Plan debate there was this proposal which was to continue for one further year, not putting taxpayers' money across to Social Security. It is not taking money away from Social Security, it is not sophistry, as one Member has said. It is that taxpayers have not made that top up to the Social Security contribution fund and that was in the Government Plan. There was another proposal in the Government Plan which, in some Members' minds, might be seen as being similar but of course was different and that was that money would come out of the Health Insurance Fund and be given to the taxpayer pot and divvied up to Health. I think it was the Chair of the Health and Social Security Panel who brought forward an amendment to say that that proposal was inappropriate and it should be stopped and Ministers should not do it anymore. Ministers argued on that day but this Assembly said, no, that is it, enough is enough. We are now living, rightly, with the financial consequences of a decision of this Assembly and that is how it should work. But there was no amendment to say, no, taxpayers should transfer this money across. I want to pick up on a point that Deputy Bailhache made because I think he made it carefully and it struck a chord with me. He said this legislative amendment shows that Ministers had not quite weaned themselves off this sort of process and he is right of course; that is absolutely right. In that Government Plan for 2024 Ministers have said, no, the transfer from taxpayers to the Minister for Social Security and to those benefits payments will take place and that is just over £80 million. It appears to me that what some Members are suggesting now in hindsight is, well, we wish that Ministers had come back and said they were going to do it this year, rather than waiting for next year. It will not surprise Members, I do not think, to see that because of the trajectory of income and spending pressures Ministers proposed a Government Plan where that was corrected, has not been approved for 2024 and that is in there. It will be, as Deputy Rob Ward said, he could bring in amendments to say to Ministers next time do not do it but it is currently in the Government Plan to, in the words of Deputy Bailhache, finally wean the Assembly off the actions that it has taken over the last couple of years. I think that is the right thing to do. But the money has been allocated, the money has approvals from this Assembly and so historically these sorts of decisions, as you know, are taken directly after Government Plan. You have got the Finance Law changes and then you have Social Security Law changes, for all sorts of reasons that was not possible in December. What we will end up having, if Members reject what the Minister for Social Security is proposing, which is simply a legislative enactment of what they have already agreed in the Government Plan, what we will have is one piece of legislation saying Government should do one thing and then another piece of legislation in the Finance Law and the Government Plan saying that we should do another thing. Ministers will need to come back to this Assembly but basically that spending envelope will be short of that £71 million, £72 million. Then the Assembly will have really 2 choices at that point, they either use the Strategic Reserve to cover that spend, which Deputy Barbara Ward was quite clear, she would be happy with that. I am not sure whether Deputy Bailhache would think that was a good use of the Strategic Reserve, to spend the Strategic Reserve on everyday revenue expenditure. Perhaps he would be more supportive of my view of the world, that that would, whether we like it or not, mean that departments would have to cut their budgets and have to cut their spend by that £71 million. As I stand here, although I might in political theory like to see departments cutting their budgets, I do not see any Minister putting their hands up right now or their Scrutiny Panel supporting them to have their budgets cut. In fact the Chair of the Health and Social Security Scrutiny Panel has - he will correct

me if I am wrong - I think voted against every cut to every budget that has ever been proposed by the Health or the Social Security Department and he has roundly chastised me and others for even thinking about such a thing, and his party colleagues are stomping their feet in agreement. There are no easy answers to this question and I am sorry that there has been this time lag between one decision and now the next decision. I do understand the frustration of Members who have come to this Assembly who want some of these historic decisions to stop. They want the Assembly to be weaned off making them. I think, certainly from my perspective, the Government Plan for next year will have this transfer in line with the legislation and we will be weaned off it.

[15:30]

I look to the Chief Minister, I know she is also committed to the weaning off and she is strongly in favour of reinstating what is known as the supplementation transfer from taxpayers into the fund. Of course Members have clearly said to Ministers do not ever come back wanting to take money out of the Health Insurance Fund - sorry to my colleague - to give it to the Health Department and we will not be doing that either. I do ask Members to remember the decision they made in December. This is simply the secondary implementation of the decision that Members have already made to spend this money. They have spent the money, this is how we are spending it. I am not sure that there is any real mechanism that we can undo that decision by.

Deputy G.P. Southern:

Sir, if I may, the Attorney General was asked to make a contribution, I believe, by Deputy Bailhache on the derogation for Article 20 but the absence of derogation for Articles 21, 22 and now 23.

The Bailiff:

Are you asking a question specifically of the Attorney?

Deputy G.P. Southern:

The question was is there any significance in that derogation being absent from the 3 years 2021 to 2023?

The Bailiff:

Are you able to assist, Mr. Attorney?

Mr. M.H. Temple Q.C., H.M. Attorney General:

I think I will need a bit more time. I am attempting to trace back the relevant history and so far I have not tracked it down yet.

The Bailiff:

Very well. Then we will call upon you perhaps closer to the end of the debate if indeed that is not here yet.

10.1.7 Deputy M.R. Ferey of St. Saviour:

To respond to Deputy Rob Ward's earlier points about Deputy Bailhache and I having different views on this; of course any healthy party has different views where they sit down and debate those views before bringing them to then Assembly. Indeed, Deputy Bailhache and I met on this very matter and he explained that he had different views to mine. But the reason that I am confident to vote for this proposition is because this is not monies withdrawn from the fund, as has already been explained, this is monies not being paid into the fund via supplementation. Normal service will be renewed in 2024 and we are confident that that supplementation will continue next year. Of course we need to remember everyone is focusing on pensions, which of course is very important to people but the fund does not just pay for pensions, the fund pays for people who are unable to work through long-term

sickness or short-term sickness. There are other considerations to be taken into account on this. But the money is needed to pay for COVID support, which was valuable and needed at the time. I think that where the fund is in a good position we will know for sure when the actuarial review is released. But there are certainly no early warning signs that give us any cause for concern. For those reasons I explained to Deputy Bailhache that I would be supporting this proposition and he explained kindly that his reasons for speaking to the contrary.

10.1.8 Deputy M.R. Le Hegarat:

March 2020, P.31/2020, I voted *contre*, one of a very few Members who voted *contre* to not put the money into the Social Security Fund. At that time I was the Chair of the Health and Social Security Scrutiny Panel. P.130/2020, I again voted *contre* to again not to prevent the money going into Social Security. In P.90/2021 I voted against the Government Plan and there lies my problem. I forgot to vote against the Government Plan in 2022 because I will not be voting for this money not to go in the Social Security Fund.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak, then I close the debate and call upon the Minister to respond.

10.1.9 Deputy E. Millar:

There are quite a number of interesting comments there. The first, an obvious one I have to respond to, is a question of timing. This is simply reopening ... we are using what is an unfortunate series of events, which I will explain, to reopen the Government Plan debate. This should have been debated in December with the rest of the Government Plan. If someone objected to the transfer they should have brought an amendment, they did not. Again, my question to the Attorney General would be: how does a Member open the Government Plan debate after it has been approved? What really, I think, we all have to ask ourselves what the implications are of doing that. Because it puts Government in an impossible position of not knowing at any time how much money it has available because a Member can bring a proposition, and I imagine a Member does have to bring a proposition to unwind this particular element to allow this not to proceed. This has been agreed. The reason we are debating this now is because the Regulations, due to an oversight in my department, were not tabled in time for debate after the Government Plan debate. I could have asked for them to be debated on short notice but given the comments made by Deputy Ward and I am sure others at that time, I decided not to ask for a debate at short notice but to debate them at an appropriate time without short notice. Had these Regulations been tabled sooner we would have debated them immediately after the Government Plan in the way we did other pieces of legislation that were required to be amended to effect the Government Plan and we would not be having this debate now. This is really a matter of timing and perhaps in future I will look for short notice. I agree with Deputy Morel, there is some really unfortunate language being used here. The fund is not being robbed, it is not being plundered. We are not taking money out of the fund. We are not putting money into it and that was what this Assembly agreed in December. There is no profligacy with this fund. I believe that historically monies went into the fund every year and it was on a pay-as-you-go basis. We put the money in and it was virtually spent every year in paying benefits and pensions. I think either 10 or 20 years ago a former Minister for Social Security increased contributions so that we could build up a reserve fund, a pot to draw on. The Social Security Reserve Fund, as I said, is currently worth £2.1 billion, that gives us a smoothing reserve, if you like, to draw on in terms of need and the last 2 or 3 years has clearly been a time of need. The monies that have come out of here, that the monies that have not been contributed I am sure has helped pay for vaccines and testing and furlough and all the other things that Government did to keep the Island operating and to sustain people during a very, very difficult period. By 2026 we anticipate the Social Security Reserve Fund being £2.4 million and

while we do have that fund, and I think I have said earlier that represents 7 years of social security pensions and contributions that would be if we took no more money in. We take money in every year. We are constantly topping up and we are collecting money that is used to pay pensions and benefits and it is still putting money aside for the future. Deputy Ward in her comments was talking about some of our challenges at the moment. The Social Security Fund is currently dealing with some of our existing work with cost of living. For example, it made a considerable contribution to our response to COVID-19 by ensuring that pensions and benefits continued to be paid, notwithstanding the reduced income that people were receiving. It supported a reduction of employee social security contributions of 2 per cent between October 2020 and June 2021 and again in fact in the last quarter of last year. It enabled businesses and the self-employed to defer social security contributions in the first 2 quarters of 2020. The fund has paid for things that are entirely relevant to be paid by that fund and it has done so without the grant. To answer Deputy Ward's questions, I do not believe there is any intention to pay back or to contribute now the funds that have not been paid since 2020 to 2021. There is no money. Where are we going to find £285 million? We have already heard today we have the hospital to build. We have heard Deputy Binet talking this morning about the, potentially, tens, at least, of millions of pounds we may have to spend on our infrastructure, in sewerage treatment plants, in our wastewater. We simply cannot produce £285 million for that fund. Both Deputy Ward and Deputy Bailhache have asked about the actuary review and both have asked me if I have seen that report already. I am quite sure that neither of them intended that question to be offensive but I am quite offended because by asking the question, have I seen that review, the implication that I have seen it and have not disclosed it to this House, I am slightly offended by that question. If I had seen a draft report I can assure you I would have told the States about it. The actuary review is continuing right now. I expect to receive the report in draft at the end of March. As I have said during my speech, I will publish that report as soon as possible. I am hoping in April, I said the start of quarter 2, and it will be published as soon as we possibly can in quarter 2. But I would reiterate again I have not seen the report and I have no information that tells me there is a problem with not paying the money into this fund. Deputy Bailhache also asked on what is my confidence based. My confidence is based on the fact that we have £2.1 billion in reserve, that we are continuing to receive contributions from members of the public, from employers and employees and that there is no reason to think with our reserves that we cannot continue to pay pensions into the future. Sorry, I have just lost my train of thought. The actuary report will be coming soon, the actuary report will look forward not just to next year, 5 years, 10 years, it will give us a projection of some 60 years and will look at various scenarios looking at net migration, various scenarios that will allow us to take any action that we have to do in a proper, sustainable and focused way once we have that report. I think I have addressed all the questions. I maintain the principles.

The Bailiff:

Those in favour of ... sorry, Deputy?

Deputy G.P. Southern:

Sir, I would like to hear the advice of the A.G.

The Bailiff:

I see, if the Attorney General is in a position to assist that is perfectly reasonable in the circumstances. Mr. Attorney, are you able to assist?

The Attorney General:

I believe so, Sir. The question was: where are the derogations for 2021 and 2022? I believe those derogations may be found in the Amendment No. 15 Regulations of 2020, which was made by the

States on 17th December I think as part of the Government Plan and then in the No. 16 Regulations for the equivalent legislation, which was made by the States on 17th December 2022.

The Bailiff:

Your advice to the Assembly, Mr. Attorney, is that there are derogations for the years in question.

The Attorney General:

There are derogations.

The Bailiff:

Thank you very much. Is the *appel* called for? The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. The vote is on the principles. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 27		CONTRE: 16		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of Trinity		Deputy G.P. Southern		
Connétable of St. John		Deputy S.G. Luce		
Connétable of St. Clement		Deputy M.R. Le Hegarat		
Connétable of Grouville		Deputy R.J. Ward		
Connétable of St. Ouen		Deputy C.S. Alves		
Connétable of St. Mary		Deputy L.J. Farnham		
Connétable of St. Saviour		Deputy S.Y. Mézec		
Deputy C.F. Labey		Deputy Sir P.M. Bailhache		
Deputy L.M.C. Doublet		Deputy T.A. Coles		
Deputy K.F. Morel		Deputy C.D. Curtis		
Deputy S.M. Ahier		Deputy L.V. Feltham		
Deputy I. Gardiner		Deputy A. Howell		
Deputy I.J. Gorst		Deputy R.S. Kovacs		
Deputy K.L. Moore		Deputy B. Ward		
Deputy P.F.C. Ozouf				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

[15:45]

The Bailiff:

Deputy Southern, does your panel wish to call this matter in for scrutiny?

Deputy G.P. Southern (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Minister, the Assembly has already agreed to take the Regulations as amended. How do you wish to propose them in Second Reading?

10.2 Deputy E. Millar:

I would like to put them *en bloc*, Sir, please.

The Bailiff:

Are the Regulations seconded *en bloc*? **[Seconded]** Does any Member wish to speak in Second Reading? Those in favour of adopting the Regulations in Second Reading kindly show. I think we will have to take the *appel*. I invite Members to return to their seats. The vote is on Second Reading and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Regulations are adopted in Second Reading.

POUR: 26		CONTRE: 15		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of Trinity		Deputy G.P. Southern		
Connétable of St. John		Deputy M.R. Le Hegarat		
Connétable of St. Clement		Deputy R.J. Ward		
Connétable of Grouville		Deputy C.S. Alves		
Connétable of St. Ouen		Deputy L.J. Farnham		
Connétable of St. Mary		Deputy S.Y. Mézec		
Connétable of St. Saviour		Deputy Sir P.M. Bailhache		
Deputy C.F. Labey		Deputy T.A. Coles		
Deputy L.M.C. Doublet		Deputy C.D. Curtis		
Deputy K.F. Morel		Deputy L.V. Feltham		
Deputy S.M. Ahier		Deputy A. Howell		
Deputy I. Gardiner		Deputy R.S. Kovacs		
Deputy I.J. Gorst		Deputy B. Ward		
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Do you propose the Third Reading, Minister?

10.3 Deputy E. Millar:

Yes, Sir.

The Bailiff:

Is it seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?
Deputy Ozouf.

10.3.1 Deputy P.F.C. Ozouf:

May I just add to what the Minister said in relation to the funding and from an international perspective? In the Third Reading it may be of interest to Members to know that the Minister in her earlier remarks spoke about the fund as a fund that is in place for future pensions. It may well be interesting for Members to know that in the U.K. there is no such fund. In other places there is an insufficient fund compared to that, the Minister says that the actuarial review will be carried out. Jersey stands as one of the most better funded as a pay-as-you-go pension fund with, as she said, the Minister for Social Security having made a number of years ago increases in Social Security contributions. Even with this Third Reading and the Assembly's acceptance of it, our social security pension is by far and away better funded than almost any other jurisdiction in the world. I hope those observations may assist Members.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate and call on the Minister to respond.

Deputy E. Millar:

Sir, I think I call for the *appel*, please.

The Bailiff:

The *appel* is called for. I ask the Greffier to open the voting. The vote is on the Third Reading. If Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting. The Regulations have been adopted in Third Reading.

POUR: 28		CONTRE: 14		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of Trinity		Deputy G.P. Southern		
Connétable of St. John		Deputy M.R. Le Hegarat		
Connétable of St. Clement		Deputy R.J. Ward		
Connétable of Grouville		Deputy C.S. Alves		
Connétable of St. Ouen		Deputy S.Y. Mézec		
Connétable of St. Mary		Deputy Sir P.M. Bailhache		
Connétable of St. Saviour		Deputy T.A. Coles		
Deputy C.F. Labey		Deputy C.D. Curtis		
Deputy L.M.C. Doublet		Deputy L.V. Feltham		
Deputy K.F. Morel		Deputy A. Howell		
Deputy S.M. Ahier		Deputy R.S. Kovacs		
Deputy I. Gardiner		Deputy B. Ward		
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				

Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Deputy P.M. Bailhache:

Sir, I wonder if you would allow me to say that neither I nor, I am sure, Deputy Barbara Ward, were suggesting that the Minister had seen the report and not disclosed it. What we were asking was whether she had seen a draft of the report. If that was misinterpreted then for my part I certainly regret it.

The Bailiff:

Thank you very much.

11. Skills Development Fund (P.116/2022)

The Bailiff:

The next item of Public Business is the Skills Development Fund, P.116, lodged by Deputy Andrews of St. Helier North and the main respondent is the Minister for Social Security. There is an amendment lodged by the Council of Ministers, are you accepting that amendment, Deputy? Yes. Could you stand up if you answer the Chair? Yes, you are.

Deputy M.B. Andrews:

Yes, I am, Sir.

The Bailiff:

Right, thank you very much. Are Members content to take the proposition as amended? Very well. I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree in principle that a new Skills Development Fund should be created to invest in the upskilling and reskilling of Islanders to meet skills gap and human labour needs across the economy; (b) to request the Population and Skills Ministerial Group to undertake a review and feasibility study into the establishment of Individual Lifelong Learning Accounts to be allocated to all working-age residents of Jersey to enable lifelong reskilling and upskilling and that such a review should establish the feasibility of such accounts as well as provide options for their operation and their potential sources of funding, with the review being presented to the States Assembly no later than December 2024; (c) to request the Minister for Children and Education to engage with the Population and Skills Ministerial Group and other stakeholders and to report back to the Assembly with proposed funding requirements for the Skills Development Fund no later than December 2023, such funding to be included within the Government Plan 2024-27; and (d) to request the Minister for Treasury and Resources to create the fund no later than January 2024.

11.1 Deputy M.B. Andrews:

Now, it was an election pledge that I would be looking to address our skill gap and human labour needs within our labour market. PwC's (PricewaterhouseCooper) 2020 report was a very compelling

report because it was signifying the need to upskill and reskill Islanders due to an estimate of 17,000 jobs that will be displaced from the labour market. Therefore, there will be a need for the Government to provide an intervention in the market. As it currently stands, Jersey does have a very tight labour market. That means incomes are increasing because there is an undersupply of labour. Therefore, because there is a number of vacancies made available, people have the opportunity to migrate into new jobs. However, as a Government, we have to be more specific and we also have to have a directive in terms of how we are going to move forward. We are part of a globalised world. In fact it is a hyper-globalised world. We also need to ensure that we are investing in our workforce because our workforce is competing in a global labour market. What does that mean? It means workforces are going to become more transient. Recruitment drives are going to become more globalised. It also means, when we are going to job interviews, they are going to become more competitive. Therefore, I have to bring this forward, because if we do not act now in anticipation of structural unemployment, what that will mean is there will be job losses within our labour market. Our unemployment rate will increase. What we also have to realise is, if sectors are going to be affected, and we are going to be seeing a supply of labour reduced in those sectors, alternative employment will probably end up with waged labour receiving a lower level of income. We need to think about households and households' private debt obligations. The decisions we take, for instance it might be the case we decide to invest in our children to go to private school. But what happens when your job is replaced through automation and it is affecting the entire sector, so you are not able to migrate into a new company where you can still do your job that you are qualified in? That means you are going to be taking a drop in earnings. Therefore you are most likely going to be in a position of negative savings. That again is going to exacerbate the problem where households' expenditure is going to be in a position where it is going to be maintained, however the level of savings that you were able to induce beforehand is going to be reduced. It is really important, when we are looking at economic productivity, that has to be very much a focus for the next 10 to 15 years. The reason being is because we need to be generating more output, we want to be seeing our workforce generate more income, so they can improve their lives. However, one of the concerns that we do have is the weakness for the inducement to invest in Jersey. It is also something that I mentioned in my proposition - John Maynard Keynes, he mentioned about - where private sector surpluses are seen in wealthy communities the inducement to invest remains weak unless the interest rate is lowered to induce investment. One of the problems that we have here is domestic investment has been very much insufficient. Therefore there has been a drive to incentivise inward investment into the Island. However, one of the issues with inward investment is, in terms of when we are looking at taxable income, that is going to be another jurisdiction's. I do not think that has been something that the Council of Ministers have really articulated is one of the weaknesses of inward investment. So absolutely the Government, by creating a Skills Development Fund, can make sure we are having targeted and allocated funds made available to meet our skill-gap needs across the economy. We have to be very prescriptive. We have to ensure we are investing in the right areas. There is no point investing in people where we are going to be generating a lower level of output within our economy. The reason why I was not too prescriptive with my proposition was because there was a risk that potentially it would be knocked back by the Assembly. In fact, I am quite pleased to see the Council of Ministers have brought forward an amendment because it means the Assembly is more inclined to accept my proposition and we can get the ball rolling. Because it is very important, if we do not act, and if we leave market forces be market forces, we will be seeing a displacement of labour naturally. Of course, it can be said there will be private sector investment to be creating new jobs. That is most definitely going to happen. However, firms need to be investing in technology as well to ensure they are going to maintain their levels of productivity and also to even increase our levels of productivity as well to increase their markups, because what we could be seeing is with technology there is a lower cost unit price compared to when you are paying a unit of labour, for instance. So when we are looking currently at our labour market and when we look at waged labour and their transfer

earnings, because Jersey is a very high-cost jurisdiction, it means we are pushing wages up. Therefore, firms are having to take decisions in anticipation because they cannot maintain themselves as is. In the long run, by investing in technology now, you are going to see a greater level of savings longer term for the business. We also have to remember we need to be increasing not only aggregate supply of waged labour - so the number of headcount within our labour market - but we also have to have a level of specialisation in terms of trade. Making sure that we can be very proud of our workforce because we are investing in our people. It is something that we have not really focused on enough I do not think. Because when we are looking at specialisation we are looking at people having a higher level of income. That is how people are going to see collective upward social mobility, because one of the other problems is we have not seen high-growth industries be established in Jersey. That is something that we are going to have to address as a legislature. It means we might have to be looking in terms of our immigration rules as well, maybe offering a bit more flexibility by bringing in the right people who can establish those sectors, but also to ensure that we are investing in people in those sectors as well, to generate domestic output. It was also mentioned within my proposition that we should not be scared for people domestically to be working for foreign firms because the world is becoming more transient. It means, for instance, firms might have a labour force where there are 5 or 6 different nationalities working in different countries for them. Because again we want to be enhancing the level of specialisation that can be made available for domestic firms, but also it gives Islanders the opportunity to have wider scope to be working for foreign firms as well, to build on their experience, to build on their skills, and to better their lives. Anthony Giddens, who is a sociologist and who has been very influential in terms of where I stand politically, he mentioned the need to have collective upward social mobility. It is something that New Labour really tried to establish as well and they did a very, very good job. They reduced the unemployment rate and that is something that I am intending to do as well, by doing this. Because, if we do not have any intervention, then what we could potentially be seeing is more people will be on transfer payments, it will be a cost to the Government, and instead the Government could be doing this; it could be investing in people and redeploying them elsewhere within the labour market to maintain an aggregate level of supply in terms of waged labour within the labour market but also to maintain aggregate demand as well. So I am looking forward to hearing the views of Members.

[16:00]

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

11.1.1 Deputy I. Gardiner:

I am fully behind the development of a Skills Fund. It is one of the main recommendations from the Further Education and Skills Actionable Agenda, which published on 20th December 2022, the day after Deputy Andrews lodged this proposition. As Deputy Andrews mentioned to all of us, difficulties in recruitment, deficits in skills, technological changes create challenges to our economy, economic ecosystem. Automation, repertorisation, digitalisation, will cause many jobs to be replaced by others as it has been identified. My department in Skills Jersey had the engagement with the Jersey Employment Group and from the academic report and from the feedback that we received it is clear that analytical thinking, active learning, proficiency in new technology, creativity, originality and initiative, critical thinking, persuasion and negotiation, attention to details, resilience, flexibility, and complex problem solving, emotional intelligence, leadership, and social influence, as well as service orientated, will be gaining demand in the future. Through the education, from early years through the whole system, we would look into developing these necessary skills for the future, and I am grateful for Deputy Andrews for working with us and accepting our amendment because it is so important that we all stand behind and say we do need to invest in skills. It is the future of our

economy. The actionable agenda for Further Education states that although previous skills-related strategies were produced to ensure delivery against strategic intent, the money had never been found. It is always kind of pushed aside because the funds were not available there. Even though the skills were so clearly important 4 years ago and 10 years ago ... I looked really, really back. So the establishment of the Skills Fund will allow us economic prosperity and underwriting social equity. The Skills Fund will allow Jersey to draw upon the best international practice and lessons learned on the Island from the Fiscal Stimulus Fund. So, for example, we did have the Fiscal Stimulus Fund and we used it in the retraining through the Highlands, some through Digital Jersey - very important skills - and we can provide a foundation of a permanent Jersey Skills Fund enabling a systemic approach to taking in skilling, reskilling, upskilling the Jersey workforce and working with different providers. So I am very pleased to work with Deputy Andrews, indeed with any and all Back-Benchers, to achieve a lot more when we collaborate towards our common goals. We discussed the Council of Ministers' amendment and, as the Deputy mentioned in his speech, he did want to be prescriptive. What really was important for us was to allow flexibility when we are developing this system, when we are developing this fund, to make sure that we are considering all options. So, for example, what was changed that ... I understand that logically Skills Jersey is the right place, but it might be not. It might be with Skills Jersey but it might be found something else. But what is really important for us is to check all options before we are establishing to make sure that everything is checked. This was one of the amendments to the proposition, that it just allows this flexibility. Also, the proposition assigned responsibilities for stakeholder engagement and reporting back to the States Assembly to the Minister for Social Security and ultimately have Skills Jersey under my control, and ultimately the Chief Minister is responsible for creating the Population and Skills Ministerial Group. This is how we work collaboratively because we need to understand the needs and work across the department. This is the second amendment that was put in place. I am fully supportive of Deputy Andrews' proposed timing for the formulation of the Skills Fund as this aligns also with my intention to progress with this work for the inclusion in the future Government Plan 2024-27. As the Population and Skills Ministerial Group, we have instructed officers already to identify sources of funding and options for the operation and governance of a fund for initial establishment in 2024. As we all know, the fast-changing labour market required lots of flexibility and moderate reskilling/upskilling of the workforce. As C.Y.P.E.S., as Skills Jersey, under the Minister for Economic Development, Tourism, Sport and Culture, which is responsible for the economy and the future economy, we worked a lot in day-to-day with Deputy Morel, which I am really, really grateful, and absolutely supportive of the long-life learning, which he raised during the election, and feasibility into establishing individual long-life learning accounts. Finally, I think the role of Government investment is important as well as public/private partnerships and corporate social responsibility in upskilling and reskilling. This fund will allow us to develop courses and programmes needed to support Jersey economy in the future and implementing lifelong learning as a regular activity throughout everyone's career. As Deputy Andrews said, let us get the ball rolling and please support the establishment of the Skills Development Fund.

11.1.2 Deputy M.R. Scott:

There is absolutely no doubt that skills need to be supported and the development skills would need to be supported. There have been so many reports saying that much, including more recently published *Further Education and Skills Actionable Agenda for a Prosperous, Productive, and Fair Jersey*, published 20th December 2022. There was the Economic Council report, there has been an Innovation report, and the same thing is said again and again. So, while I can commend the Deputy for taking this step, as he describes it, in terms of trying to improve the economy, I have a concern that how it is presented is doing something positive, constructive, could be a little misleading because we are talking about a fund that I do not understand has anything in it yet in terms of like how much money is going in this fund. How is it going to be distributed? How is it going to be allocated?

Because what there is, and indeed the Further Education and Skills Actionable Agenda - notice it says “actionable” rather than “action” - points out is that an idea needs to be created as to what skills are going to be supported. There has been this mention of attracting inward investment and high-growth industry. Well that is great but, if we do, how will they be skilled? So I do question this whole thing about getting your ducks in a row. More importantly, there seems to be a pattern here of kind of people pulling out pieces, like off a jigsaw, and saying this is what is going to achieve this result when nobody really sees the picture on the box. Here is another piece of a jigsaw and here is another piece of a jigsaw. For all we know there are so many pieces of a jigsaw they will not fit in the box. So while I commend the intentions here, I have to confess that I really would like to be hearing a little bit more about delivery. Some of the things that need to be resolved that even are mentioned in these reports, things like the co-ordination, the way in which industry, even now, which has the skills shortage, and therefore there are competitions and demand for skilled labour, how is that going to be resolved and attract inward investment and skill it? What about the ageing population? These accounts, is it just for the people up to 19, is it for people up to 25, is it for people up to 70? There are some really fundamental questions here. I would like to hear a bit more in terms of the answers. If it is people that is up to 70, how do we square all that with the amount? We talk about supporting employees. Then there is the self-employed. What is really interesting is how many business licences are granted to people to set up businesses without any requirement for actual qualifications in terms of specific skills. So there is a whole kind of culture of wanting skills, seeking them, that we need to encourage them as well as respecting them. So if this is a first step I would say it is a baby step. It is a baby step in the dark. So for that reason, and I am sorry to see Deputy Andrews shake his head at me, I personally am rather tired of tick-box exercises and, yes, promises that are not delivered to the population. I would like to see much more in the way of specifics first.

11.1.3 Deputy A. Howell:

Following Deputy Scott, I would just like to say that I am quite happy with the baby step to start. We have to start somewhere and we have a lot of people on the Island and if we can help any of them to improve their skills in whatever area it is, then I think that is a good thing, and I will be supporting Deputy Andrews and the Minister for Children and Education in this matter.

11.1.4 Deputy P.F.C. Ozouf:

I would like to commend Deputy Andrews and the Minister for Children and Education for amending the proposition. When we look from an international perspective, as what Deputy Andrews said, we are looking at an increasingly global world. In my answer to Deputy Andrews’ question earlier about trade deals; he is quite right that we are looking at a world in which trade in services, financial services, is becoming increasingly globalised. He is quite right when he says that we are looking at a world in which the fast-foot, nimble services world can be fleet of foot and can be domiciled elsewhere in a world, which I did not recognise until I came back in office, can be done in terms of Teams meetings. We can have financial, professional business services being carried out in other places. Our workforce here is going to be having to equip themselves for an increasingly globalised world. I was looking at the proposition by the Minister for Children and Education and looking at the 3 examples that she cited from Singapore, France, and the Netherlands. I would say respectfully to the Chair of the Economic Affairs Scrutiny Panel that this is an adult step and I am sorry if I have basically said it is Deputy Morel; we have a Council of the united Ministers here in relation to that. I apologise if it is Deputy Morel’s area, it is his that is doing this but we all are singing from the same hymn sheet here. What effectively we are seeing is not effectively a baby step, it is an adult step. It is a step to putting in place a Skills account, which the Ministers are accepting, and are going to bring forward how it is funded. The right way to do propositions in the Assembly is how the Deputy has done it, I would argue. He has brought forward a manifesto commitment, he has done that, he was elected on that basis. He has asked for the Council of Ministers to project at, to look at it. It has been

amended by the Council of Ministers. We have then other ideas to do that. If we look at the international precedents of Singapore, the French fund, we can see that they are working. They are having money put aside, individuals to working for their future, to deal with, not just the vaccine of an A-level or degree, which is not simply going to be the vaccine or the education that is going to be sufficient for their working lives ahead. It is about continual improvement and this Skills Fund will allow that to happen, subject to funding, and subject to individuals wanting to contribute into it themselves. So I would say in closing, we have an important visitor to Jersey tomorrow, we have the Estonian Ambassador, and that is a small country that has made huge advantages in the digital area. They have e.I.D. (electronic identity), they have all sorts of exciting initiatives, which have taken their economy, and as somebody who studied European economics before the widening of the European Union, it is great to see the European Union as it is now with equal membership of countries like Estonia and Lithuania, who have advanced themselves from being Soviet countries with effectively a communist Comecon style economy, into free-market and open.

[16:15]

Estonia has a lot to be credited for what they are doing and we have a lot to learn from Estonia. I wonder whether or not, and I will look it up before the Ambassador comes tomorrow and we have our numerous meetings with him. We have workforce meetings with him, we are looking at digital health for the Minister for Health and Social Services, we are looking at skills, we are looking at tech with Deputy Curtis, and other areas. We are doing all of these areas and we can learn from other countries. We can learn from other countries and we can skill ourselves. As the Deputy said, social mobility, upward incomes, all the way forward, and we can draw from the experience of other countries and this proposition is not a baby step, it is a big adult step, and it is going to make a difference and I fully support it.

11.1.5 Deputy K.F. Morel:

I am sure it is an unintended omission by Deputy Ozouf, but we also have another important visitor tomorrow and that is the former Chief Minister of Guernsey who is coming. I am sure there is a lot we can learn from there as well. But I just wanted to say, and I wanted to thank Deputy Andrews for bringing his proposition. Until I heard Deputy Ozouf's speech I had forgotten it was a manifesto commitment of Deputy Andrews and it has enabled me to also add my own manifesto commitment, which is the lifelong learning accounts, into it as well, which is fantastic and with the agreement of the Council of Ministers obviously. The way I see skills funding ... in fact if I go back to writing that manifesto back over Christmas and earlier this year, we have a massive skills conundrum ahead of us and that is we know that we need to have a flexible workforce that is fleet of foot and fleet of mind and able to learn new skills throughout the whole of our working lives. Indeed, I have just been speaking to Deputy Barbara Ward about older people working and trying to encourage older people to work as well and how important that is. But obviously to have new jobs at different parts in our lives will require us to learn different skills and new skills. Where perhaps I slightly differ from Deputy Andrews is that I do not believe the Government can fund that. I believe with approximately 60,000 workers in the Island, over the course of their 40 to 50 years of working life, to try to fund directly from central Government that skills changing, upskilling, downskilling, et cetera, is just going to be too onerous or too expensive. Not even onerous, it will be too expensive. So, in my mind, I think there is a place for a Skills Fund and that perhaps is more focused on those really essential skills. We know today in Jersey we lack nursing skills, we lack teaching skills, we lack social work skills, and there are plenty of other skills that, from a public service perspective, we lack. I can imagine the Skills Fund being focused on perhaps those areas. Even in the private economy, perhaps if we have some really key areas that are lacking that we know we need, then perhaps it can be used for that. But then the idea of lifelong individual learning accounts is very much to provide every working citizen with the freedom to have the money to choose the training that they want for

the next stage in their careers, whichever direction that is. Because not everything that we want to do as individuals will be the same as what the Government would like us to do as individuals. But at the same time we should have that freedom to move. That is what creates an innovative and exciting economy, the ability for individuals to think up new ideas and to follow new paths. That is what will make this Island's economy exciting in the future. So that is where the thinking behind at least a feasibility study into lifelong learning accounts comes from. Deputy Ozouf is absolutely right to cite in that report Singapore and France and others who are already doing it. The idea is really to take the burden of funding away from Government because, alongside healthcare funding, pension funding, education funding, the calls on Government funding are large and will only get bigger and bigger. So this is an attempt to try to find a way to both provide that direct Government funding where it is needed, but also find a way to fund individuals, not from central Government finances, but in a way that enables them to live free, entirely autonomous lives that they are empowered to live and can choose the directions that they want to go in. So I really do hope that the Chamber and the Assembly will support both Deputy Andrews and the Council of Ministers and myself by supporting this proposition and allowing us to get on with what I think is absolutely essential work. Thank you.

11.1.6 Deputy R.J. Ward:

I am quite happy to support this. I will say a couple of things. There is in the delivery plans and MC3P 6.3 on page 27, there is a commitment, which is very similar. I would just like to ask the bringer of the proposition what would be different. So there are already some plans to do this, which is very interesting, including the date - December 2024 - for a development fund to be set up, so just to make that point. But I would like to go back a little bit because there is a Further Education Skills Actionable Agenda quoted in the report for this in the amendment. You see, this is great to have lifelong learning; it is very important. I will also say that many private businesses do this. They certainly do it in finance. I know a number of people who have done exams in finance that are funded. They do it in hospitality with certain training across the *piste*. So that does happen already. However, this is not going to work unless we address the structural problems that we have in our education system that have existed for years and years and years. I hate to upset Deputy Scott but here comes the soapbox again, because it is a really important one. I quote from the report that was published: "The independent review of school funding also concluded that 16 to 18 year-olds at Highlands College received less per capita funding than the same age group in schools, including Hautlieu. This has been a clear indication for the regard in which vocational education is held compared to academic provision and is deeply unfair given the overall level of disadvantage among students at the college." That inequality in the value given to vocational funding is endemic in our education system and it will be endemic in an education system that is so actively selective. Unless those fundamental issues are addressed, we will be just skirting around the edges of training and lifelong education. That must be addressed in these issues. Highlands College cannot be left to simply deal with all of this, and particularly given that the buildings that it has are wholly inadequate for the remarkable things that it does. I saw plans for a new college years ago. It never happened. Unless, I would suggest, we have a genuine post-16 provision on this Island and a post-16 campus that will deliver for Jersey, we will always struggle to deliver lifelong learning in the way that we want to. That is one of the most important things as we enter into this process. Of course we can support this but those fundamental underlying issues have to be addressed. The U.K. has attempted to do it with things like T-levels. T-levels are basically vocational A-levels; they are a European-style education system that gives real value to vocation and realises that false division between vocational and academic education does not work. It simply does not work in a modern economy or in a modern system. Be it through I.T., engineering, nursing, medicine, all areas of our economy. But we are not addressing that. So what I would like to see is this lifelong learning package which is, if you like, a right to access to lifelong learning - which is a really good idea and we have to do it

because we all will retrain - has to be accompanied by the right resourcing to do it. That is not simply a fund that says: "Here, you can get a grant for £1,000 to go and do an I.T. course with one of the providers but you have to find one." We have to have the access to the facilities that are there. What we cannot do is our one post-16 college on the Island be constantly bombarded with more demands. Highlands College deals with young people from 14 - some of the most challenging children from 14 - and they are asked to deal with them. They are trying to do that at the same time as deliver education for those throughout their ages into the evenings. They have to find staff, they have to find lecturers, they have to find accommodation. But if you are using it for one thing you cannot be using it for another. So that massive inadequacy of our provision has to be addressed, and there have been an enormous number of buzzwords here. I was flown back, I was given a revisit to the digital fund when there was that lovely ... I was expecting to see a Venn diagram with all these words in that we could just make up phrases from. It did sound a little bit like that. I make a plea to finish with; please do not overcomplicate this. It has to be kept simple. From when you start education on this Island there needs to be clear access and pathways for everybody on this Island that is not simply determined on whether they can pay. Then, throughout their lives, there needs to be options in genuine facilities that allow that and do not ask ... and this is what I would say to the Minister for Children and Education. The problem that we have here that children are made to make false choices at the age of 14, which lead them into paths which they do not necessarily want and do not necessarily work for this Island. Then while we have still got that in place that will be a barrier to this sort of lifelong learning and the genuine development of skills on this Island. So, yes, of course we can support this. I do not think it is particularly different from what is in the development plans that have already been published, were recently published in October, or whenever they were. But, yes, go with it, but let us deal with the structural problems first because if you do not it is not going to work; it is simply not going to work. We will just end up with another fund that we have seen so many of. Thank you.

11.1.7 Deputy A. Curtis:

Thank you to Deputy Morel for his comments and thank you to Deputy Rob Ward for his comments just now. I would like to take a little different tack on this one. It might sound cynical, given so much of the conversation so far has been the emergence of a requirement for digital skills. But I really want to ask: why do we need this fund? Why is this the right way of achieving digital upskilling and reskilling? It is still not yet clear to me what a dedicated fund achieves to further that ambition. What does the Deputy see this fund investing in? Is it investing in skills and delivery methods? Is it looking to fund classes on topic? Is the fund to invest in the infrastructure of schools, in buildings, hardware, and some of the logistics around that? Or is it looking to fund individuals' times off from work for training? The reason this is quite confusing to me when we highlight the emergence of digital skills requirement is I feel a little well-qualified or somewhat qualified to speak on this area, having both delivered digital training and consumed a large amount of it. The thing that is really interesting is there is an amazing amount of digital education out there that is free in various formats to pursue any number of career paths, not just in digital. That could be anything though from programme management down to the core technical areas of data science or software engineering. Not only are there the skills, there has never been so much access to the content and communities looking to learn together for free. It is so easy just to throw money at a pool and say: "We are going to fund the education of skills." Because really I think we have to tap into the second part here, which is the culture of skills education and the culture of growing and reskilling yourself. I know that the Deputy has been keen to ask Government: "What will we be doing or what will the Government be doing to help reskill the people whose jobs are now being threatened on a 10-year horizon because of digital automation, to ensure they maintain the same wage bracket?" So I put myself in the seat of someone who might be threatened with a 10-year or 15-year vulnerability that their job will be automated. What would I do? Well I would invest my time in reskilling. I do not think there is a structural restriction on the cost of that education. Time might be. But I am very well aware that

there is so much education out there but you have to have a culture of wanting that. As an individual you have to be proactive in being ready to take on the new education, the new skills you want. In my own education so far - it is shorter than most people I think in this Assembly - I think I would say that skills growth is my number one hobby. That is practical things from welding to poorly doing plastering, but to my day job, which is digital. I have done so much of that. I have attended courses, sessions, but the truth is so much of my learning has come from more modern approaches, it has come from learning on the job with a respectful and investing employer, and it has come from taking communities and working with them, presenting it at shows, and really investing in projects that allow me to develop. So I love learning. I want the Island to share my love of learning outside of their working hours, in their weekends, that is how I work, because I love growth of skills. I believe we need a really relevantly-skilled workforce and a digitally-mature workforce. My question still remains: is this fund or is a fund the correct vehicle to do so? I will ask, in closing, if the Deputy could say if he is looking to take his proposition in parts, but I support the ambition for a culture on-Island that we invest day-in/day-out in our own skills and how we better ourselves.

Deputy K.F. Morel:

A point of clarification please?

The Bailiff:

Will you give way for a point of clarification?

Deputy A. Curtis:

Certainly.

Deputy K.F. Morel:

Yes, I was just wondering if the Deputy could clarify that his day job is as a States Member and Assistant Minister rather than the digital as he maintains?

Deputy A. Curtis:

I was going to say “regrettably”. Not quite. I clarify that is my job but I feel in my delegated portfolio from the Chief Minister, as Assistant Chief Minister, remaining skilled in digital is a key priority of mine.

[16:30]

11.1.8 Deputy K. Wilson:

I would like to support this proposition for some of the reasons that I alluded to before in relation to the issues of workforce supply that face the health service. But I also want to take note of the comments that Deputy Scott made in relation to baby steps, and I have to say I disagree with her approach to that. We have to signal big vision, big strides, big steps, to give people hope, to give people chances, life chances, so that they can position themselves in society to make a meaningful contribution. Deputy Andrews’ proposition goes some way to doing that. The detail of how that works can be worked out but the principle behind it is absolutely critical. The nature of work is changing. It is changing beyond recognition and we cannot afford to take baby steps. We have to be ahead of the game, constantly searching ways to give people opportunity for development and support. I think that if we as a country, we as an Island, invest in making that commitment to our Islanders, we will be signalling to them that we value the contribution that they can make as a member of society with a whole range of skills, not only that will benefit Islanders, but also are transportable across the world.

11.1.9 Deputy L.M.C. Doublet of St. Saviour:

I wanted to respond to some of the points made by previous speakers in my role as Assistant Minister for Education. Deputy Rob Ward made some really important points around equity and access to education. We have heard those and noted them and some of them indeed we have raised before with our officers and work is starting on some of the points to address them. So I can help the Assembly and inform Members that work is underway to allow the funding to follow the learner. So for 16 to 19 year-olds, no matter where the learner is and what type of education they choose, the funding would be there to support their choices. We would be extending that even further for those with special educational needs and that would be there for up to age 25. Indeed, additional funding has already been given to Highlands. The Deputy mentioned Highlands specifically. The Minister and I went on a tour of Highlands recently. We were extremely impressed with the education offered, but we also note that some further support is needed in terms of the buildings and the provision there for the students. We really value the provision there and we value the efforts that the students there are making to improve their own skills and further their own ambitions. So £300,000 of extra funding has already been given to Highlands as part of the funding review. It is our intention to increase funded education. At the moment it is only up to age 16, fully-funded education in Jersey, and we want to increase that up to age 18, possibly 19. So I hope that helps the Assembly and I thank Members for their suggestions and things that we are hearing them and we will note those.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call upon Deputy Andrews to respond.

11.1.10 Deputy M.B. Andrews:

I would just like to correct Deputy Morel, who mentioned about our workforce being 60,000 strong. Really what I am looking at here is where private investment is not forthcoming, where there is a shortfall of private sector investment, then the Government needs to step in. So essentially if we are looking at, for instance, there are parties who are going to be registering themselves with Social Security, then that would be the opportunity for the Skills Development Fund to be appropriately used. Otherwise we would probably be in a fiscal deficit if that was the case with 60,000 people. So I thought that was just important to clarify. Also, Deputy Alex Curtis, who again has a background in digital skilling, there is quite a lot of emphasis in his speech about digital skills. However, we need to be thinking more broadly, it is not just about digital. We have an entire economy to think about here, there are numerous sectors that really will need to see more labour being deployed in those areas in the future to generate additional output. I also have to say, with Deputy Gardiner, she articulated her views very well I think and so did Deputy Doublet in terms of making sure there is an integration with school-leavers from say 16 to 19 years of age, giving our young people the opportunity to find a career path that they can enter into. However, we should not be too fixated in terms of maintaining people in careers. We also have to acknowledge that people might see migration at some point in time when they are maybe slightly older, and that is really the purpose of this fund. It is based upon upskilling in terms of when we are looking at those who are entering the labour market, but also the opportunity to reskill the workforce as well. The component of reskilling is going to probably become more predominant as we see the private sector in particular investing in technology because that is when we are going to start to see labour displacement. It is quite important to also mention, when we are looking at international organisations, when we are looking at the World Economic Forum, they are very much ahead of the game. The skillsets that our labour market will need absolutely will be different compared to the skillsets that are at the moment in place. For instance, when you are looking at being analytical, being creative, being innovative, those are words

that will be bandied around as often is the case. However, there will absolutely be a demand for those skillsets in the future. Because that is how the labour market is transforming. We need to ensure that we are going to remain competitive alongside everybody else. I also was quite pleased with Deputy Morel, who again I remember seeing in the election his manifesto and I thought it was a very good manifesto and also the component in relation to skills. Because we have to remember there will be a stage in our lives where maybe we cannot continue doing some of the practical jobs that we were once able to do. Therefore, it is appropriate, I feel, to invest in those people to give them the opportunity to migrate into other areas within the labour market. We have to also understand, without the establishment of sectors within the future that are going to be high-growth sectors, what we could be seeing is there be Jersey's low-wage economy that we are going to be very much depending on. However, those personal incomes are going to be relatively low and the quality of life is not going to be there compared to other jurisdictions. So it is quite important that, as a legislature, us trying to induce private capital investment. So companies will be investing in their workforces and the Government will have a second line of defence where, if there are shortfalls in private sector investment, then the Government can step in and this is where we can see the Skills Development Fund come into use. I think that is really important. So there will be natural changes within the market. Firms will decide on the decisions that they have taken in terms of how to be more productive. That means they might be reducing their waged labour supply in terms of the number of people that they employ and in place will be technology. However, the benefits will be with the creation of new jobs, modern jobs, and especially in tertiary-based education, this is really where we are going to be seeing Islanders be on higher incomes. Tertiary-based education is vital to our Island because, if you are looking at the secondary sector in terms of factories, for instance, that is where you are going to be seeing waged labour will be on lower incomes. Whereas if you are looking at tertiary-based services, this is where you are going to be seeing deciles receive higher incomes. Also, as well, that will reduce the dependency on the Government in terms of the transfer payments that are being incurred because the Government is having to subsidise waged labour at the moment, because there is very much an abundant low-wage economy workforce that we do have. We really need to try to reduce that number. We also need to give people the opportunity, however, to make those big steps up the ladder. I know Deputy Scott mentioned about making baby steps. However, she did not bring forward this proposition and there are many people who do support this proposition because they do see there being a need to invest in the upskilling and reskilling of Islanders. Such archaic views are probably reasons why Jersey is currently in the position it is in, because there have not been any forthcoming plans to address the problems that we face in terms of structural unemployment. Structural unemployment is going to be a very big issue. If governments do not react and do not take a proactive approach, then of course there could be some problems in the future. So by taking decisions now, by becoming more prescriptive, and that is what the Executive Government are going to do, the Council of Ministers, they are going to come back and they are going to provide us with contingencies. I have to say I am fully behind whatever the Council of Ministers come up with because it is very important that we are working as a collaborative legislature. We have to ensure that Islanders are prioritised because if we do not prioritise the upskilling and reskilling now it could become too late and more costly longer term. So I will call for the *appel*.

The Bailiff:

Thank you very much. The *appel* is called for. I invite Members to return to their seats.

Deputy P.F.C. Ozouf:

A point of clarification. Are we voting *en bloc* on all parts of the proposition?

The Bailiff:

It is a matter for the Deputy. He has not indicated he wishes to vote on separate parts, therefore the vote is normally taken as a whole.

Deputy M.B. Andrews:

Just one vote, yes.

The Bailiff:

If Members are ready to vote, I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 38		CONTRE: 3		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Deputy M.R. Scott		
Connétable of Trinity		Deputy A.F. Curtis		
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

12. Draft Limited Liability Companies (Amendment) (Jersey) Regulations 202- (P.118/2022)

The Bailiff:

The next item is the Draft Limited Liability Companies (Amendment) (Jersey) Regulations, P.118, lodged by the Minister for External Relations and Financial Services. The respondent is the Chair of the Economic and International Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Limited Liability Companies (Amendment) (Jersey) Regulations 202-. The States make these Regulations under Articles 2A and 60(2)(k) of the Limited Liability Companies (Jersey) Law 2018.

12.1 Deputy E. Millar (Assistant Chief Minister - rapporteur):

The Draft Limited Liability Companies (Amendment) (Jersey) Regulations seeks to introduce the option for those establishing a limited liability company, which I will from now on refer to L.L.C., to be designated as a body corporate at the time of its registration. Under the current Limited Liability Companies Law 2018, an L.L.C. has separate legal personality but is not a body corporate. The Limited Liability Companies (Amendment No. 2) (Jersey) Law 2022 added Article 2A to the law granting the States Assembly the authority to amend the law by Regulations permitting the registration of an L.L.C. as a body corporate. The amendments to the law will enable those registering an L.L.C. to designate it as either a body corporate or not a body corporate but having separate legal personality in either case. This election may be made only once and only at the time of registration. The law, as enacted, was intended to create an internationally-recognised vehicle of corporate structure that is widely used by fund managers globally, particularly in the U.S. (United States). The most popular vehicle of choice for U.S. fund managers is a Delaware L.L.C. because of the flexibility it affords members in how its operations are structured. When a U.S. fund manager seeks to raise investment from outside the U.S., it is necessary to keep offshore investment monies in a separate vehicle from monies raised onshore in the U.S. By creating a Jersey L.L.C. that replicates the functional characteristics of the Delaware L.L.C., which means that the Jersey offering will be readily understood by U.S. fund managers and courts as to its operation and features. It is precisely this familiarity of form that makes the Jersey L.L.C. an alternative option and attractive option for U.S. fund managers.

[16:45]

The amendment further enhances flexibility of the Jersey L.L.C. for such U.S. fund managers by giving them the option of the form they wish the L.L.C. to take. This ability to make such an election between the 2 forms is unique and affords Jersey a competitive advantage over other L.L.C. offerings, such as that of the Cayman Islands, which specifies that an L.L.C. can only be a body corporate. The Cayman L.L.C. in fact has proved very popular with U.S. fund managers since its enactment in 2016 and over 3,500 have been registered to date. The Jersey L.L.C. vehicle with its enhanced flexibility is expected to prove equally, if not more, popular. With its additional flexibility, combined with Jersey's excellent reputation for the quality and stability of its legal system and judiciary, the availability of such a vehicle will help drive economic growth and job creation within the Island's legal and financial services sectors, further enhancing Jersey's standing as a leading international centre for financial services. An L.L.C. working group comprising respected representatives from across industry has met on a regular basis for some time to consider how to distinguish the Jersey L.L.C. vehicle in order to enhance its appeal. The proposals have also been the subject of a public consultation. Registration of an L.L.C. as a body corporate will be restricted to vehicles marketed to sophisticated investors where the majority of activity in the fund occurs outside Jersey. The F.S.C. will not allow local businesses to use the vehicle for what should otherwise be Jersey limited companies to avoid what we call regulatory arbitrage. Revenue Jersey has confirmed that for

domestic tax purposes L.L.C.s of either form will be treated identically. There are no manpower or cost implications for the States. The law has been referred to the Law Officers Department who consider the law to be compatible with the Human Rights Law. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Does the Economic and International Affairs Scrutiny Panel wish to scrutinise the matter, Deputy Scott?

Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

Thank you very much. How do you wish to deal with the matters in Second Reading?

12.2 Deputy E. Millar:

May I propose the Regulations *en bloc* please?

The Bailiff:

Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak on the regulations in Second Reading or any of them? Those in favour of adopting the Regulations in Second Reading kindly show. Those against? Do you propose them in Third Reading, Minister?

12.3 Deputy E. Millar:

Yes please, Sir.

The Bailiff:

Are the regulations seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?

12.3.1 Deputy M.R. Scott:

Just to say that I am disappointed that some Members are not supporting this law, which is supporting our own finance industry, which, as I have said ... sorry, I may have made a mistake, Sir, I thought some people were not supporting the proposition, so I wanted to explain why it is important.

The Bailiff:

We normally take a standing vote, Deputy, if it seems to be uncontentious. Not everybody makes it to their feet but I just assume there has been a significantly substantial amount of support that the opposed are not needed. Very well. There is no recorded vote, so it is impossible to say whether people who are not sitting either did not make it in time or were too tired to get up to their feet, were abstaining, we just cannot tell. Does any other Member wish to speak in Third Reading? Given the Deputy stopped speaking I am not going to call upon you unless ... very well. Is the *appel* called for?

Deputy E. Millar:

Yes please, Sir.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is adoption of the Limited Liability Companies (Amendment) (Jersey) Regulations in Third Reading. I ask the Greffier to open the voting and Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The Regulations have been adopted in Third Reading.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

13. Draft Limited Liability Companies (Winding Up and Dissolution) (Amendment) (Jersey) Regulations 202- (P.119/2023)

The Bailiff:

The next item of Public Business is the Draft Limited Liability Companies (Winding Up and Dissolution) (Amendment) (Jersey) Regulations, P.119, lodged by the same Minister with the same responder. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Limited Liability Companies (Winding Up and Dissolution) (Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 60 of the Limited Liability Companies (Jersey) Law 2018.

13.1 Deputy E. Millar (Assistant Chief Minister - rapporteur):

The Draft Limited Liability Companies (Winding Up and Dissolution) (Amendment) (Jersey) Regulations seek to propose a number of revisions to the existing provisions dealing with the winding up of an L.L.C. (limited liability company), the vehicle we have just been discussing. Since the commencement of the existing winding up Regulations amendments have been made to the Companies (Jersey) Law 1991. These amendments created a remedy available to a creditor of an insolvent Jersey company by permitting a creditor to apply to the court for the company to be wound up and for a liquidator to be appointed to conduct that winding up. The liquidator must be listed on the approved list of liquidators maintained by the Viscount. The Companies Law was amended to ensure that it continues to provide appropriate solutions to those acting within its framework domestically and internationally, recognising the interests of creditors while also providing appropriate protections for the debtor company. The amendments were a result of work with industry representatives and public consultation. The new procedure used established concepts and processes from within Jersey and also in other jurisdictions so that being based on tried and tested concepts and procedures already familiar to practitioners it would be widely understood. I think the new procedure has been generally welcomed by industry. Other existing remedies such as *désastre* remain available. The current L.L.C. winding up Regulations are largely based on the winding up provisions within the Companies Law as existed prior to the recent amendments. It is seen as appropriate that the changes that were made to the Companies Law are also now made to the L.L.C. winding up Regulations so that this remedy is also available for a creditor of an L.L.C. Therefore, the proposed amendments before you today, for the most part, mirror the changes made to the Companies Law, subject to the necessary adjustments, where necessary, to cater for the particular nature of an L.L.C., for example that there is a manager and not a director. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Scott, does your panel wish to call the matter in?

Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to propose in Second Reading, Minister?

Deputy E. Millar:

I would like to propose the Regulations *en bloc*, please.

The Bailiff:

Are the Regulations seconded *en bloc* in Second Reading? [**Seconded**] Does any Member wish to speak in Second Reading? Those in favour of adopting the Regulations in Second Reading kindly show. Those against? The Regulations are adopted in Second Reading. Do you propose in Third Reading, Minister?

Deputy E. Millar:

Yes, Sir, please.

The Bailiff:

Are they seconded for Third Reading? [**Seconded**] Is the *appel* called for?

Deputy E. Millar:

Yes, please, Sir.

The Bailiff:

No point in inviting Members to return to their seats. I therefore ask the Greffier to open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting and the Regulations have been adopted in Third Reading.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				

Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

14. Draft Public Holidays and Bank Holidays (amendment – Coronation) (Jersey) Act 202- (P.1/2023)

The Bailiff:

The next item of Public Business is the Draft Public Holidays and Bank Holidays (amendment – Coronation) (Jersey) Act, P.1, lodged by the Chief Minister. The main responder will be the Chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Holidays and Bank Holidays (amendment – Coronation) (Jersey) Act 202-. The States make this Act under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951.

14.1 Deputy K.L. Moore (The Chief Minister):

This draft Act, if approved, will provide for a public holiday on Monday, 8th May of this year, to mark the coronation of our head of state, King Charles III. The U.K. Government announced plans for a bank holiday back in November of last year, which will be observed across Great Britain and Northern Ireland. Our fellow Crown Dependencies have mirrored this arrangement and I feel it is entirely appropriate for the Bailiwick of Jersey to similarly observe a public holiday on this very special occasion. This will ensure that the King’s coronation is observed in the same manner across the British Isles and will allow Islanders to mark the occasion in whichever way they so choose. Official plans to celebrate the coronation are being developed, led by your Chamber, Sir, and I know that the Parishes will hold their own events as well, which we all very much look forward to. As Members will know, the coronation of King Charles III is on 6th May. By providing for a public holiday on 8th May, Islanders will be afforded an extended weekend to mark this significant and historic event as they feel appropriate, leading into our own national celebrations on Liberation Day. Before bringing this draft Act to the Assembly I have consulted with the Council of Ministers, the Bailiff’s Consultative Panel and the Chair of the Comité des Connétables, and I now wish to seek the support of Members. I propose the Act.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Those in favour of adopting the proposition kindly show. Those against? The proposition is adopted apparently *nem con* on a standing vote.

15. Draft Proceeds of Crime (Supervisory Bodies) (Supervised Business - Amendment) (Jersey) Regulations 202- (P.3/2023)

The Bailiff:

The Assembly agreed earlier to take the next item as the last item of Public Business, which is the Draft Proceeds of Crime (Supervisory Bodies) (Supervised Business - Amendment) (Jersey) Regulations, P.3, lodged by the Minister for External Relations and Financial Services. The main responder will be the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Proceeds of Crime (Supervisory Bodies) (Supervised Business - Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 44A of the Proceeds of Crime (Jersey) Law 1999.

15.1 Deputy E. Millar (Assistant Chief Minister - rapporteur):

These Regulations amend the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008. As I explained earlier, due to the volume of work that has been conducted preparing for the MONEYVAL assessment coming later in the year and a large amount of work, an error arose in the drafting. The officers fully accept the error and have apologised for the oversight. It was picked up very swiftly. What happened is that due to an error in the way the Proceeds of Crime (Consequential and Miscellaneous) (Jersey) Regulations 2023 were drafted, the defined term “supervised business” was inadvertently deleted throughout the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 and substituted with it “schedule 2 business”, which has a narrower definition. Schedule 2 businesses comprises only businesses which are fully in scope for A.M.L (anti-money laundering)., which includes all financial services, businesses, lawyers, estate agents and accountants, and those businesses are all subject to full A.M.L. requirements. The term “supervised business”, which should have been used includes not only schedule 2 businesses but also businesses carried on by prescribed N.P.O.s (non-profit organisations). These prescribed N.P.O.s are subject to a much lighter touch anti-money laundering regime and generally comprise non-profit organisations which raise funds of more £1,000 from outside Jersey, Guernsey, Isle of Man, England and Scotland and who distribute sums of more than £1,000 outside those jurisdictions. The deletion of the term “supervised business” had unintended consequences on the ability of the Jersey Financial Services Commission to supervise prescribed non-profit organisations, which ability only came into effect on the 1st January, so we then unwound that provision on 18th January this year. These Regulations rectify this unintended consequence as a virtue of this error. The Regulations will amend the law to reintroduce in an amended form the defined term “supervised business” and will give the F.S.C. the supervisory powers regarding prescribed non-profit organisations and resolve this issue and allow it to prepare fully in respect of these types of businesses well before the MONEYVAL assessment.

[17:00]

I therefore ask that States Members adopt the proposition, which will correct this error, and reinstate the original intended policy position, which we accepted at the end of last year. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Scott, does your panel wish to call the matter in?

Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

Deputy E. Millar:

I would like to propose the Regulations *en bloc*, please.

The Bailiff:

Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak on the Regulations or any of them in Second Reading? Those in favour of adopting the Regulations kindly show. Those against? Do you propose in Third Reading, Minister?

Deputy E. Millar:

Yes, Sir, please.

The Bailiff:

Are they seconded for Third Reading? [**Seconded**] Do you call for the *appel*?

Deputy E. Millar:

Yes, please, Sir.

The Bailiff:

I ask the Greffier to open the voting. The vote is on the adoption of the Regulations in Third Reading. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The Regulations are adopted in Third Reading.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Deputy P.F.C. Ozouf:

May I just offer the opportunity of thanking Deputy Millar for standing in on these issues?

The Bailiff:

Certainly. That concludes Public Business. Before we bring it formally to an end and call upon the Chair of P.P.C. (Privileges and Procedures Committee), I can announce the following proposition has been lodged by Deputy Mézec, Assembly consideration of the Bilateral Treaty with the U.A.E., P.6/2023.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I call upon the Chair of P.P.C. to propose the arrangements for future business.

16. The Connétable of St. Martin (Chair, Privileges and Procedures Committee):

At the moment we have a very short Order Paper for the sitting on 28th February. However, 2 propositions have been lodged today, both of which have been listed for the next meeting; P.5/2023 from Deputy Andrews, which is Training Minimum Wage and, as the Bailiff has said, P.6/2023 from Deputy Mézec. There are a couple of items on the Order Paper that could take some time to debate and therefore please ensure that you put aside Wednesday, 29th February at least, which will be needed as a continuation day.

The Bailiff:

So you propose those arrangements? Do Members agree to the arrangement of public business proposed by the Chair of P.P.C.? Very well, in which case, that concludes the business of the Assembly and the Assembly stands adjourned until the next time, which is 28th February at 9.30 a.m.

ADJOURNMENT

[17:03]