

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 8th FEBRUARY 2022

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[9:30]

The Roll was called and the Deputy 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, I would like to welcome His Excellency, who I believe is joining us virtually this morning. [Approbation]

1.2 Message to the Queen

Although Members will, I am sure, know the text, I should inform Members that I sent in the usual way a message of congratulations to Her Majesty the Queen on the occasion of her Platinum Jubilee in the following terms: “The Lieutenant Governor, Bailiff, States and people of Jersey join together to send Your Majesty their most loyal congratulations on the occasion of your Platinum Jubilee and look forward with great anticipation to the events to be held in Jersey in the summer to celebrate this special anniversary to mark 70 years of dedicated service to the people of the Commonwealth. We express our most sincere and devoted affection and pray that Your Majesty will continue to be blessed with good health and happiness in the future.” [Approbation]

QUESTIONS

2. Written Questions

2.1 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding Jersey’s approach to the control of hazardous substances (WQ.1/2022):

Question

Following publication of the U.K. (United Kingdom) Government’s policy paper entitled ‘[Approach to including substances of very high concern on the U.K. REACH candidate list](#)’, and the divergence it highlights between the U.K.’s approach to the control of hazardous substances and the E.U.’s (European Union) existing approach, will the Minister advise whether the Government of Jersey will continue to follow the E.U.’s approach, or will it start following the U.K.?

Answer

Jersey has never adopted a formal approach to REACH in the Island as it was deemed unnecessary and there is little to indicate that this stance needs changing.

Substances of very high concern are largely supposed to be phased out, but it would seem the UK appears to want to diverge from the EU in the way they deal with those substances. Whilst largely symbolic at this stage in practical terms, we could see more divergence in the future as the EU’s well-established system will probably identify different substances for inclusion or exclusion.

The import and use of pesticides and biocides is regulated by the Infrastructure, Housing and Environment in Jersey. All other chemicals are broadly controlled by import controls only (i.e., rely on UK/ EU standards for export to ensure they are safe for us to import) - with use at work typically regulated by the HSI and for consumers by Trading Standards. The potential divergence between the UK and EU is primarily based on the approval basis - the evidence on which this is based will not change. In essence they may come to a different conclusion when deciding whether to approve a substance or not depending on the weighting they give to different parameters e.g., risks to humans, animals, environment.

Jersey can decide to ban products based on particular circumstances, although this requires approval from the UK.

2.2 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding taxpayers’ rental income on their tax returns (WQ.2/2022):

Question

Will the Minister provide a breakdown of the number of taxpayers who declared rental income in their Income Tax returns for each of the last 8 years; and will she further state how many of those declaring such rental income were non-resident taxpayers?

Answer

Individual taxpayers assessed on rental income by residency of taxpayer:

Residency	2019	2018	2017	2016	2015	2014	2013	2012
Resident	6,000	6,040	5,010	4,960	4,930	4,770	4,360	4,070
Non-Resident	740	750	670	580	500	450	440	400
Total	6,740	6,790	5,680	5,530	5,430	5,220	4,790	4,470

Columns may not sum due to rounding

Count rounded to nearest 10

To provide information for a full 8 years, it has been necessary to extract data from the legacy system (ITAX) which only identified rental income from local properties. This data set for 2018 onwards will include non-Jersey rental income.

This data set do not include income arising from casual letting (such as lodgers).

“Separately assessed” taxpayers may be counted individually. A “taxpayer” may refer to a married couple or civil partnership.

A single source of property income may be counted against more than one taxpayer where the rental income is shared (for example, between siblings).

2.3 Deputy J.M. Maçon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding Chairs of Scrutiny Panels (WQ.3/2022):

Question

Will the Chair advise whether the Committee has any plan in place in the event that no States Members stand to be the chair of a Scrutiny panel; if there is no such plan, why not; and were a chair not to be selected, what impact this would have on the scrutiny and progress of legislation?

Answer

The Privileges and Procedures Committee has not planned for the event that no States Members stand to be the chair of a Scrutiny Panel. Although this would be an unfortunate position for the States Assembly to find itself in reputationally, the Committee is not, in any event, able to plan for every eventuality under Standing Orders.

If no Member put themselves forward to be chair of a Scrutiny Panel, we would anticipate that the appointment would be added to the Order Paper for the next sitting and the Scrutiny Liaison Committee would be expected to assist in finding a candidate for Chair. This would have an impact

on the scrutiny function as there would be a delay in a Panel establishing itself and appointing its Members. As the Code of Conduct for Elected Members stipulates, the primary duty of elected members is to act in the interests of the people of Jersey and of the States. Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously. The Committee believes that it will be important for States Members to consider these particular aspects of the Code when it comes to the appointment process of Ministers and Scrutiny Panel Chairs.

2.4 The Connétable of St. John of the Minister for Health and Social Services regarding the number of Occupational Therapy and Physiotherapy staff who left Health and Community Services (H.C.S.) (WQ.4/2022):

Question

Will the Minister advise the total number of Occupational Therapy and Physiotherapy staff who left Health and Community Service (H.C.S.) between 1st December 2020 and the end of November 2021 and provide a breakdown of the following –

- (a) the number transferring to other areas in H.C.S.;
- (b) the number on short-term contracts who left before the end of their contract;
- (c) the number in Occupational Therapy who resigned;
- (d) the number in Physiotherapy who resigned;
- (e) the number of administrative staff in Occupational Therapy and Physiotherapy who resigned;
- (f) the number who retired from these areas; and
- (g) the number of staff who left for any other reason, with details of such reason?

Answer

Data is for the period 1st December 2020 to end of November 2021.

- (a) 2 Physiotherapists moved internally within the Physiotherapy service
3 Occupational therapists moved internally within the Occupational Therapy Service
2 Occupational Therapy assistants moved to other clinical areas within HCS
- (b) 1 locum Physiotherapist – released from contract due to performance concerns
- (c) 1 Occupational Therapist resigned – returned to the UK to be with family due to the pandemic
1 Team Lead left to work in private practice in Jersey
- (d) 1 Physiotherapist resigned and left the profession
3 Physiotherapy assistants resigned – 1 to undertake a Physiotherapy degree off-island; 2 no reason given
- (e) 1 admin/typist in physiotherapy resigned – no reason given
- (f) 1 Assistive Technology Technician in Occupational Therapy retired

There were no other staff who left for reasons other than those mentioned in (a) to (f)

2.5 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the Social Security (Overlapping Benefits) (Jersey) Order 1975 (WQ.5/2022):

Question

Will the Minister advise how many people who are eligible for their States pension do not receive it due to the impact of the Social Security (Overlapping Benefits) (Jersey) Order 1975, and how many more people it is estimated this will affect over the next 5 years?

Answer

It is a fundamental rule of the Social Security Scheme that no one can claim more than one weekly benefit in a given weekly period, the Social Security (Overlapping Benefits) (Jersey) Order 1975 (“the Order”) maintains that rule. There is only one situation in which the Order applies to pensioners, and that is in relation to the interaction between the Old Age Pension (“OAP”) and Home Carers Allowance (“HCA”).

If a person is in receipt of HCA prior to reaching pensionable age, they have the option of either continuing to receive HCA or moving to their OAP, whichever they prefer. There are currently 6 people of pensionable age who have chosen to continue to receive HCA rather than move to their OAP.

With the data available on current claims, there are seven people claiming HCA who will reach pension age in the next five years. If these people are still claiming HCA at that time, they will be given the choice of either continuing with their HCA claim or beginning to claim their OAP.

2.6 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding complaints in the General Hospital (WQ.6/2022):

Question

In relation to the General Hospital, will the Minister advise the Assembly –

- (a) to whom complaints are reported and who adjudicates on them;
- (b) how many complaints were made in each of the last three years; and
- (c) how many of those complaints, if any, were upheld and what resultant actions took place?

Answer

- a) Complaints received about the general hospital follow the Government of Jersey Customer Feedback Policy:
<https://www.gov.je/Government/Comments/Pages/CustomerFeedbackPolicy.aspx>

There are three stages to the complaints process –

- Stage 1 frontline complaint handling by staff and an early resolution approach;
- Stage 2 escalation to head of service or manager for issues that require further investigation or are more complex/serious/high risk; and
- Stage 3 if the complainant remains dissatisfied with the response at Stage 2, they can request a review of their complaint. The Health and Community Services Director General will delegate this to the executive clinical leads – the Chief Nurse and Group Medical Director.

[If the Government of Jersey complaints process above has been completed and issues have not been resolved to the customer’s satisfaction, the next stage is independent external review by the States of Jersey Complaints Panel.]

The process is that complaints should be forwarded on to the Feedback team which is responsible for the administration of the complaint and which records it on the Datix system. When the complaint is logged on the system it is allocated to the relevant care group management team to be investigated and responded to in the most appropriate manner (telephone, written response or face to face), which has been agreed with the complainant. The investigation is undertaken by the most relevant member of staff which is decided based on the type of complaint at stage 1 or 2. For example, a stage 1 complaint could be investigated by a ward manager with a response direct to the complainant by phone; a stage 2 more complex complaint that may involve different services will be investigated and a response formed by a lead nurse, which is signed off by the care group Associate Medical Director or General Manager.

b) The total number of complaints received and recorded via the Feedback team in the last three years in relation to the general hospital is as follows:

- 227 in 2019
- 255 in 2020
- 321 in 2021

The number of complaints in 2021 may have increased due to the work that has been undertaken to raise awareness on how to provide feedback within HCS. The increase in the number need not be seen as a negative, instead demonstrating that individuals are better informed to raise concerns and feel confident in being able to do so.

c) All complaints received are looked at as an opportunity to learn from individuals' experiences. Complaints are investigated and, where appropriate, the responses provided to the complainant include learning and actions based on the outcome of the investigation. This is the reason we do not record on the Datix system if the complaint has been upheld or not upheld. HCS uses a different system to other Government of Jersey departments which use the Central Feedback Management System (CFMS). Any health-related complaints that come via CFMS are directed to the Feedback team.

Each complaint is different and resulting actions will depend on the circumstances of each case. It is not possible to list all resulting actions from complaints in the period given, but the following are some examples of actions derived from analysis of the main themes from complaints which are communication and staff attitude/behaviour:

- Improving written communication about discharge by standardizing the patient folder so that it goes with the patient.
- Introducing boxes for personal items to reduce the risk of missing items and therefore the potential emotional impact that relatives experience.
- Reviewing the process for lost property to include guidance for staff and patients.
- Developing customer care and communication skills training which is being delivered in HCS on a monthly basis.

2.7 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the provision of accommodation for care leavers and children in need (WQ.8/2022):

Question

Given the potential increase in the period required to claim a States pension and the reduction in the time required to qualify for Long-Term Incapacity Allowance from 12 months to 6 months, will the Minister provide details of the economic arguments which were considered and underpin each of these changes?

Answer

The question refers to “potential” policy changes. At this stage, there are no definite plans under consideration in either area. It is anticipated that the next Social Security Minister will take full account of economic and other arguments as part of the development of any future policy proposals.

2.8 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding the provision of accommodation for care leavers and children in need (WQ.8/2022):

Question

Will the Minister –

- explain what provision is in place to provide accommodation for care leavers and other children in need;
- give details of the number of children in this category;
- give details of the particular types of accommodation he has available to meet this need and the number of children in each specific type and the waiting list for each type;
- give details of the number of children, and were relevant the number of children and other members of their family (including parents) housed in hotels and other temporary accommodation, such as Les Ormes, in each of the last four years and the cost of this provision over this same period;
- explain what plans, if any, he has to alleviate this problem and what funds will be made available in the Government Plan to do so?

Answer

- explain what provision is in place to provide accommodation for care leavers and other children in need;

Accommodation provided by CYPES	Ages	Capacity
1 Residential Young Person’s Home	18 – 21	5
1 x Supported Accommodation	18 – 21	7
1 x Property for independent living	18 – 25	4

Accommodation for 16 – 25yrs old provided by 3 rd sector	Capacity
Strathmore – Shelter Trust	16 beds
Avalon – JAYF	5 x males
Bryan Skinner – JAYF	5 x mixed
Jeune House – JAYF	11 x female
Lyndale - JAYF	5 x male
Woodbine	3 x mix

The term Children in Need is a statutory definition, this group of young people would not be provided accommodation as their needs do not require it.

- give details of the number of children in this category;

79 Care Leavers aged 18-25yrs old are currently supported.

- (c) give details of the particular types of accommodation he has available to meet this need and the number of children in each specific type and the waiting list for each type;

As in the table above, the Minister provides 13 places for care leavers in supported accommodation as regulated by the Jersey Care Commission, and 4 places in independent living.

Outside of this, Care Leavers will live in independent accommodation that is provided by Andium Homes or sourced through the private and third sector.

- (d) give details of the number of children, and where relevant the number of children and other members of their family (including parents) housed in hotels and other temporary accommodation, such as Les Ormes, in each of the last four years and the cost of this provision over this same period;

We currently have less than 5 Care Leavers residing in hotels so cannot report in further detail as it may identify individuals.

Total Accommodation costs for 2020 & 2021 for Care Leavers:- £46,627. For 2022 to date the total cost is £4,080

- (e) explain what plans, if any, he has to alleviate this problem and what funds will be made available in the Government Plan to do so?

We are developing a Sufficiency Strategy for Children in Care and Care Leavers with Government Departments and Andium Homes, to include supported accommodation for Care Leavers. Data is being analyzed to help forecast future needs and requirements. Any future Government Plan funding will be based on this analysis.

2.9 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding financial returns from Government-owned companies (WQ.9/2022):

Question

“Will the Minister provide a breakdown of the dividends (or any other financial return) provided to the Treasury from every Government-owned or part Government-owned company for each year since 2015?”

Answer

The dividends received from the entities wholly owned and majority-owned by the States of Jersey are disclosed within the annual financial statements of those entities. However, the States of Jersey has received the following dividends and returns, either in cash or *in specie*:

Entity	2015 £,000s	2016 £,000s	2017 £,000s	2018 £,000s	2019 £,000s	2020 £,000s	2021 * £,000s
Andium Homes (return, not dividend)	27,439	27,728	28,214	28,739	29,673	30,474	30,194 ²
Jersey Electricity	2,957	3,111	2,898	3,444	3,622	3,812	4,014
Jersey Post	2,221	348	902	863	62	-	-
JT	4,310	5,696	4,892	4,990	4,975	4,305	52,713 ³

Jersey Water	2,207	2,239	2,273	2,330	1,992	1,874	2,425
Ports of Jersey	Incorporated 1 October 2015	-	-	-	-	-	-
States of Jersey Development Company ¹	1,100	1,000	-	2,674	4,993	5,000	-

* unaudited figures at this point

¹. includes asset transfers, public infrastructure investment and funds committed for future public infrastructure.

². does not include interest paid on the loans advanced by the Housing Development Fund

³. includes proceeds of redemption of preference shares

The table above does not include corporate tax, GST, and social security payments that the States-owned entities contribute to the States of Jersey.

2.10 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding child poverty research (WQ.10/2022):

Question

“Will the Minister explain to Members –

- (a) what research, if any, his department has carried out into child poverty in the Island, setting out when the research was undertaken, what international standards of measurement were used, the details of the findings and links to all and any reports generated; and
- (b) if the department has not carried out any research into this area, why not, and whether there is an intention to rectify this?”

Answer

- (a) The Children, Young People, Education and Skills (CYPES) department have not carried out any specific research into child poverty.
- (b) Child poverty is a socioeconomic issue that crosses the boundaries of all Government Departments.

Although there is a gap in specific research regarding poverty and children, the broader socioeconomic conditions that effect children and adults are a regular feature in work carried out by CYPES, Customer and Local Services, Strategic Policy, Performance and Planning, Health and Community Services and other departments. Examples of work including the Jersey Premium, access to primary school meals service, access to affordable fruit and veg etc.

The most recent relevant analysis from Statistics Jersey would be:

The latest Income Distribution report (2014/15):

[R Income Distribution Survey Report 2014-15 20151112 SU.pdf \(gov.je\)](#)

On page 16 – there are estimates for the number of children living in relative low income. This will be updated following the results of the latest Living Costs and Household Income Survey.

The latest Children and Young Persons Survey (CYPS) (2019):

[R Jersey Children and Young People's Survey 20200811 SJ.pdf \(gov.je\)](#)

This contains various indicators, the main one is “lack of material belongings” which is on page 15.

Statistics Jersey will be publishing the latest CYPS results in March 2022 and the Government has started work on an overarching Poverty Strategy.

2.11 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding waiting times for treatment (WQ.11/2022):

Question

“Will the Minister produce an up-to-date table for Members showing the waiting times for both in-patient and outpatient treatment for each discipline and procedure for the last three years, highlighting any particular areas of stress that have been identified and how he plans to deal with them?”

Answer

From January 2022, HCS waiting lists are now in three areas:

- Patients waiting for a first outpatient appointment with a consultant
- Patients waiting for an inpatient (elective) procedure – this includes minor operations
- Patients waiting for a diagnostic procedure

Table 1 shows the current waiting list (as at 28th January 2022) for patients waiting for a first outpatient appointment with a consultant for acute secondary services. Specialties where the total number of patients waiting is less than 10 have been combined to protect confidentiality and avoid disclosure due to small numbers.

Table 2 shows the current waiting list (as at 28th January 2022) for patients waiting for a first outpatient appointment with a consultant for community-based services (Dental and some Physiotherapy services).

A detailed analysis was undertaken of the 2021 year end position compared to the 2019 year end position (pre-pandemic). This showed:

Outpatient PTL	Q4/19	Q4/20	Q4/21
Community	936	1449	2081
Acute	8122	8187	7049
Total	9058	9636	9130

- There has been a reduction in the total number of patients awaiting their first outpatient appointment over the last quarter.
- When compared to pre-pandemic levels, the total number of people waiting for a first outpatient appointment is minimally higher (0.8%).

- When reviewing the waiting lists by its component parts, it is evident that there has been a reduction in the number of patients awaiting acute secondary services when compared to pre-pandemic levels, with the total number of patients awaiting their first appointment reducing by 13%. When reviewing referral and activity data, it is evident that the reduction in the acute secondary care waiting list is driven by increased activity during 2021 as opposed to a reduction in referrals.
- Analysis of the community waiting list shows a significant (122%) increase in the volume of patients awaiting our community services (Dental services and some Physiotherapy services).

Table 3 shows the current waiting list (as at 28th January 2022) for patients waiting for a diagnostic procedure.

Table 4 shows the current waiting list (as at 28th January 2022) for patients waiting for an elective inpatient procedure/minor operation. Specialties where the total number of patients waiting is less than 10 have been combined to protect confidentiality and avoid disclosure due to small numbers.

A detailed analysis was undertaken of the 2021 year end position compared to the 2019 year end position (pre-pandemic). This showed:

Elective PTL	Q4 2019	Q4 2020	Q4 2021
Diagnostic WL	791	989	1378
Elective WL	1958	1659	1769
Total	2749	2648	3147

- There has been growth in the overall number of patients awaiting inpatient treatment over the last quarter. This is linked to an increase in the relative number of additions to the waiting list associated with increased outpatient activity.
- When comparing the current waiting list to pre-pandemic levels there has been an overall growth in the volume of patients waiting of 14%.
- When reviewing the waiting list by its component parts, the elective waiting list at the end of 2021 is 10% lower than it was at the end of 2019 (pre-pandemic).
- The diagnostic waiting list (endoscopy procedures) has increased by 407 when comparing Q4 FY 19 and Q4 FY21. This is linked to a reduction in the volume of endoscopy activity that took place during the immediate COVID response and also reduced throughput due to enhanced Infection Prevention and Control (IPAC) requirements.
- Growth in this waiting list has slowed in the second half of 2021 as the impact of the introduction of the Faecal Immunochemical Testing (FIT) programme in December 2021 is starting to be seen. It is anticipated that this reduction will continue through 2022 as the FIT programme is rolled out. In addition, solutions for additional endoscopy capacity are being reviewed with the clinical team.
- There has been a 25% reduction in the number of under-18s on the elective waiting list in 2021.

Specific areas that are being addressed within HCS are:

1. Dental, Orthodontic and Maxillofacial services:

Community Dental, Orthodontic and Maxillofacial services form part of an Executive-led Improvement Programme which is reviewing long-standing staffing challenges and referral behaviours from community services.

Recruitment of a substantive Maxillofacial consultant and also an Orthodontist has been successful. In addition, we have appointed a Dentist to a 1-year fixed-term appointment (starting March 22).

Dental Services for Children, COVID recovery business case will support further reduction in the community dental PTL. This is being led by Strategic Policy, Performance and Population (SPPP) and will go to Political Oversight Group for approval.

2. Endoscopy (surgical and medical):

Waiting time for endoscopy services has increased significantly during the pandemic. This increase is directly linked to a reduction in the volume of activity that was able to take place because of the COVID-19 pandemic. The Royal College of Physicians and Public Health England released guidelines for aerosol generating procedures (AGP) resulting in the adaptation of Infection Prevention and Control (IPAC) guidelines to necessitate downtime and enhanced cleaning between procedures to ensure sufficient air changes.

The Endoscopy team commenced the rollout of the FIT programme in November 2021, which will significantly reduce the number of patients requiring a colonoscopy or flexi-sigmoidoscopy through non-invasive screening methods.

In addition to the implementation of the FIT programme, discussions with the HCS Endoscopy team are taking place to increase the number of endoscopy suite sessions that are available on a weekly basis. In addition, the Care Group management team is exploring opportunities for insourcing and outsourcing support for this service to expedite recovery to pre-pandemic levels.

3. Physiotherapy:

A review of clinic profiles, job plan activity and first to follow up ratios identified opportunities for pathway improvement – adopting associated modifications, whilst maintaining the quality of services provided has been key to delivering a reduction in reducing the volume of patients awaiting their first appointment in December 2021.

This will remain the focus for FY22 to support a further reduction in the waiting list and associated time for assessment/treatment.

4. Ophthalmology (outpatients and elective):

Whilst there has been a 38% improvement (reduction of 340 patients) in the volume of patients awaiting their first outpatient appointment in FY21, continued focus on the delivery of ophthalmology improvement schemes is required. HCS has invested in additional posts for this service through GP21 growth monies, but recruitment was unsuccessful until the latter part of FY21.

Whilst two medical posts have been appointed to, we are in the middle of recruitment for the third. Additionally, nursing and administration support has been recruited to.

Achieving and maintaining the full staffing complement and supporting clinically-led patient flow initiatives in this area ie increased volume theatre lists, improved use of technology and redefining clinic profiles will enable the continued improvement in waiting times in this field.

As we emerge from the COVID restrictions, we continue to review and flex the working practices and the capacity to assist in the improvement of patient experience.

Assurance has been provided by all Care Groups that outpatients continue to be dated in order of clinical priority followed by chronological order, undertaking both administrative and clinical validation as appropriate. Any patient waiting more than 48 weeks for treatment will have a clinical harm review undertaken, with outputs reported and monitored through the Clinical Harm Review Panel.

Table 1: Number of patients waiting for a first outpatient appointment, acute services, by specialty, as at 28th January 2022

Specialty	Total Patients Waiting	% patients waiting more than 90 days
Breast Surgery	84	0.0%
Cardiology	183	11.5%
Clinical Genetics	209	90.4%
Clinical Haematology	67	25.4%
Diabetic Medicine	90	38.9%
Endocrinology	102	15.7%
ENT	554	19.0%
Gastroenterology	346	48.0%
General Medicine	188	51.6%
General Surgery	380	29.2%
Gynaecology	310	26.5%
Infectious Diseases	28	50.0%
Nephrology	13	38.5%
Neurology	235	23.8%
Ophthalmology	547	58.0%
Oral Surgery	504	62.1%
Orthoptics	122	27.9%
Paediatric Trauma & Orthopaedics	10	0.0%
Paediatrics	229	27.1%
Pain Management	514	20.0%
Physiotherapy	557	11.0%
Podiatry	27	3.7%
Respiratory Medicine	177	31.1%
Trauma & Orthopaedics	630	16.3%
Urology	94	1.1%
Other specialties (where total waiting < 10)	31	22.6%
Grand Total	6231	31.6%

Data Source: HCS Patient Tracking List

Table 2: Number of patients waiting for a first outpatient appointment, community services, by specialty, as at 28th January 2022

Specialty	Total Patients Waiting	% patients waiting more than 90 days
Community Health Services Dental	1415	92.7%
Orthodontics	535	87.9%
Physiotherapy	173	4.0%
Total	2123	84.3%

Data Source: HCS Patient Tracking List

Table 3: Number of patients waiting for a diagnostic procedure, as at 28th January 2022

Specialty	Total Patients Waiting	% patients waiting more than 90 days
Colposcopy	54	44.4%
DEXA Scanning	46	100.0%
Endoscopy (Medical)	538	57.6%
Endoscopy (Surgical)	726	72.3%
Endoscopy (Urology)	22	13.6%
Grand Total	1386	65.5%

Data Source: HCS Patient Tracking List

Table 4: Number of patients waiting for an elective procedure, as at 28th January 2022

Specialty	Total Patients Waiting	% patients waiting more than 90 days
Cardiology	18	27.8%
ENT	229	39.7%
General Surgery	430	40.5%
Gynaecology	112	17.0%
Maxillofacial Surgery	72	22.2%
Ophthalmology	399	62.7%
Pain Management	40	42.5%
Trauma & Orthopaedics	475	43.8%
Urology	115	52.2%
Other specialties (where total waiting < 10)	14	21.4%
Grand Total	1904	44.3%

Data Source: HCS Patient Tracking List

Data prior to 2022 is not wholly comparable to these tables above as waiting lists can only ever be a snapshot of the number waiting at that point in time and were not reported in this way previously. The following Tables 5-7 show for patients seen in each year, the median number of weeks that they waited for that appointment/treatment.

Table 5: Median weeks waited to be seen for first outpatient appointment, by specialty and year

Specialty	2019	2020	2021
Breast Surgery	5	5	5
Cardiology	4	4	3
Clinical Genetics	24	39	
Clinical Haematology	4	7	7
Clinical Oncology	2	1	1
Dermatology	6	6	4
Diabetic Medicine	11	10	5
ENT	5	5	5
Endocrinology	7	6	8
Gastroenterology	9	8	9
General Medicine	11	12	13
General Surgery	8	7	8
Gynaecological Oncology	4*	4*	3
Gynaecology	6	5	5
Infectious Diseases	4	5	5
Medical Microbiology	1	1	2
Medical Oncology	0	1	1
Nephrology	5	4	8
Neurology	8	11	8
Ophthalmology	5	5	7
Oral Surgery	6	5	8
Orthoptics	13	15	14
Paediatric Trauma & Orthopaedics	11	12	11
Paediatrics	12	19	10
Pain Management	5	6	7
Physiotherapy	3	2	3
Podiatry	0	0	1
Respiratory Medicine	6	9	8
Rheumatology	5	4	6*
Trauma & Orthopaedics	9	10	15
Urology	8	6	5
Vascular Surgery	4	10*	

Data Source: Hospital Patient Administration System (TrakCare, Reports BKG1A, WLS6B)

Median wait is calculated in number of days and divided by 7

*indicates specialties/years where < 10 patients were seen in the year

Table 6: Median weeks waited to be seen for a diagnostic procedure, by specialty and year

Specialty	2019	2020	2021
Colposcopy			7
DEXA Scanning	15	14	
Endocrinology			0
Endoscopy (Medical)	4	6	8
Endoscopy (Surgical)	6	12	11
Endoscopy (Urology)	7	3	3

Data Source: Hospital Patient Administration System (TrakCare, API0002WL, ATD5L, BKG1A, WLS6B)

Where no figure is shown, no patients were recorded as having received first treatment in year.

Table 7: Median weeks waited to be admitted for inpatient treatment, by specialty and year

Specialty	2019	2020	2021
Cardiac Surgery	6*		1*
Cardiology	3	2	2
Clinical Haematology	4*		0*
Clinical Oncology	1*		
Community Health Services Dental	26	36	11
ENT	9	5	8
Endocrinology			0*
General Medicine	1	1	0
General Surgery	7	9	10
Gynaecology	7	8	8
Haematology		1*	0*
MaxilloFacial Surgery	8	13	13
Medical Oncology		2*	
Nephrology	2	1	3*
Ophthalmology	16	13	14
Oral Surgery	16	10*	8*
Paediatric Trauma & Orthopaedics	8*	10	8
Paediatrics			1*
Pain Management	6	5	5
Respiratory Medicine	1	1	1
Trauma & Orthopaedics	16	24	19
Urology	5	6	6
Vascular Surgery			1*

Data Source: Hospital Patient Administration System (TrakCare, API0002WL, ATD5L)

Median wait is calculated in number of days and divided by 7

*indicates specialties/years where < 10 patients were seen in the year.

Where no figure is shown, no patients were recorded as having received first treatment in year.

2.12 Deputy J.M. Maçon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding children's rights in relation to P.1/2022c, Amendment (No. 54) to Standing Orders – Amendments to the Code of Conduct for elected members and related matters (WQ.12/2022):

Question

“In relation to ‘Amendment (No.54) to Standing Orders – Amendments to the Code of Conduct for elected members and related matters’ (P.1/2022), will the Chair advise –

- (a) why no Child Rights Impact Assessment was attached to P.1/2022 and whether one will be forthcoming prior to the debate;
- (b) whether the Committee sought advice from the Children’s Commissioner for Jersey, or whether the Committee is aware that the Comptroller and Auditor General sought such advice, and, if not, why not;
- (c) why the Committee has proposed that it is right to make public the interests of close family members (including children) who are living in the same household of a States Member; and
- (d) whether the Chair is aware of the provision referred to in paragraph (c) existing in other jurisdictions?”

Answer

- a) There is no requirement to undertake a Child Rights Impact Assessment on the Assembly's Standing Orders but, in this case, the Committee is content to undertake and publish such an assessment before P.1/2022 is debated.
- b) The Committee did not seek advice on its proposed Standing Order changes from the Children's Commissioner. It has no knowledge of any interaction between the Comptroller and Auditor General and the Children's Commissioner.
- c) The new provision in relation to the registration of interests of family members, of which an Elected Member is aware, has been proposed to align the Assembly's rules with best practice on the registration and declaration of financial interests in other contexts, as set out in International Accounting Standards 24 - Related Party Disclosures and International Public Sector Accounting Standard 20 - Related Party Disclosures. The purpose of this is to ensure that the public is aware of the interests which a reasonable person might consider could influence an Elected Member in the conduct of their duties. These interests go beyond those directly held by the Member to encompass interests held by a spouse, civil partner or cohabitee (which must already be registered) and interests held by other close family members. The system is based on transparency, entailing the publication of interests, although there is no need for the name of the person holding the interest or the nature of their relationship to the Elected Member to be specified. The Committee is considering bringing forward an amendment on this point.
- d) The Commonwealth Parliamentary Association's Recommended Benchmarks for Codes of Conduct applying to Members of Parliaments recommends that the disclosure and publication of Members' interests encompasses interests held by the Members' spouse and close family members (paragraph 3.1.6). The registration and publication of interests relating to the children of Members are a feature of numerous other parliamentary standards systems including, for example, in Wales, Australia and Canada.

2.13 Deputy J.H. Perchard of St. Saviour of the Minister for Housing and Communities regarding homeless people in Jersey (WQ.13/2022):

Question

“In relation to Islanders considered homeless (according to the Government's current definition: those who are roofless, houseless, insecure and inadequately housed), will the Minister advise the Assembly –

- (a) of the total number of those considered homeless as of the end of 2021 specifying the number in the age brackets 16-24, 25-39, 40-64 and 65 and above, and provide comparative figures for 2018;
- (b) what percentage of the total number of those considered homeless by the end of 2021 were male, female and other;
- (c) what were the most common factors leading to homelessness in the 16-24 age bracket;
- (d) what were the most common identified factors leading to homelessness overall; and
- (e) if the answer to paragraph (d) above is unknown, what work he will undertake to understand better the factors and experiences leading to homelessness?"

Answer

- (a) We are not able to comment on the data request in (a) and (b). These figures are not understood / recorded and no comparative data is available.
- (b) As above.
- (c) Factors leading to homelessness are multifaceted and depend on individuals. We continue to develop tools to understand causation and commonality through the Housing Advice Service, which will help influence policy considerations, using best local evidence to inform service pathways and access in the future.
- (d) Not identified. We need to understand that the issue of homelessness can affect many people across society for a multitude of factors. We are committed to understanding those issues, so we can take both a strategic and operational approach to supporting Islanders who are at risk of homelessness.
- (e) Ongoing work with UK-based Homeless Link to develop the Housing Advice Service, as well as work within the Homeless Cluster and Strategic Housing Partnership Board, to collectively understand and address factors that lead to both homelessness and/or the risk of.

2.14 The Connétable of St. John of the Assistant Chief Minister regarding the provision of a dedicated rehabilitation facility in the new Hospital (WQ.14/2022):

Question

“Further to his speech during the debate on ‘Re-opening of Samarès Ward’ (P.115/2021) will the Assistant Chief Minister advise –

- (a) when the decision was taken to provide a dedicated rehabilitation facility in the new Hospital;
- (b) when the Our Hospital brief was changed to include provision of such a service;
- (c) how the decision to include this service was made and by whom (with a copy to be provided of the appropriate section of the Minutes of the meeting where the decision was taken);
- (d) whether the Minister for Health and Social Services was involved in the decision and, if so, to what extent;
- (e) the location of the dedicated rehabilitation facility within the proposed new Hospital;
- (f) the total size of the proposed new facility;
- (g) what compromises, if any, have had to be made to facilitate a dedicated rehabilitation facility; and
- (h) whether a dedicated rehabilitation facility was part of the original New Hospital brief?"

Answer

- (a) The plans for a dedicated rehabilitation facility at the new hospital were progressed once the States Assembly had made a final decision on the site. This occurred during the States debate on

17th November 2020 when Overdale was approved by States Members and was the point at which planning and design of the new hospital could begin with more certainty.

- (b) The Functional Brief continues to be developed in partnership with clinicians and has been informed by best practice in healthcare systems from around the world, including the National Stroke Strategy for England regarding the provision of rehabilitation facilities. The current brief includes a ward with the provision of up to 30 dedicated beds for acute rehabilitation with an adjacent gym and therapy services and facilities.
- (c) This decision was reached through the discussions that took place as part of the clinical user group sessions and in consultation with the Health and Community Services (HCS) executive. The Clinical user groups are set up as workshops and minutes are not taken. The outputs are captured as changes to the design plans.
- (d) The Minister has a regular verbal update from the Director General for HCS on all aspects of healthcare including progress on the Our Hospital Project. He also has input as a member of the Political Oversight Group on design development and all aspects of the Our Hospital project.
- (e) The dedicated acute rehabilitation facility will be located on one of the 4 wards on the third floor of the main building.
- (f) The size of the proposed new facility will be up to 3,000 square metres.
- (g) There are no compromises foreseen.
- (h) No, this was not in the first draft version of the Functional Brief as the original draft was produced in parallel with the site selection process. Once the States agreed the site, the design responded to the decision and subsequently has continued to evolve as part of the work output from the clinical user groups and the wide-ranging consultation with all stakeholders.

2.15 The Connétable of St. John of the Minister for Health and Social Services regarding staff vacancies in the last 12 months and occupancy rates of staffed adult beds for Quarter 4 of 2021 (WQ.15/2022):

Question

“Will the Minister state the number of staff vacancies in each of the following budget areas within Health and Community Services for each of the last 12 months

- (a) Chief Nurse;
- (b) Medical Director;
- (c) Associate Managing Director;
- (d) Change Delivery;
- (e) Clinical Support Services;
- (f) Digital Delivery;
- (g) Group Managing Director;
- (h) Mental Health;
- (i) Non-Clinical Support Services;
- (j) Primary Care and Prevention;
- (k) Social Care;
- (l) Surgical Services;
- (m) Medical Services;

(n) Women and Children; and

will the Minister further provide the occupancy rates of staffed adult beds for September, October, November, and December for both 2020 and 2021?”

Answer

Following extensive work undertaken to validate and reconcile the vacancy information held across different systems and a review of nursing levels, in November 2021 HCS was able to provide a breakdown of vacancies by budget area for the first time. This information is shown in the table below. HCS continues to review the accuracy of the data.

[Prior to this, we were only able to report on vacancies and vacancy rates in the main patient-facing staff groups as a priority and this varied from the whole department picture.]

Positions are shown as vacancies for the purposes of HR and finance tracking. However, it is important to recognise these roles are currently covered in the main by agency and locum workers. Some are new posts not yet recruited to.

Budget Area	Vacancy
Chief Nurse	22
Medical Director	13
Associate Managing Director	8
Change Delivery	7
Clinical Support Services	26
Digital Delivery	10
Group Managing Director	13
Mental Health	46
Non-Clinical Support Services	34
Primary Care and Prevention	6
Social Care	25
Surgical Services	63
Medical Services	56
Women's and Children's	24
Total	353

Further work continues to validate these figures with the aim of publishing vacancies in this format on a regular basis.

In relation to the efforts to fill vacancies, below is the position on recruitment activity during 2021, which shows that we ended November 2021 with more staff in post than we started the year. [The December 2021 figures are not yet available.] The key figures are:

- 161 leavers in 12 months to November 2021
- Recruited more than 240 people in 12 months to November 2021
- Turnover 8.7% (down from 9.5% on Nov 2020)

	January 2021	November 2021	Change
Full time equivalent roles filled	2231	2306	+75
Headcount	2412	2491	+79

With regard to those key patient facing staff groups that were the focus of previous vacancy reporting, the below table shows the number of staff who left in each group over the year (to November 2021):

Staff Group	Total Leavers 2021	Average Headcount 2021	% Leavers 2021
Allied Health Professional	22	401	5.5%
Doctors and Consultants	12	168	7.1%
Non-Clinical Support Staff	21	359	5.8%
Nurses and Midwives - Aux	9	370	2.4%
Nurses and Midwives - Qualified	15	647	2.3%
Grand Total	79	1945	4.1%

These figures show that our activity continues to bring in more people than leave and that within each patient-facing staff group the number of people is within acceptable levels.

While we do not believe there is evidence of people leaving in large numbers, there are areas (such as theatres, radiography and AHP support to mental health services) that do have a high level of vacancies, which impacts on that area of service and has a knock-on effect on other areas. As a result, we have developed plans to specifically target recruitment into these areas

Overnight Bed Occupancy, by month and year

	Jersey Hospital*	General Orchard House	Older Adult Acute beds (Beech/Cedar)
2020			
September	68.04%	71.29%	86.32%
October	69.82%	74.42%	83.72%
November	70.25%	76.37%	76.19%
December	70.63%	70.05%	79.71%
2021			
September	65.14%	90.02%	91.19%
October	78.61%	79.72%	88.75%
November	80.38%	90.21%	88.65%
December	82.73%	69.98%	89.99%

Data Source: Hospital Patient Administration System (TrakCare, Report ATD3Z)

*Excluding Maternity and day wards – ie Day Surgery Unit, Aubin Ward (Endoscopy Day Unit), Medical Day Unit, Oncology, Renal Unit, Rozel (private patients day unit). Also excluding Paediatric units (Robin Ward and Special Care Baby Unit).

2.16 Deputy G.P. Southern of St. Helier of the Minister for the Environment regarding luxury mansions (WQ.16/2022):

Question

“Will the Minister advise what benefit to the community, if any, is assessed as accompanying the granting of planning permission for the construction of luxury mansions for single family occupation; and will he further advise what role, if any, potential appeal costs relating to the granting of such permissions to potentially wealthy owners play in such decisions?”

Answer

Both the current (2011) Island Plan and the emerging Bridging Island Plan recognise that new development is required to meet the needs of Jersey’s community. Where certain types of development need to be encouraged, they are highlighted within these documents by particular policies or proposals. There are no such policies or proposals within either the current or emerging Island Plans which encourage ‘luxury mansions for single family occupation’. Such proposals must be assessed on the basis of the policies of the Plan, as a whole, taking into account all relevant material planning considerations. Potential appeal costs are not such a consideration.

2.17 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the percentage of students receiving pupil premium funding (WQ.17/2022):

Question

“Will the Minister state the percentage of students receiving pupil premium at each of the following primary schools, with this data to be provided per school –

- (a) St. Peter;
- (b) St. Martin;
- (c) La Moye;
- (d) Les Landes;
- (e) Rouge Bouillon;
- (f) Springfield; and
- (g) First Tower?"

Answer

The Minister assumes the question refers to the Jersey Premium and the answers below are based on this:

- (a) St. Peter; 16.8%
- (b) St. Martin; 15.4%
- (c) La Moye; 22.2%
- (d) Les Landes; 13.0%
- (e) Rouge Bouillon; 53.3%
- (f) Springfield; 53.0%
- (g) First Tower. 44.4%

2.18 Deputy R.J. Ward of the Minister for Treasury and Resources regarding actions taken following the adoption of P.94/2019, States’ expenditure : classification in accordance with international best practice (WQ.18/2022):

Question

“Will the Minister advise members what actions have been taken following the adoption of ‘States’ expenditure: classification in accordance with international best practice’ (P.94/2019), as amended, in which the Assembly requested the Minister (working with Statistics Jersey) to require all States’ expenditure to be classified in accordance with the United Nations Classification of the Functions of Government system, with the Annual Accounts and other government documents to present financial information using this classification?”

Answer

Having considered the impact of financial reporting systems for the Government, this project has been aligned with the implementation of the new financial system as part of the Integrated Technology Solution (ITS) project in 2022. This will allow us to leverage the resources already required to review financial reporting and classifications of spend, and deliver an enduring solution.

Work on the mapping has begun as part of the wider work to review our reporting structures to ensure that we can adopt best practice as part of the system implementation.

This will be included as a specific project in the department’s business plan for 2022. The intention is to provide an initial Classification of the Functions of Government (COFOG) report as part of the 2022 States of Jersey Annual Report and Accounts (to be published in Q2 2023).

2.19 Deputy R.J. Ward of St. Helier of the Chair of the States Employment Board regarding non-disclosure agreements with States employees (WQ.19/2022):

Question

“Will the Chair advise how many non-disclosure agreements have been undertaken with States employees since May 2018?”

Answer

We do not enter into NDA's (as a discreet document) with employees, as these are typically used to prevent the disclosure of information (such as details of client, sales, manufacturing, company information etc) to which an employee has been granted access to as a necessary part of their job.

However, a compromise agreement will also protect confidentiality for all parties subject to the agreement.

In relation to clauses comprising confidentiality agreements, such as compromise, redundancy, voluntary release, conciliation, and mediation agreements, and which have been utilised since May 2018, a total of 116 such agreements have been signed since that date.

2.20 Deputy M.R. Higgins of St. Helier of the Minister for the Environment regarding the Norfolk Police investigation (WQ.20/2022):

Question

“Further to my oral questions to the Minister on 18th January 2022 regarding the Norfolk Police Investigation, will the Minister state whether Norfolk Police advised him and his Director General that one of his officers had wilfully lied under oath in court as a prosecution witness, and that although this failed to meet the criminal test of perjury, the officer had in fact wilfully lied; and, if so, will the Minister state whether this was acceptable and advise members what actions he proposes to take regarding this officer?”

Answer

My recollection of the meeting - which I, the Director General for IHE, the Deputy, and Senator Moore all attended – does not include Norfolk Police using the words ‘wilfully lied’ during their commentary on the investigation and, more specifically, as it related to those officers involved. For ease, my response to Oral Question 6/2022 referenced in the question can be found here in [Hansard](#).

On this topic more generally, I am sure the Deputy and other members will understand that I would like to avoid entering the territory of commenting on behalf of Norfolk Police, particularly as they are an external police force. Additionally, I must stress that Standing Orders, Schedule 3, Code of Conduct for Elected Members provides guidance on speaking on matters related to specific officers. I would recommend, as I have done previously when the Deputy has provided their views on the conduct of staff in IHE, that any members with concerns related to staff should liaise directly with the appropriate Director General or the States Employment Board.

Standing Orders, Schedule 3, Code of Conduct for Elected Members Extract

“Elected members who have a complaint about the conduct, or concerns about the capability, of a States’ employee or officer should raise the matter, without undue delay, with the employee’s or officer’s line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.

Elected members should observe the confidentiality of any disciplinary or capability procedure regarding a States’ employee or officer and its outcome. If an elected member is nevertheless of the opinion that it is in the wider public interest that he or she makes a public disclosure of or comment upon the outcome of any such procedure, he or she should inform the parties to the procedure before so doing and, when so doing, refer to the individual by the title of his or her employment or office rather than by his or her name.

In this paragraph, “States’ employee or officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005, a member of the States of Jersey Police Force and any officer mentioned in the Schedule to that Law who is not a member of the States”

Hansard 18 January 2022 Extract

“3.11 Deputy M.R. Higgins of the Minister for the Environment regarding the Norfolk Police Investigation (OQ.6/2022)

Will the Minister advise Members what, if anything, he has learnt from the Norfolk Police investigation into his department and explain whether he considers it necessary to take any action to ensure the public has confidence and faith in the department going forward?

Deputy J.H. Young (The Minister for the Environment):

The 3½-year independent police investigation, as the Deputy knows, was in respect of historic cases. In the intervening 14 years the planning system has had many substantive changes and improvements. The department has an ongoing improvement programme with recommendations, which come from the regular external reviews. It is my intention to publish a report on this implementation programme, the changes made I have mentioned and those in the pipeline because there certainly needs to be a process to continue improvements. However, the publication of that report will need to wait a while because, as the Deputy knows, one of the complainants in the matter investigating the Norfolk Police did lodge a civil claim, which was previously stayed until that stay was lifted by the Royal Court this week. There is an active there for a piece of live litigation, which means that I am restricted in what I say about that matter but it is my intention, as I have said, to publish that report.

3.11.1 Deputy M.R. Higgins:

The Norfolk Police have stated that although their investigation did not meet the very high criminal standard of beyond all reasonable doubt, required by a criminal prosecution, it did say that the department was massively inconsistent, dysfunctional and not fit for purpose. They also stated that one officer wilfully lied to the court as a prosecution witness. Surely any lies told in court taint the evidence of all officers giving evidence and the case as a whole and reflect badly on the public service. Would the Minister accept that no officer should lie in court and state what action, if any, has been taken against the officer who wilfully lied under oath in the court and was still working in the department?

Deputy J.H. Young:

I think the Deputy's supplementary question seems to re-run the entire inquiry, repeating many allegations which were made in the court. As the Deputy knows, he and I both had a briefing from the 3 police officers concerned and the stakeholders and there were allegations of perjury and misconduct in public office, which the investigation has concluded no foundation sufficient for a prosecution, so they were not upheld. I think that is very, very important. Of course it is absolutely right that the planning system, the integrity of everybody is above question. There is no question that those are the standards we aspire for. But of course the planning system is not perfect, it involves judgment, as the Deputy knows, and there is always that subjectivity in that and individuals are going to differ. Personally, frankly, I think that each of the police officers did of course a bit, they are not experts in the planning system. At the moment I would rely upon judgment of those that are in this matter. As I said, I will be publishing a report on that.

Deputy M.R. Higgins:

Sir, the Minister did not answer the question.

The Bailiff:

You will have a further supplemental at the end. You have a further supplemental at the end, Deputy Higgins. You can come back and explore the answer in greater detail.

3.11.2 Deputy M. Tadier:

I believe the Norfolk Police also said that there were a number of issues relevant to the implementation of planning legislation during the time period they were investigating, including questionable processes, procedure and conduct of individuals. What action will be taken to rectify the issues described?

Deputy J.H. Young:

I have of course had to because those comments were made at the briefing. As I said, I have got my reservations about them because obviously the police investigation was a criminal one. It was not run by those who had an understanding of the planning system. But, nonetheless, I have written to

the chair of the States Employment Board and invited him to discuss the report that they have heard. I have also had a chance to talk to the director general of the department about the matter and I have subsequently written to further and I said my opinion is that I do not think that since these matters are historic and that a number of the staff who were named who are no longer employed, that I do not consider there is a case for further investigation of any disciplinary matter but, nonetheless, that is how things lie.

3.11.3 Deputy M. Tadier:

Will the Minister agree to review the planning decisions taken by his officers following the statement of the Norfolk Police?

Deputy J.H. Young:

I think what would ...

Deputy M. Tadier:

Sir, I have not finished my question yet.

Deputy J.H. Young:

Sorry, my apologies.

The Bailiff:

Yes, let us wait for the Deputy to finish his question.

Deputy M. Tadier:

Sorry, apologies, it may be a delay and that is not helping. Will the Minister agree to review the planning decisions taken by his officers and also the statement that different officers were applying the same rules differently, which has led to some people being denied planning permission for which other people were granted planning permission?

Deputy J.H. Young:

I think the premise of the Deputy's question in that final sentence I could not accept, that, therefore, there was differentiating treatment under law. I do not believe there was any evidence to suggest that was the case. There were in fact different judgments of how planning policies would be applied, which in my experience is a normal characteristic of a planning system; it requires judgment, as I said. It is not a simple one way or the other. I do not believe there is any evidence or suggestion of contravening the law but, nonetheless, there are improvements which need to be made. Therefore, I said I shall be publishing the report of that programme that is in place to try and do that. I think that is the best answer I can give at the moment.

3.11.4 Deputy K.F. Morel:

In his answer to Deputy Higgins the Minister mentioned the importance of integrity in the planning system. Does the Minister believe, following things such as the Norfolk investigation and other concerns, that individual members of the Island have raised particular issues and complaints about the system, does he believe that Islanders feel that the planning system has integrity?

Deputy J.H. Young:

I think with any planning system it relies on public confidence in it. Deputy Higgins, of course, he is absolutely entitled to do this, has been very clear and I believe there were, I think, 15 complainants, and I think Deputy Higgins represented them. There has been a 3½-year in-depth investigation involving interviews and so on. My reluctance to concede any things that require further investigation is because simply we would be repeating the same. Thousands of planning decisions are made and of course he is entirely happy for any of these matters for people to come with new applications which the planning system will do. Yes, I want to keep the confidence. If I felt that I lacked that confidence I would say so; I do not. I have confidence in the officers that are currently in place and also the system changes that have been introduced to improve them. But it is not better.

3.11.5 Deputy K.F. Morel:

Does the Minister believe that a lack of planning officers and planning enforcement officers is eroding the faith of Islanders in the planning system?

Deputy J.H. Young:

Certainly, the issue of enforcement has been a problem area. Historically, there were complaints, and I think these have been upheld, about very heavy-handed processes done by previous enforcement officers who are no longer employed by the Government. New rules and standards and different training has been introduced for people now who do that enforcement work, so I feel much more content with that than things that went on in the past that are still subject to the investigation. There has been a shortage of resource. We could do with more planning officers because when people are put under pressure and are carrying twice the workload that normally should be required, it is inevitable that mistakes be made, and I am hopeful now the Government Plan has given us decent resources that can be put right in the improvement plan and that would be our undertaking to do so.

3.11.6 Deputy M.R. Higgins:

I must admit I have been absolutely amazed by the Minister's answers, especially as he has known from the beginning the problems that were going on there and did nothing. Norfolk Police also said there are still current issues regarding people working in the department and 2 of those were interviewed under caution by them as part of their investigation. What is the Minister proposing to do about these problems or does he consider it is no one's fault and no one should be held to account

for the failures of the department, which includes, I may add, the chief officer or the Minister himself, who are responsible for the oversight of the department? The Minister had direct knowledge of these problems since 2014, before he became the Minister and had direct contact with the people making the complaints. How he can say this, I find it amazing.

The Bailiff:

The question is the report said this and what will he do about it? Is that right?

Deputy M.R. Higgins:

Certainly the report said the police said one of the officers wilfully lied under oath. It may have not met the test of perjury but they wilfully lied under oath. What will he do about that person and who will take responsibility for this fiasco?

Deputy J.H. Young:

What can I say? The Deputy now repeats his allegations, despite the findings of the police inquiry. He says things that have not been substantiated, including he makes allegations against me personally, that I strongly reject and I would need a separate occasion to be able to answer those, not now. Frankly, I am speechless about the way he has approached that. Nonetheless, what will I do? There are improvements. The States Employment Board has the matter on the agenda. I have asked them to discuss it and if the States Employment Board feel there is a case for further disciplinary investigation into these matters that will be looked at, then the board will trigger that. I brought that to their attention.

Deputy M.R. Higgins:

I should like to bring a vote of no confidence—

The Bailiff:

Comment at the end of questions not in accordance with Standing Orders is an abuse of the question system.

[15:00]”

2.21 Deputy I. Gardiner of St. Helier regarding legal requirements of the public interest test (WQ.21/2022):

Question

“Will H.M. Attorney General advise what legal requirements apply to the application and assessment of the public interest test (as identified within the Bridging Island Plan) to the Our Hospital planning application?”

Answer

The legal requirements for determining the Our Hospital planning application will be pursuant to the Island Plan or the Bridging Island Plan, depending on which is current at the time the application is determined. In the case of the Bridging Island Plan the development of the Our Hospital site should be assessed against the Minister for the Environment’s published supplementary planning guidance and all other relevant planning policies and any other material considerations. This will include the factors provided in Policy C13 concerning the Our Hospital site and associated sites and infrastructure, as set out in the Bridging Island Plan. However, it will also include other relevant policies such as Policy HE1 insofar as the application involves listed buildings.

Pursuant to the Planning and Building (Covid-19 Bridging Island Plan) (Jersey) Order 2021 (the ‘2021 Order’) the Minister for the Environment must appoint an inspector to conduct an examination in public before the draft bridging Island Plan is debated by the States Assembly, and the inspector must submit a report to the Minister concerning the draft Bridging Island Plan which must be published and presented to the States Assembly. How the assessment of the draft Island Bridging Plan is conducted is a matter for the inspector. Article 8 of the 2021 Order provides:

“Subject to the requirements of this Order and of the inspector’s terms of reference, the inspector may conduct the examination in public in such a manner as the inspector thinks fit...”

In accordance with Article 18 of the 2021 Order, the Minister and other States members may lodge an amendment to the draft Island Bridging Plan (which would include Policy C13 or other relevant policies therein) or an amendment to a previously lodged amendment thereto following publication of the Inspector’s report. The process for amendments is set out in legislation (Article 4A of the Planning and Building (Jersey) Law 2002).

2.22 Deputy I. Gardiner of St. Helier of the Minister for the Environment regarding the public interest test in relation to the Our Hospital project (WQ.22/2022):

Question

“Will the Minister advise how the public interest test (as identified within the Bridging Island Plan) will be applied in relation to the Our Hospital project planning application; and will he further advise how this will be assessed?”

Answer

All planning applications are assessed and determined in the public interest on the basis that they are required to be assessed against the Island Plan which is deemed, by law, to be *‘a development plan that provides for the orderly, comprehensive and sustainable development of land in a manner that best serves the interests of the community’* (emphasis added).

The Island Plan provides a policy framework that enables the Our Hospital project planning application to be assessed. In so doing, the plan needs to be considered as a whole, and where Island Plan policies are relevant to the determination of a planning application they, together with any other material considerations, must be taken into account. This is clearly stated in the preamble to Policy CI3 – Our Hospital and associated sites and infrastructure in the Draft Bridging Island Plan: *‘The development of the Our Hospital site should be guided by the Minister for the Environment’s published supplementary planning guidance, and all other relevant policies of the Island Plan and any other material considerations.’* (p.230, Draft Bridging Island Plan).

In the event that the Our Hospital project planning application is determined under the new Island Plan - subject to it and its constituent policies being amended and approved by the States Assembly - there is a specific policy for the Our Hospital proposal.

Policy CI3 – Our Hospital and associated sites and infrastructure

Proposals for the development of the new hospital within the designated 'Our Hospital development site' will be afforded the highest level of priority, and will be supported where:

- a. the proposal is not considered to cause serious, unacceptable harm to the character and amenity of the wider area or neighbouring uses;
- b. it has been demonstrated that the proposed development represents the best design option relative to the needs of the hospital and the land available; and,
- c. the proposal includes details of all necessary mitigation and/or compensatory measures that are required to manage the impact of the development, as far as reasonably practicable.

Proposals for the alternative use of land designated as part of the 'Our Hospital development site' will not be supported.

Proposals for associated infrastructure and relocation of existing services, where these are necessary to enable the delivery of the hospital but will be outside of the site approved by the States Assembly, may be considered as enabling and linked development and their delivery secured by planning obligation agreement, as appropriate and necessary.

As stated above, the proposal would fall to be assessed against this and any other relevant planning policies.

2.23 Deputy I. Gardiner of St . Helier of the Minister for the Environment regarding Bridging Island Plan policies (WQ.23/2022):

Question

“Will the Minister explain whether, and if so how, the following policies within the Bridging Island Plan will be waived in relation to the Our Hospital project –

- (a) GD7;
- (b) GD8; and
- (c) GD1;

and will he consider issuing supplementary guidance in relation to these policies?”

Answer

Where Island Plan policies are relevant to the determination of a planning application they, together with any other material considerations, must be taken into account. This is clearly stated in the preamble to Policy CI3 – Our Hospital and associated sites and infrastructure in the Draft Bridging Island Plan: *‘The development of the Our Hospital site should be guided by the Minister for the Environment’s published supplementary planning guidance, and all other relevant policies of the Island Plan and any other material considerations.’* (p.230, Draft Bridging Island Plan).

As currently drafted, the provisions of Policy GD7 – Tall Buildings makes explicit reference to building height guidance (emphasis added) (p.93, Draft Bridging Island Plan):

‘Proposals for the development of a tall building will only be supported where:

- *it is well-located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. **In Town this should considered relative to the St Helier Urban Character Appraisal (2021) building height guidance;***

The building height guidance for Town is provided to the pre-amble to the policy at Table GD1 (p.92, Draft Bridging Island Plan).

Character Area	Height guidance
CA1 Elizabeth Castle/First Tower	<ul style="list-style-type: none"> • Single storey above sea walls • Keep below building outlines as seen from shore
CA2 La Collette	<ul style="list-style-type: none"> • Single storey, allowance for incidental plant and machinery up to 2 storeys
CA3 Havre des Pas	<ul style="list-style-type: none"> • West of Howard Davis Park, between 2 to 3.5 storeys or eaves no more than 1m above or below neighbour • East of Howard Davis Park, up to 4.5 or 5 storeys where the context permits • The redevelopment of existing 15 storey buildings permitted at Le Marais
CA4 Fort Regent	<ul style="list-style-type: none"> • Between two to four storeys on the west flank • Up to three storeys on the east flank • Silhouette not to project above line of natural landform or the historic fort structure when seen from harbour
CA5 Old Harbours	<ul style="list-style-type: none"> • Up to three storeys • The redevelopment of existing 6 storey buildings permitted on the west side of the marina
CA6 New Waterfront	<ul style="list-style-type: none"> • Up to 8 storeys
CA7 The Parade/People's Park	<ul style="list-style-type: none"> • Up to 3.5 storeys
CA8 Town Centre Core	<ul style="list-style-type: none"> • Up to 4.5 storeys (unless specified in a separate design brief)
CA9 Town Centre North	<ul style="list-style-type: none"> • Up to 4.5 storeys (unless specified in a separate design brief) • Up to 5 storeys as accents, at corners or other landmark locations
CA10 Town edges/slopes	<ul style="list-style-type: none"> • Up to 6 storeys (unless specified in a separate design brief) • Building heights not permitted to be taller than 15m or 3 storeys on the ridgeline

Table GD1: Building height guidance for Town (St Helier Urban Character Appraisal)

It is not currently the Minister's intention to prepare and issue supplementary planning guidance specifically in relation to Policy GD1 – Managing the health and wellbeing impact of new development or Policy GD8 – Green backdrop zone but the issues of design and landscaping, which are addressed by these policies, will be integral to other supplementary planning guidance that the Minister proposes to develop. This is addressed by Proposal 9 - Design statements and statements of sustainability; and Proposal 19 – Design for homes, as set out in the Draft Bridging Island Plan.

2.24 Deputy L.M.C. Doublet of St. Saviour of the Chair of the States Employment Board regarding a 4-day working week trial (WQ.24/2022):

Question

“Will the Chair advise whether the States Employment Board is considering, or intends to consider, a trial of a 4-day working week for public sector employees; and what information is currently available to the Board regarding the pros and cons of such a scheme, including the impacts on productivity, wellbeing and employee recruitment and retention?”

Answer

The States Employment Board is committed to providing a flexible and inclusive working environment and through the implementation of the People Strategy are putting in place enablers to increase flexible working across our workforce. As an organisation we are not considering a four day working week but instead are promoting a team approach to flexibility which finds a balance between organisational and individual need. The breadth of services delivered by the Government of Jersey means that flexibility looks very different depending on the service and role a person is working in. A 4-day working week would not be appropriate for many of our service areas.

The Government of Jersey is currently running a number of pilots to trial an approach which considers flexibility around where, when or how many hours people work. Early indications are positive with the first pilot reporting that 79% of employees who responded to the survey felt that their wellbeing had improved as a result of increased flexibility and 82% reporting that they felt productivity and efficiency had increased or stayed the same as a result of the changes in working practices.

When all pilots have been completed findings will be collated and learnings used to help the organisation embed this approach further.

2.25 The Connétable of St. Brelade of the Chief Minister regarding the creation of the Department of Strategic Policy, Performance and Planning and Statistics (WQ.25/2022):

Question

“Will the Chief Minister advise what consideration, if any, was given to the legal ramifications of –

- (a) the creation of Strategic Policy, Performance and Planning (S.P.P.P.) as a Government department that not only leads policy but measures its performance;
- (b) the transfer of Statistics Jersey from the Chief Minister’s Department to Strategic Policy, Performance and Planning; and
- (c) the combination of the statutory role of the Chief Statistician with S.P.P.P.’s Director of Analytics;

and will he further advise what monitoring is undertaken, and what independent, expert review is sought, to ensure that any prospective conflicts arising from these arrangements are addressed and that these arrangements remain lawful and within the spirit of the Statistics and Census (Jersey) Law 2018; and are consistent with the production of impartial data and the independent political power of the Chief Statistician in accordance with the Fundamental Principles of Statistics and related statistical standards produced by the United Nations?”

Answer

There is a dedicated legal framework for statistical production, in the form of Statistics and Census (Jersey) Law 2018. Due regard was given to this and other relevant legislation as part of the establishment of the Strategic Policy, Planning and Performance Department, which was formed as part of the 2018 re-structuring that included the dissolution of the Chief Minister’s Department, and the development of Statistics Jersey, including the statutory role of the Chief Statistician. This included maintaining the right of Statistics Jersey to act independently when exercising its functions, and its overarching aim of contributing to public policy development and the delivery of public services, as well as the need to improve statistical standards across government; and to enhancing evidence-based policy development and performance reporting standards.

Nevertheless, while the current arrangements are considered fully consistent with the relevant legislation, and statistical independence has been maintained throughout, a Statistics Legislation Steering Group has been established review arrangements, taking account of United Nations guidance and international best practice. This group, established in February 2021 is chaired by Deputy Kirsten Morel with members including¹ Senator Tracey Vallois and the Chair of the Statistics Users Group. The Vision of the Steering Group has been published and was consulted on between 25 October and 6 December 2021. The next stage will be to summarise the results of the consultation,

¹ Additionally, the Chief Statistician, Deputy Chief Statistician, Senior Legal Adviser and relevant Assistant Legal Adviser and Senior Policy Officer are also members.

and to bring forward proposals that will further improve Jersey's statistical system, including any necessary changes to the arrangements relating to Statistics Jersey. This includes considering the expert professional views of the Chief Statistician and of the Statistics User Group, which is independent of government and has the primary function under the Law of overseeing the quality, relevance and integrity of statistics compiled by or on behalf of a public authority.

2.26 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Education regarding swimming lessons within schools (WQ.26/2022):

Question

“In relation to swimming lessons within schools, will the Minister state –

- (a) what the education curriculum requires;
- (b) when the current curriculum was put in place, when it was last reviewed and what plans, if any, there are to review it in the future;
- (c) who is responsible for overseeing physical education and, in particular, swimming, as identified within the curriculum;
- (d) what swimming tuition is provided for children in each Jersey primary school and to which year group(s) this is provided; and
- (e) who currently provides swimming tuition (broken down by school) and what specialist qualifications they hold?”

Answer

Key Background documents:

[Physical Education Curriculum](#)

[Swimming Management Policy](#)

Jersey Sport Guidance Document for Swimming (see appendix 1)

a. what the education curriculum requires

All schools must provide swimming and safety instruction either in Key Stage 1 or Key Stage 2.

In particular, pupils should be taught to:

- swim competently, confidently and proficiently over a distance of at least 25 metres
- use a range of strokes effectively [for example, front crawl, backstroke and breaststroke]
- perform basic survival and rescue skills in pool based situations
- keep themselves safe and understand the potential dangers of Jersey's beaches.

The provision of swimming to meet the requirements of the PE Curriculum is focused on pupils in Key Stage 2, to ensure that they leave primary school as confident swimmers with a good awareness of water safety.

b. when the current curriculum was put in place, when it was last reviewed and what plans, if any, there are to review it in the future;

The current Physical Education curriculum was part of the 2014 overall curriculum review, which fell in line with those made in the National Curriculum.

The provision and standards to be achieved through the curriculum were reviewed with Jersey Sport in 2017 and guidance was created to support this (see appendix 1).

The whole of the Physical Education Curriculum was taken to Jersey Curriculum Council in November 2021 via a CYPES partnership with Jersey Sport, to request a full review and update of the PE Curriculum, which will include swimming. This was approved and work is currently underway to devise a method to take this work forward.

- c. who is responsible for overseeing physical education and, in particular, swimming, as identified within the curriculum;**

Under the Education (Jersey) Law 1999 the Minister for Children and Education is responsible (after consultation with the Jersey Curriculum Council) for establishing and revising the Jersey Curriculum and in this capacity for overall sight of the Physical Education curriculum, including swimming.

The Minister for Children and Education is supported in this remit by the Jersey Curriculum Council, which includes Senior Officers in CYPES, and school and college representatives from all Key Stages and Special Education. Individuals from Jersey Sport contribute to feedback at an operational level regarding school activity on a six-weekly basis or more frequently if required, and the Department's governance team also lead on the safety aspects of swimming on a regular basis.

- d. what swimming tuition is provided for children in each Jersey primary school and to which year group(s) this is provided; and**

Please see the following statement from the [‘Swimming Risk Management Policy’](#) available on gov.je for the statutory programme to meet the needs of the curriculum. (This is due for an update in 2022)

‘JERSEY SWIMMING PROGRAMME - Key Stage 2

The swimming programme is available to all Government schools with pupils in Key Stage 2. The programme combines a qualified swimming teacher(s) with access to a States run pool for a fixed period at the end of which pupils are assessed against the criteria above. The swimming programme is supported by the Sports Development department. From April 2017 this will be known as ‘Jersey Sport’ as part of the Fit for the Future Strategy. This is a joint venture agreed between the Economic Development, Tourism, Sport and Culture department and the Education department.

Access to pools varies across Jersey schools however the programme aims to ensure that all Jersey pupils have sufficient access to meet the minimum Key Stage 2 standard. The programme offers core access during which the majority of pupils would be expected to achieve the standard. From September 2017 it will be primarily targeted at year 4 and early year 5 pupils with the latter half of year 5 used to focus on any student who has yet to achieve the core standard.

a. Additional access – Key Stage 1

There is no specified swimming programme in Key Stage 1. Some pupils have early access to swimming instruction in their Nursey and/or Reception year through the support of charitably funded or subsidised provision. Provision ranges from a free fixed period of ten thirty-minute lessons with a focus on water mobility and confidence provided to mixed ability groups across 8 to 10 schools a year, to cross school provision for identified non-swimmers, to subsidised provision for a small number of nursery classes.

b. Additional access – Key Stages 3 and 4

There is no specified swimming programme in secondary school and access to swimming provision differs between schools. Haute Vallee, Les Quennevais and Jersey College for Girls/Victoria College have designated pools where they hold timetabling priority. Other schools have to bid for available time after the Jersey Swimming Programme has booked its lesson and training allocations.’

In the past, there was a charitable initiative provided by the Le Mourier Swim School. This targeted Reception age pupils. This work has no Government of Jersey funding and engagement by schools was entirely voluntary. Le Mourier Swim School can supply more details if required.

In addition to the basic swimming lessons, Year 5 pupils also have access to the ‘Swim Safe’ campaign organised by Jersey Sport. This initiative covers the survival and rescue skills element of the curriculum. The lessons are offered for free thanks to a partnership between Swim England, the RNLI, the Bosdet Foundation and Jersey Sport.

e. who currently provides swimming tuition (broken down by school) and what specialist qualifications they hold?”

All Government of Jersey primary pupils in Key Stage 2 are taught by qualified swimming teachers from Jersey Sport as part of the statutory curriculum requirements. This is in line with the agreed CYPES/ Jersey Sport Guidance Document for Swimming, which follows the Association for Physical Education best practice and states:

‘A level 2 swimming teacher should always be present when children are being taught swimming. Jersey Sport will endeavour to provide level 2 teachers whenever possible although on some occasions a level 1 swimming teacher may be used alongside a level 2 swimming teacher.’

In addition to this, schools also need to provide a qualified individual with the ‘National Rescue Award for Swimming Teachers and Coaches’ (NRASTC). This is confirmed to be in place in all Government of Jersey primary schools.

Private schools are not compelled to adopt the Jersey Curriculum and therefore, they are responsible for making their own arrangements.

With reference to separate swimming arrangements in Early Years, Key Stage 1, or secondary education, where the curriculum is not statutory, individual schools make their own arrangements to comply with the swimming safety policy.

Data for individual school choices around additional non-statutory swimming provision lies with individual schools and headteachers; it is not currently collected centrally for this reason.

Appendix 1



School Swimming	Standard Operating Procedure
Index Code	JS
Author	Martine Le Guilcher
Authorised By	Catriona Mcallister
Issue Date	October 2017
Review Date	October 2018
Last Review Date	New Document
Changes	-

Overview	The purpose of this policy is to detail the School Swimming procedures under which the School Swimming programme are managed.
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Introduction

Section 1

1

Jersey Sport are committed to providing a quality “learn to swim” programme to users within Key Stage 2 of the States of Jersey education system. The primary school programme is reviewed on an ongoing basis to ensure a quality learning experience is delivered to young people which links closely to Curriculum for Excellence and in particular Physical Education. Jersey Sport and States of Jersey Education Department work in partnership to ensure as many of our young people as possible learn how to swim.

The following document outlines the roles and responsibilities of each partner organisation.

School Responsibility

2.1

The Head teacher or a named member of staff is delegated the responsibility of school swimming. This will include knowledge and understanding of

- The swimming pool safety policy and procedures in States of Jersey facilities.
- Risks assessments
- Pool safety operation procedures Normal Operating Procedure (NOP) and Emergency Action Plan(EAP) available at each pool
- All Swimming related communications are given to appropriate staff.

School Teaching Staff

2.2

Because of the special knowledge and understanding they have of their pupils, primary school teachers/Class TA's should accompany their own class to swimming.

Class teachers/TA's have the following responsibilities:

- Appropriate supervision of children when changing
- Control of pupils at all times
- Head counts are taken prior to and after every session
- Normal Operating Procedures and Emergency Action Plans are followed
- They must be on the poolside appropriately dressed (see section 6.1) and will be asked to assist the swimming teacher with the lesson. This may involve teaching a group with the support of a swimming teacher, working 1 to 1 with nervous pupils or supporting with behaviour or ASN/SEN.
- To pass on information about pupils that will inform the swimming teacher of particular needs.

Primary class teachers will not be asked to undertake tasks that they are uncomfortable with.

Qualified Swimming Teachers

2.3

A level 2 swimming teacher should always be present when children are being taught swimming.

Jersey Sport will endeavour to provide level 2 teachers whenever possible although on some occasions a level 1 swimming teacher may be used alongside a level 2 swimming teacher.

They have responsibility for ensuring the safe conduct of the class in the water and on poolside, in line with good practice and their training, which includes:

-
- Planning, developing and monitoring the swimming programme in line with the Jersey PE Curriculum.
 - Preparing schemes of work appropriate to pupils' ages, abilities and interests in line with the learning outcomes.
 - Co-operating with the class teacher to check numbers of pupils before, during and after each session
 - Enabling the class teacher to assist with the delivery of the swimming lesson.
 - Identifying specific groups within each swimming session and providing appropriate activities.
 - Having a thorough knowledge and understanding of NOP and EAP for the pool
 - Carrying out emergency drills every term.
 - Working with the lifeguards on duty or, if there are no lifeguards, providing lifesaving and first aid skills on their own or with others
 - Affect a rescue if necessary.
 - Give appropriate training to class teachers and pupils in relation to safety procedures and roles of all in the event of an accident/incident.

All Swimming Teachers will be DBS checked.

Lifeguards

2.4

Jersey Sport have a responsibility for the safety of all who attend their lessons.

Whenever children swim, there must be someone present with appropriate lifeguarding, rescue and first aid qualifications

The person responsible for lifeguarding, rescue and first aid will:

- Have knowledge of the NOP and EAP
 - Be observant of the pool and pool users at all times
 - Initiate any rescues or other emergency action required
 - Be able to affect a rescue from the bottom of the deepest part of the pool
 - Administer first aid
 - Prevent unsafe activities
 - Assist in the running of emergency drills
 - Secure the pool against unauthorised access when not in use
 - Communicate clearly at all times with all users / teachers in the pool
 - Lifeguards must work with school teachers and swimming teachers.
 - Lifeguard instructions for safe conduct in the pool should be followed at all times.
-

Information surrounding ratios

3.1

Each pool will have a designated maximum bather capacity appropriate to the size of the pool, which will be specified in the Normal Operating Procedure.

- There must always be at least 2 supervisors from the school present on the poolside for school swimming lessons (ratio 1 – 12 for school staff to pupils). For afterschool swimming lessons where less than 12 pupils are in attendance only one member of school staff needs to be present on poolside supervising.
- Pupil/ swimming teacher ratios must not exceed the below ratios and for the vast majority of cases in primary school swimming should be less.

Ratio Table

3.2

Activity	Baseline Learner/Teacher ratio	Comments
Adults & Child Class (where adults are in the water with a child on a 1-to-1 basis)	12 babies & adult pairs to 1 teacher	Pool Temperatures are critical for young infants. Pool depth to be suitable for the adult in an adult and child class.
Younger children between 3 & 4 years old	6 to 1	Where the teacher is in the water any lifesaving competency (s)he has is diminished
Teaching in the water	6 to 1	Teacher should preferably teach from the poolside from improver and above. When the teacher is in the water a lifesaver should be on the pool deck. It is preferable where possible for the swimming teacher to be on the poolside and the helper in the water
Beginners (children over 4 years and including adult learners)	12 to 1	Learners with or without floatation aids that cannot swim 10m comfortably and safely.
Improving swimmers (Children and adults)	20 to 1	Learners who have mastered stroke technique and have the ability to swim 10m comfortably and safely
Mixed ability groups not including beginners (Children and adults)	20 to 1	Should not include beginners and all should be able to swim 25m minimum. Mixed ability groups are often a necessity in managing school groups.
Competitive club swimmers	30 to 1	The number of swimmers should fit in the lane/area. The ratio should reflect the swimming competence of the swimmer and the activity taking place.
Diving tuition from poolside (children & adults)	20 to 1	Standing dives from the poolside should be taught into a minimum of 1.8m of water. Exercises leading to full standing dives from the poolside such a sitting and kneeling dives may be considered in shallower water for

		young children after a risk assessment and taking into account the size and height of the child.
Platform Diving training (children & adults)	10 to 1	Only one diver should be on the board at any one time. Expansive diving facility configuration with safe spaces between the plunges may allow the ratio to increase
Synchronised Swimming (Children & adults)	20 to 1	Some synchronised swimming exercises should not be taught in shallow water in case of pool bottom impact . A risk assessment should consider the depth of the water needed for the exercise in relation to the height of the learners.
Waterpolo (children & adults)	30 to 1	Water space would normally preclude larger groups. Additional water polo players out of water may allow the ratio to increase in a training session.
Exercise in water – shallow water (Adults)	30 to 1	Participants need to be able to stand up from lying in the water on their front or back whether this is a session in shallow or deep water.
Exercise in water – Deep water (Adults)	20 to 1	Unlike exercise in shallow water consideration as to be given to participants swimming ability and the use of buoyancy aids
Learners with Special educational needs and/or disabilities (Children & adults)	1 to 1 upwards	Each situation must be considered independently as people with disabilities are not a homogenous group.

Reasons identified in the risk assessment why the ratio may be increased or decreased

- Dedicated lifeguard observing the lesson area only may permit the lesson ratio to increase
- Additional helper(s) in the water may allow the ratio to increase
- Shallow water area may allow the ratio to increase (shallow water is defined by the risk assessment in relation to the height of the learner)
- Teaching learners in ‘waves’ keeping a % of the learners out of the water may allow the ratio to increase but reduces the quality of the lesson.
- Poor definition of the teaching area may require the ratio to decrease.
- Sharing the space with another activity may require the ratio to decrease
- If the area is deeper than is suitable for that level of lesson the ratio may need to be decreased (deep water is defines by the risk assessment in relation to the height of the learner)
- Poor water clarity (although not so bad as to require pool closure) may require the ratio to decrease
- Steep floor gradients or uneven pool floor may require the ratio to decrease in water of standing depth
- Poor effectiveness of the pool bottom non-slip tiles may require the ratio to decrease in water of standing depth
- Language and learning difficulties may require the ratio to decrease This is not an exhaustive list, there may be many other reasons specific to the pool or type of lesson

There is a statutory requirement for a ‘lifeguard’ to be available whenever a school swimming lesson is taking place. This will be a designated person with an RLSS National Pool Lifeguard qualification.

· The ‘Management of Health and Safety in the Swimming Pool’ states that “In certain circumstances a swimming teacher can also be the ‘lifeguard’ for his/her group subject to holding the appropriate qualifications and or training. This only applies to ‘programmed’ swimming”

Programmed activity is defined as;

- With a formal structure
- Disciplined
- Supervised or controlled
- Continuously monitored from the poolside

Curriculum

Section 5

Background

5.1

Jersey Sport will deliver their school swimming programme in line with learning outcomes set out in the States of Jersey Education Department’s physical education programme. The outcomes will be taught in relation to the age and stage of each pupil. It is an aim that all children will achieve the minimum swimming safety standard by the end of Key Stage 2, as stated in the Jersey Curriculum.

Jersey Curriculum Standards

5.2

The Jersey Curriculum swimming criteria states pupils should be able to do the following:

- A minimum of 25m Front Crawl breathing to the side – no lifting of the head to the surface with good technique.
- A minimum of 25m Backstroke with technically correct arm and leg action and body position.
- A minimum of 15m (desired 25m) of a recognisable breaststroke or butterfly, correct timing is not essential, no front crawl kick or front paddle allowed.
- A straddle entry keeping face dry.
- Treading water for a minimum of 30 seconds, keeping head above the water without travelling.
- Perform a surface dive at full reach depth and touch the bottom with hand/s.
- Swim a minimum of 25m head up front paddle / breaststroke strongly.

Teacher Clothing and Equipment

Section 6

Teacher Clothing

6.1

Teachers should change into suitable non slip footwear to be able to move easily around poolside and not bring outdoor dirt onto the pool surround on their feet.

They should wear clothes suitable to the humidity and temperatures of the pool. If the member of staff is a NRASTC/STA SAT qualification holder, they should be wearing clothes appropriate to aid a rescue if necessary.

Equipment

6.2

Because of the special knowledge and understanding they have of their pupils, primary school teachers/Class TA's should accompany their own class to swimming.

Class teachers/TA's have the following responsibilities:

- Appropriate supervision of children when changing
- Control of pupils at all times
- Head counts are taken prior to and after every session
- Normal Operating Procedures and Emergency Action Plans are followed
- They must be on the poolside appropriately dressed (see section 6.1) and will be asked to assist the swimming teacher with the lesson. This may involve teaching a group with the support of a swimming teacher, working 1 to 1 with nervous pupils or supporting with behaviour or ASN/SEN.
- To pass on information about pupils that will inform the swimming teacher of particular needs.

Primary class teachers will not be asked to undertake tasks that they are uncomfortable with.

Safety Equipment and First Aid Arrangements

Section 7

Safety Equipment

7.1

- States of Jersey pools are equipped with a means of raising an alarm and summoning support in the event of an accident or incident. This is an emergency button, which activates a siren alerting other facility staff to take action.
- There are appropriate reach and rescue equipment on hand to use in the event of any incidents.
- Equipment, including a evacuation blankets and first aid equipment are immediately to hand.
- Pool depths are clearly marked on the walls of the pool and instructors should explain their significance to pupils, especially beginners.
- A pool divider, usually a rope, will normally be positioned to separate deep from shallow water when non-swimmers are present.

-
- All pools can be locked off and isolated to prevent unauthorised access when not manned.

First Aid Arrangements

7.2

It is the responsibility of Jersey Sport to ensure that there is a lifeguard on site. In the event of an accident occurring which requires first aid, procedures outlined in the States of Jersey site specific NOP and EAP must be followed. The incident must be recorded on the accident form of the pool being used, Jersey Sport and the school should request a copy for their own records.

Swimming Attire

Section 8

8

Pupils should wear appropriate costumes for swimming that conform to safety, cultural and teaching requirements. It is important that swimming clothing is relatively tight fitting so as to minimise the effect of drag that waterlogged clothing can create. Sensitivity is required to ensure:

- The correct balance when cultural demands require looser fitting garments
- The need to be able to see the movements that limbs and joints are making in the water to ensure appropriate learning
- Children who swim frequently or whose eyes are susceptible to irritation may request to use goggles for swimming
- Children with long hair must be encouraged to tie hair back
- Children must wear a swimming hat in the pool for hygiene reasons and also to make them more easily identified.

2.27 Deputy M. Tadier of St. Brelade of the Dean of Jersey regarding the new Bishop to the Diocese of Salisbury (WQ.27/2022):

Question

“Given the appointment of a new Bishop to the Diocese of Salisbury, will the Dean advise the Assembly when the Channel Islands will formally become part of this Diocese and what implications, if any, there are for the Assembly of this development?”

Answer

The new Bishop of Salisbury will be consecrated as a Bishop on 25th April 2022 and enthroned as the Bishop of Salisbury in the summer of 2022, the date of which is yet to be confirmed. The Channel

Islands will only formally and legally ‘be attached’ to the Diocese of Salisbury, once the legislation to that effect contained in p.12/2022 (a) and (b) are approved by the States of Jersey *and* the request to Her Majesty in Council for the making of an Order in Council providing for the attachment of Jersey to the Diocese of Salisbury and the transfer of all such jurisdictions from the Bishop of Winchester in relation to Jersey to the Bishop of Salisbury (whomsoever that shall be at the time), is granted by Majesty.

Should the States approve P.12/2022 and her Majesty grant an Order in Council, this will come into force on the day on which it is registered by the Royal Court of Jersey. There are no implications for the Assembly.

2.28 Deputy J.M. Maçon of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding rental rates for telecommunications masts (WQ.28/2022):

Question

“Will the Minister advise whether there are any plans to allow Jersey telecom companies to reduce the cost of contractually-agreed rental rates for telecommunications masts and the land they occupy?”

Answer

The question appears to relate to whether Jersey has - or is going to - adopt a code similar to the UK’s Electronic Communications Code that regulates the legal relationships between landowners and certain network operators in the UK. The UK’s Electronic Communications Code came in to force in the UK in December 2017 replacing the previous code and the Department for Digital, Culture, Media and Sport conducted a consultation last year considering amendments to new code.

There are no current plans to put in place a similar code at this time.

2.29 Deputy J.M. Maçon of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding the rights of landowners (WQ.29/2022):

Question

“Will the Minister advise whether there are any plans to remove the rights of landowners in Jersey to evict lease-holders in cases where the lease has been amended without the landowner’s consent, particularly with regard to telecommunications masts and the land they occupy?”

Answer

The question appears to relate to whether Jersey has - or is going to - adopt a code similar to the UK’s Electronic Communications Code that regulates the legal relationships between landowners and certain network operators in the UK. The UK’s Electronic Communications Code came in to force in the UK in December 2017 replacing the previous code and the Department for Digital, Culture, Media and Sport conducted a consultation last year considering amendments to new code.

There are no current plans to put in place a similar code at this time.

2.30 Deputy J.M. Maçon of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding leases between landowners and telecommunications companies (WQ.30/2022):

Question

“Will the Minister advise whether there are any legislative changes planned that would allow either the Government or a Government body to make changes to agreed leases between a landowner and a telecommunications company without the landowner’s consent; and will the Minister commit to opposing the introduction of any such measures, as have been enacted in the United Kingdom?”

Answer

The question appears to relate to whether Jersey has - or is going to - adopt a code similar to the UK's Electronic Communications Code that regulates the legal relationships between landowners and certain network operators in the UK. The UK's Electronic Communications Code came in to force in the UK in December 2017 replacing the previous code and the Department for Digital, Culture, Media and Sport conducted a consultation last year considering amendments to new code.

There are no current plans to put in place a similar code at this time.

2.31 The Connétable of St. Martin of the Minister for Home Affairs regarding the stalking and continued harassment of women (WQ.31/2022):

Question

“Will the Minister advise what consideration, if any, has been given, during both the ongoing review of women's safety in Jersey (as agreed in the Government Plan 2022-2025) and the wider work programmes of the Department of Justice and Home Affairs and the States of Jersey Police, to the response to allegations and evidence of stalking and continued harassment of women?”

Answer

Stalking and harassment are included within the offences that are crimes of violence against women and girls. As such it will be feature in the ongoing review of women's safety in Jersey.

A taskforce has been set up to deliver this review, which will consist of States members, representatives of operational agencies and third sector organisations.

The States of Jersey Police Force is a key member of that taskforce and will develop and deliver an action plan under the strategy which will seek to:

- Improve trust and confidence in policing
- Relentlessly Pursue Perpetrators
- Seek to create safer Spaces.

It seems likely that the recommendations of the taskforce to the incoming government later this year will include further work on legislation in the area of women's safety.

If the taskforce considers that addressing stalking and harassment requires legislative change then it will make a recommendation to do so, and if so then I hope that the new government will act on that recommendation as a matter of the highest priority.

2.32 The Connétable of St. Martin of the Minister for Home Affairs regarding funding to prevent and respond to stalking in Jersey (WQ.32/2022):

Question

“Will the Minister outline details of the funding provided to the States of Jersey Police to prevent and respond to stalking in Jersey; and will he advise what considerations, if any, have been given to increasing the funding following the debate on the proposed ‘Gracie's Law’ in the United Kingdom?”

Answer

Whilst there is no specific funding provided to the States of Jersey Police to prevent and respond to stalking it is of course part of the core role of any police officer to deal with these offences.

Funding is, however, provided to Jersey Domestic Abuse Service (JDAS), which is an arms-length service that, sits under the States of Jersey Police. This funding is part of wider funding given by the Government to protect victims of domestic abuse. JDAS delivers tailored support to individuals and families who are experiencing stalking and stalking related behaviours and includes specific safety

planning and practical and emotional support that seeks to enhance quality of life by reducing risk and addressing unmet needs.

2.33 Deputy M.R. Higgins of St. Helier of the Minister for Housing and Communities regarding a digital register of all commercial and residential properties (WQ.33/2022):

Question

“Following the States decision in September 2020 to establish a digital register of all commercial and residential properties by the end of 2021, will the Minister advise –

- (a) when his department started work on this register and what actual steps, if any, have been made towards bringing this register into being;
- (b) if work has commenced, the key stage timelines of work and the date on which the register is expected to be introduced; and
- (c) if work has not yet commenced, the reasons why it has not begun and how the department is able to make effective policy decisions in this area without the supporting evidence arising from this work?”

Answer

- a) I have recently signed a Ministerial Decisions and announced steps to develop a digital register, explaining that we have commissioned a scoping study to map out the establishment of a register of all property and ownership. The scoping work will also support the wider strategies of government, helping data and digital management and provide increased levels of information.
- b) The scoping analysis will provide the foundation for the next phase of work, including timescales, projected costs, and recommendations on best-fit with the wider strategies and policies of the government and the decisions of the Assembly.

The analysis will be available to the next Council of Ministers, so they have a good, evidence-based foundation to support their implementation decisions. The Assistant Chief Minister, Deputy Rowland Huelin, has now been given political responsibility for this project, and I have confidence that he will drive this work over the coming months, including supporting the realisation of wider benefits around data management.

- c) Work on this project was delayed due to capacity issues, including the significant existing pipeline of work and the Government’s response to COVID.

The aim of the register as set out in 2020 is to provide information on the ownership of commercial and residential property to help the Government set polices to avoid abuses or distortions of the market.

In terms of housing polices, over the last year the Government, led in this area by the Minister for Housing and Communities, has developed and is now implementing at a rapid and urgent pace a range of housing policies to improve the supply of housing, to promote good practice and innovation across the residential market and to create improved access to affordable housing.

2.34 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the investigation into alleged corruption in the planning department (WQ.34/2022):

Question

“Following briefings made by Officers of the Norfolk Police Department after their investigation into alleged corruption in the planning department, will the Chair explain, in relation to the planning officer who reportedly wilfully lied as a prosecution witness under oath to a criminal court –

- (a) the date on which the officer's actions were reported to the States Employment Board by the Minister for the Environment and, if not reported by him, the date on which and by whom they were reported;
- (b) what breaches of the Code of Conduct for Civil Servants, or their Contract of Employment, arise from wilfully lying to the court and what penalties for such actions there are;
- (c) the date on which the officer concerned was suspended from office by the S.E.B. pending an investigation into their actions, and, if they were not suspended, the reasons why they were not suspended; and
- (d) whether, in the Board's assessment, it is appropriate for an officer accused of lying to a court to be allowed to resign, to obtain a favourable reference, to receive any form of compensation from the States or to enter into a non-disclosure agreement?"

Answer

- (a) The States Employment Board may not receive questions or provide comment on individual employment matters. Standing Orders, Schedule 3, Code of Conduct for Elected Members provides guidance on this point.

However, the States Employment Board understand that the Norfolk investigation did not find any criminal proof. We are awaiting a final written report to confirm their findings.

- (b) We refer to our answer in point (a)
- (c) We refer to our answer in point (a)
- (d) We refer to our answer in point (a)

2.35 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding Ministers' interests in cannabis production firms (WQ.35/2022):

Question

"Will the Chief Minister advise whether, during proceedings and deliberations of the Government, any Minister or Assistant Minister has declared as an interest that they hold investments in any of the existing or proposed cannabis production firms in the Island, or by indirect means such as owning land on which cannabis will be grown or processed; and, if such declarations have taken place, will the Chief Minister state when and by whom they were made?"

Answer

As the Deputy will be aware, all Members are required to fill out and maintain a declaration of interests form which is publicly accessible on the States Assembly website.

In addition, Ministers and Assistant Ministers are required to draw their colleagues' attention to the relevant interest in the event that it is discussed or raised at the Council of Ministers.

The subject of medicinal cannabis production has been raised at the Council of Ministers on a number of occasions and I can confirm that no Minister has declared an interest during these deliberations.

2.36 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the 'Government Achievements' campaign (WQ.36/2022):

Question

"What is the anticipated cost of the upcoming 'Government Achievements' campaign, both in terms of staffing hours and other costs?"

Answer

No additional costs are arising as a result of this campaign.

All marketing materials are being consolidated in house with the vast majority of content utilising existing and past campaign materials.

No additional staff have been recruited or contracted to run the campaign with all work being incorporated within normal working hours of existing Government of Jersey staff.

An estimation for the cost of the hours of the existing staff over the course of the six-week campaign is £8,273.69. This figure has been calculated by collating the total hours estimated to be spent across the campaign, including preparation time ahead of its commencement on 31st January, along with the respective hourly rates of the relevant officers. The estimated costs include an allocation of time for staff attending any interviews etc. By way of example the Recruit Local campaign cost an estimated £24,890, and the 2020 Flu campaign cost approximately £21,760.

I am grateful to the Deputy for highlighting this campaign as it allows me to expand on its purpose. One of the key lessons learnt during the COVID-19 pandemic has been the importance of direct engagement with the public, and over the last two years, media and public attention has largely been directed towards our pandemic response. This is understandable but has led to a number of initiatives and projects not receiving the recognition or attention that they deserve.

I have therefore tasked the Communications Directorate with undertaking a six-week campaign highlighting the achievements of public sector staff over the last four years.

This is intended to reflect on the work of staff during a very challenging time as they have continued to deliver many new initiatives and focus on the priorities of the Council of Ministers during this term and continues the work highlighted in previous answers to the Deputy around informing the Public about the work of Government Departments. By publicising the end-of-term achievements in this way, I have no doubt that Islanders will be able to make up their own minds on the work of the Council of Ministers over the last 4 years.

2.37 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the £20 annual bus pass for young people (WQ.37/2022):

Question

“Will the Minister state the estimated date for when the £20 annual bus pass for young people aged 18 and under (as agreed in the Government Plan 2022-2025) will be made available?”

Answer

Work has commenced to bring forward these changes, and my officers have been liaising closely with LibertyBus to develop a scheme, which involves the configuration of a new smartcard pass by an external supplier. Certain aspects have yet to be finalised, however the objective remains to achieve a commencement date on or before the deadline of the 31st March 2022 set by the Amendment to the Government Plan.

It is envisaged that the travel passes for this new concession will be offered for purchase in late February or early March, but because several thousand applications are expected, it will be necessary to spread the administration over the weeks leading up to the scheme start date.

2.38 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding gross income for Covid support scheme payments (WQ.38/2022):

Question

“Will the Minister advise what definition of ‘gross income’ was used when calculating payments for the Covid support scheme for businesses?”

Answer

The definition of gross income that has been used for the purposes of the Co-Funded Payroll Scheme is as follows:

- any amount paid to the self-employed person by way of wages, salary, fees, bonuses, commission;
- overtime pay;
- dividends paid by a company of which the person is a shareholder, where the income of the company is derived from the person's self-employment;
- distributions made by or drawings from a partnership in which the person is a partner;
- business profits (a business' trading income after deducting allowable business expenses) for a sole trader.

This definition is relevant to all self-employed people and is used to ensure that all relevant components of the individual's personal income is taken into account when determining the subsidy, they are eligible to receive.

Since the launch of the CFPS, the definition has been used for applications. From March 2020, Customer and Local Services has also operated a helpline that has provided advice to Islanders who were seeking to make a claim for the CFPS.

As part of the process of establishing the Scheme, officials engaged with a wide range of stakeholders to ensure that the requirements of the Scheme could be readily understood. This included consultation with a range of organisations representing businesses and workers.

2.39 The Connétable of St. John of the Assistant Chief Minister regarding square meterage allowed for growth at the new 'Our Hospital' (WQ.39/2022):

Question

"Further to the responses to Written Question 381/2021 and 446/2021, will the Assistant Chief Minister state the square meterage allowed for growth in the new 'Our Hospital' and identify where within the plan such space will be located?"

Answer

As previously advised the November 2021 Schedule of Accommodation will continue to evolve to reflect ongoing discussions with stakeholders, and it is not until the internal design is finalised that an absolute answer can be provided.

The area allocated for growth will be around 15% of the final total square meterage of the main building, but designs are still evolving and will need to reflect any planning decisions.

The design created includes flexible internal spaces so that changes can be made in the future, either to meet patient demand or for any changes in medical practice in future as they arise.

An example of flexible space includes administration and other non-clinical areas, which at the time of reporting equates to 3,000 square metres.

2.40 The Connétable of St. John of the Minister for Children and Education regarding car parking spaces at Primary Schools (WQ.40/2022):

Question

“Will the Minister advise how many staff car parking spaces are provided at each of the Island’s Primary Schools, excluding any parking within an actively-used playground?”

Answer

School	Spaces
Bel Royal	15
d'Auvergne	75
First Tower	27
Grands Vaux	35
Grouville	26
Janvrin	25
Jersey College Prep	30
Jersey Music Service	5
La Moye	33
La Sente Primary	15
Les Landes	0
Mont à l'Abbé Primary	68
Mont Nicolle	26
Plat Douet	31
Rouge Bouillon	43
Samarès	22
Springfield	20
St Clement's	28
St John's	0
St Lawrence	19
St Luke's	15
St Martin's	3
St Mary's	0
St Peter's	16
St Saviour's	12
Trinity	0
Victoria College Preparatory	31

2.41 The Connétable of St. John of the Minister for Health and Social Services regarding Health and Community Services (H.C.S.) staffing (WQ.41/2022):

Question

“With reference to [Written Question 4/2022](#) and the figures detailed in a Freedom of Information response on 6th January 2022 entitled [Health and Community Services \(H.C.S.\) staffing](#), will the Minister explain the reason for the difference in the figures provided, and in light of the difference identified, provide a breakdown of the following in respect of Occupational Therapy and Physiotherapy staff for the period 1st January 2021 to the end of November 2021 –

- (a) the number transferring to other areas in H.C.S.;
- (b) the number on short-term contracts who left before the end of their contract;
- (c) the number in Occupational Therapy who resigned;
- (d) the number in Physiotherapy who resigned;
- (e) the number of administrative staff in Occupational Therapy and Physiotherapy who resigned;
- (f) the number who retired from these areas; and
- (g) the number of staff who left for any other reason, with details of such reason?”

Answer

Unfortunately, part of the answer provided in the FOI response was incorrect. I apologise for this. The response is currently being revised to address this and details are below.

In relation to Q5 in the FOI:

5. How many OT's and Physiotherapist Nurses and Social workers have resigned from employment in HCS in 2021, to 1st November 2021?

We published the following answer:

“Between 1st January 2021 and 1st November 2021 **24** OT staff and Physiotherapist staff have resigned. “

It was a complex, multi-part FOI and it appears that during the writing of the response, data was entered incorrectly – in this case, a “2” was typed into the response instead of a “1” and the answer did not include the reference to social workers.

The data shows that between 1st January 2021 and 1st November 2021, 14 OTs, Physiotherapists and Social Workers resigned. Of these, 7 were OTs and Physiotherapists.

It is important to note that these numbers refer to **registered staff** in these professional groups.

The FOI will be reissued to reflect the correct numbers.

I can confirm that the figures previously included in my answer to WQ4/2022 were correct. This showed 7 resignations from registered OTs and Physiotherapists between 1st January 2021 and 30 November 2021.

The answer is republished below and refers to **all staff** working in these areas, not only registered professionals:

- (a) 2 Physiotherapists moved internally within the Physiotherapy service
 - 3 Occupational therapists moved internally within the Occupational Therapy Service
 - 2 Occupational Therapy assistants moved to other clinical areas within HCS
- (b) 1 locum physiotherapist – released from contract due to performance concerns
- (c) 1 Occupational Therapist resigned – returned to the UK to be with family due to the pandemic
 - 1 Team Lead left to work in private practice in Jersey
- (d) 1 Physiotherapist resigned and left the profession

3 physiotherapy assistants resigned – 1 to undertake a Physiotherapy degree off-island; 2 no reason given

(e) 1 admin/typist in physiotherapy resigned – no reason given

(f) 1 Assistive Technology Technician in Occupational Therapy retired

(g) There were no other staff who left for reasons other than those mentioned in a) to f)

2.42 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding the number of properties for which rental income was declared in Income Tax returns (WQ.42/2022):

Question

“Following the answer to [Written Question 2/2022](#), will the Minister provide an estimate of the number of properties for which rental income was declared in Income Tax returns?”

Answer

Insufficient data is available to provide an estimate. In particular, data was not collected for tax years preceding 2018. The Minister is advised by the Comptroller of Revenue that income data from 2018 and 2019 tax returns is insufficiently detailed to estimate the number of properties from which property income (domestic and commercial) was derived.

2.43 Senator S.Y. Mézec of the Minister for the Environment regarding complaints in the rental sector (WQ.43/2022):

Question

“Since the introduction of minimum standards in the rental sector and the delegation of responsibilities under the Residential Tenancy Law to Environmental Health, will the Minister provide a breakdown by year of –

- (a) how many complaints have been received from tenants;
- (b) how many complaints were received with a request to remain anonymous;
- (c) how many complaints resulted in some form of action taken against the landlord;
- (d) how many cases have been referred by the Environmental Health Department to H.M. Attorney General;
- (e) how many of these cases were not pursued by H.M. Attorney General; and
- (f) how many cases of minimum standards not being met were discovered through intelligence gathering, rather than through complaints being made?”

Answer

(a)

Year	Public Health and Safety (PHSL)	Residential Tenancy (RTL)
2018	175	43
2019	191	60
2020	124	23
2021	178	63
2022 (YTD)	22	4

Environmental and Consumer Protection (ECP) also receive a number of informal enquiries where immediate advice is given over the phone and clients do not wish to take the matter any further. These are not officially recorded and so are not included in the figures above.

It should also be noted that complaints are only recorded against the primary category of complaint but may also cover other category issues. This avoids double counting.

(b)

When the department receives complaints, they can only log details on the system when a name and address is given. In a vast majority of cases when someone wishes to remain anonymous or does not want ECP to contact the landlord, they will not provide these details and therefore no official record is made of the contact.

Where they do give a name and address, but do not wish for the department to contact the Landlord the action is recorded in the case file. This information is not in an easily retrievable format. To obtain this information an officer would have to review each case file and associated emails, notes and documents over the past 4+ years.

(c)

Action under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 can include the issuing of Hazard Awareness Advice (provided to the person in control of the dwelling and the occupier), Improvement and Prohibition Notices. If the notices are not complied with this can result in referral to the H.M. Attorney General.

Action under the Residential Tenancy (Jersey) Law 2011 can include compliance advice and referral to the H.M. Attorney General.

For the purposes of this question, it is assumed that action taken against landlords means the service of notices on landlords (as opposed to more informal measures such as the provision of hazard awareness advice).

	2018	2019	2020	2021
Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 – Improvement Notices	0	0	2	5
Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 – Prohibition Notices	0	0	0	2

(d)

Cases referred to H.M. Attorney General can be wide ranging in nature and cover numerous issues.

The figures represent the number of advisory case files which have been submitted to H.M. Attorney General.

Year	PHSL	RTL
2018	0	1
2019	0	5
2020	1	0
2021	1	2
2022 (YTD)	0	0

(e)

It should be noted that the cases detailed in (d) above can include requests for legal advice. That does not necessarily translate to instigating proceedings. No cases have been pursued by H.M. Attorney General.

(f)

The records can't be filtered by the category of the intelligence source, therefore, to obtain this information, officers would have to look into each case file. However, the majority of cases of minimum standards not being met relate to planned inspections of lodging houses, where ECP have access to the register of dwellings under the Lodging Houses (Registration) (Jersey) Law 1962. Very few originate from tenant complaints.

The Powers of Investigation under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 ensure standards in "Rented Dwellings". However, in the absence of a similar Register or Licencing Scheme it is extremely challenging for the department to undertake any intelligence led investigations.

2.44 Deputy M. Tadier of the Dean of Jersey regarding the Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202- (P.6/2022) (WQ.44/2022):

Question

"In light of the lodging of the Draft Marriage and Civil Status (Amendment No. 5) (Jersey) Law 202- ([P.6/2022](#)), will the Dean –

- (a) state whether, to inform the development of the Draft Law, he advised the Government of his support for the 'quadruple lock' proposed in the Draft Law; and
- (b) advise what information, if any, he provided to the Government on the views of the Church since the introduction of same-sex marriage towards same-sex and transgender couples being able to marry officially under Canon Law, including the Church's current thinking on this matter?"

Answer

- (a) Article 9 of the European Convention on Human Rights guarantees the right to freedom of thought, conscience and religion, and the Act protects and promotes religious freedom through the Government's 'quadruple lock', which was enshrined in Article 7 of the Marriage and Civil Status (Amendment No.4) (Jersey) 2018. This ensures that religious organisations and their representatives can continue to act in accordance with their doctrines and beliefs with regard to marriage. The Quadruple lock remains substantially unchanged in the Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202- and therefore there was no discussion surrounding this particular point when the Dean was briefed on P.6/2022.
- (b) Neither the Church of England in Jersey or the Dean has the legal power to revise or amend the official teaching of the wider Church of England in doctrinal matters. This is a matter for its Bishops and the Church of England's Legislative body, the General Synod. Currently, it is unlawful for Church of England Clergy to conduct same sex marriages, although General Synod will be addressing these matters in this current quinquennium. Therefore, in his briefing on P.6/2022, he did not provide the Government with his views of the Church on same sex marriage and transgender couples being able to marry in the Church, as Canon Law regarding marriage remains unchanged at present.

2.45 Deputy M. Tadier of the Minister for Children and Education regarding the removal of foreign language assistants from schools (WQ.45/2022):

Question

“Will the Minister advise –

- (a) when and why the decision to remove foreign language assistants from schools was taken;
- (b) what changes were made following the decision to remove language assistants;
- (c) what savings, if any, have been made by the department from such changes; and
- (d) in which schools, if any, language assistants are still currently used; the cost of this service and the total cost of using foreign language assistants before the decision to remove them was taken?”

Answer

- (a) Secondary school foreign language assistants continue to be employed by the Department through the Alliance Française and direct through the school and are deployed to support GCSE and A level teaching in schools. The annual budget for deployed language assistants in secondary schools is currently: £137,805
- (c) Primary French language assistants were employed through deployed funding of £40,000 per annum to Alliance Française until January 2020. Their work was suspended and furloughed during the Covid crisis and kept under review as part of the Education Funding Review. A final decision will be made this year.
- (d) Secondary remains the same. Primary French is supported by the French Experience, a bespoke French programme offered to every primary school, employing 1.5 qualified teachers to teach the intensive programme in each school for 6 weeks in year 5, and offering booster sessions in year 6 to support transition to secondary school languages.
- (e) The budget for secondary foreign language assistants is £137,805; no saving made.

The budget for primary foreign language assistants prior to interruption caused by COVID was £40,000. Currently the Department spend £108,000 pa on the French Experience (see point b above)

Secondary schools who access language assistants are: Le Rocquier, Hautlieu, Grainville, Haute Vallée, Les Quennevais, Jersey College for Girls and Victoria College.

2.46 Senator S.W. Pallett of the Assistant Chief Minister regarding the Westmount Day Centre (WQ.46/2022):

Question

“Further to comments in the Planning Application for the demolition and site clearance of Overdale Hospital regarding the “good usable condition” of the Westmount Day Centre, will the Assistant Chief Minister provide documentary evidence to explain why the Westmount Day Centre –

- (a) is not considered to support modern ways of working and is deemed not sufficient for staff and patients;
- (b) is not conducive to the delivery of modern and future healthcare; and
- (c) could not be repurposed to meet the requirements for future healthcare and aspirations for up-to-date facilities;

and, in the event that rehabilitation services are reinstated at Samarès Ward as a result of the Assembly's adoption of P.115/2021, will he confirm that the demolition of the Westmount Day Centre will not commence until all the services it currently provides, including such rehabilitation services, have been relocated either to the former Les Quennevais School site or to other locations?"

Answer

- (a) The Westmount Centre, although deemed to be in a good aesthetic condition currently, has challenges with the building infrastructure that would need investment if it were to remain a clinical space. Examples of this include, but are not limited to: not having piped oxygen on the inpatient ward, significant overheating of clinical areas in summer months due to solar gain, the need to replace the fire alarm system and also the need to replace all taps and basins to ensure modern water management standards are met.
- (b) In addition to the points made above, although the ward comprises of single rooms, they do not all offer en-suite facilities. The building clinical areas do not meet current Health Building standards as regards size of clinical rooms and width of corridors and have proved to be challenging during the Covid pandemic for infection control reasons.
- (c) The service provision could be modernised, but not without significant investment and an overall decrease in clinical space due to the reasons outlined in (a) and (b) above

As has been previously stated, including in the demolition planning application, no building that is currently in use will be demolished prior to reprovision of the services to either the refurbished former Les Quennevais School or alternative healthcare facilities.

3. Oral Questions

3.1 Deputy R.J. Ward of St. Helier of the Minister for Home Affairs regarding the Highway Code (OQ.19/2022):

In light of the recent changes to the Highway Code introducing a hierarchy of road users, will the Minister confirm what steps, if any, have been taken by the States of Jersey Police to update their protocols and procedures for investigating road traffic collisions involving vulnerable road users?"

Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):

The States of Jersey Police are guided by provisions set out in the Road Traffic (Jersey) Law 1956 when responding to and dealing with road traffic collisions of any nature, including those who are deemed the most vulnerable. This requires that the police respond to road traffic accidents in the following circumstances: all accidents involving personal injury by the requirement under Article 52 of the law for drivers to stop and exchange information is not met, where it appears that a defect in the vehicle involved may have been a contributory factor, where there are grounds to suspect that a defect in the road was a contributory factor, and where an animal as defined in the Road Traffic (Jersey) Law 1956 is killed or injured. The recent amendment to the Highway Code have not necessitated a change to this.

3.1.1 Deputy R.J. Ward:

Can the Minister give an indication of how many accidents where vulnerable road users are involved on average happen each year? Subsequently, how many prosecutions have been undertaken, for example, in the last 4 years?

Deputy G.C. Guida:

I apologise, I do not have that information at hand but I will of course provide it to the Deputy. I think there is a small misunderstanding in that the Highway Code is guidance, it is not law. So it

should be treated as such and the biggest influence it is going to have is when a case is brought to court. So the police will investigate and will gather all evidence available but the judgment in the Magistrate's Court might be different now that the guidance has changed.

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

Would the Minister confirm that the police on the beat, so to speak, who are dealing with accidents when they do from time to time arise, have received guidelines on how to deal with the new Highway Code regulations?

Deputy G.C. Guida:

Of course, the police are extremely sensitive to any change in legislation or guidance and they would have been aware of the change in this law way longer than we have. It will be something of course they will integrate completely. Again, it will probably not change the way that they report on accidents but it will certainly change the way that people are prosecuted in court.

3.1.3 Deputy I. Gardiner of St. Helier:

Would the Minister clarify if the law is going to change as guidance changed? Are there any plans in place to update the law according to the new guidance?

Deputy G.C. Guida:

Following a proposition made in this very Assembly, the Road Traffic Law is under review, as is the whole notion of road safety in Jersey. So the Minister for Infrastructure is heavily at work now, working both on the Highway Code, which has to mirror the U.K. (United Kingdom) one, but also our local law to make sure that it is efficient and fit for its purpose.

[9:45]

3.1.4 Deputy I. Gardiner:

Would the Minister advise if he is aware about the timeline for lodging a new law?

Deputy G.C. Guida:

I understand from the Infrastructure Ministry that this is something that will probably happen during 2022.

3.1.5 Senator S.W. Pallett:

I wonder if the Minister could advise in regards to considering cases whether the Honorary Police and Centeniers have been given any update with advice as to what should be considered when prosecuting?

Deputy G.C. Guida:

Like the States of Jersey Police, the Honorary Police is kept very aware of which laws apply or not and certainly what is in the Highway Code, so I am pretty certain that they are fully aware of the changes. Again, I do not think this will make much difference in the way that accidents are investigated. Any serious accident will be investigated by the States of Jersey Police. They have a C.I.S. (Criminal Investigation Section) unit which investigates any accidents where there was an injury. Once in court it will be up to the Magistrate to decide whether there was dangerous or careless driving, and the penalties are very different if that is found to be the case.

3.1.6 Deputy R.J. Ward:

Will there be any effect on the level or depth of investigation of a collision involving a vulnerable user given the change in hierarchy, i.e. to the method of investigation? Is this being looked at by the police because it could be significant in terms of a prosecution later on, if there is no change in investigation but there may be a change in the outcome?

Deputy G.C. Guida:

I think again there is a small misunderstanding. This has been made extremely public because of the change in the Highway Code in the U.K. and here but the hierarchy of road users has always existed and it is something that has always been taken into consideration. Finally, the investigation of any collision is extremely thorough, extremely scientific and methodological, and I do not think that it can be improved.

3.2 Senator S.W. Pallett of the Minister for Health and Social Services regarding a full independent inspection of services (OQ.23/2022):

Will the Minister provide details to the Assembly of when the last full independent inspection of services provided at all medical facilities within the Minister's portfolio took place; and what independent inspections, if any, have taken place within Health and Community Services since May 2018?

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):

Independent inspections of services are important to provide assurance about the quality, safety and effectiveness of health and social care services in all modern healthcare systems. Independent inspections of Health and Community Services since May 2018 include inspections by the Jersey Care Commission of over 20 care homes and daycare centres run by H.C.S. (Health and Community Services), health and safety inspections of hospital buildings, pathology and radiology regulatory inspections, independent reviews relating to theatres, mental health, maternity, quality, safety and governance, and the Jersey nursing assessment and accreditation system covering all aspects of patient care including safeguarding patients, patient and environmental safety, medicines management and infection control. But with regard to a full inspection of all medical services at any one time, a broad-ranging inspection of this nature has not been undertaken to date. The Regulation of Care (Jersey) Law 2014 does not currently provide for full independent inspection of medical or hospital facilities by the Jersey Care Commission, although H.C.S.'s care homes and daycare centres are regulated and inspected. The States would need to pass regulations under the 2014 law before this could happen. That has not yet happened because plans agreed in 2019 prioritised independent inspection of both children and adult social work and mental health services by the Jersey Care Commission. However, I am currently consulting the Council of Ministers and the Commission about an alternative approach, which would include bringing forward the necessary regulation to allow for independent regulation by the Commission under the Regulation of Care Law ahead of schedule in 2024 and also, as an interim measure, in partnership with the Commission undertaking an independent survey during the course of this year to allow us to better understand our patient's experience of our services.

3.2.1 Senator S.W. Pallett:

As much as the survey may be of interest to the Minister I think what is interesting to the public is ensuring that Health and Community Services provided within the hospital are meeting current day standards. As much as the Minister said that he will be bringing forward regulations he has had since 2018 to do this. Will he make this his number one priority to ensure that all facilities, especially in the General Hospital, have a full inspection as a matter of urgency?

The Deputy of St. Ouen:

I will make it a priority. As I have said, I am bringing forward the means to have the inspection, which is to create the necessary regulation to allow for that independent regulation. It involves resourcing and preparing the Commission, which of course is not in my gift, and also preparing H.C.S. to meet that sort of inspection. This will be discussed with the Council of Ministers and I undertake to bring that discussion to the Council rapidly.

3.2.2 Connétable A. Jehan of St. John:

Would the Minister agree with me that the law mentioned does not prohibit an inspection but does not make it mandatory currently?

The Deputy of St. Ouen:

Yes, that is correct. But at the moment, the Care Commission is engaged and the States will shortly be receiving, I think, for lodging, its next tranche of work. What we are saying is that the tranche of work that follows will be, subject to agreement with the Commission and Council of Ministers, that piece of work which the Senator and the Connétable are seeking.

3.2.3 The Connétable of St. John:

Given that it does not prohibit an inspection, would the Minister agree with me that at a time of such concern around H.C.S. that an independent inspection would be a positive step?

The Deputy of St. Ouen:

Inspections are always positive and need to be taken in all modern healthcare systems. I have outlined the inspections that we do undertake on a regular basis by way of external review and internal assurance systems and the regulatory - for example, blood and pathology and all sorts of services - are regulated at the moment. This, as I have said, is going to be brought forward as rapidly as we can. It requires co-operation of many bodies, the Care Commission, the Treasury, the Council of Ministers, and all that will be worked on.

3.2.4 Deputy G.P. Southern of St. Helier:

What provision has the Minister laid down to enable the inspection of domiciliary care by the Care Commission and if none, why not?

The Deputy of St. Ouen:

I feel that question is one for the Minister for the Environment, who is the Minister responsible for regulatory functions. Domiciliary care services are presently regulated by the Commission.

3.2.5 Deputy G.P. Southern:

Does that include the application of the ethical care charter to domiciliary care under the powers that the Care Commission has?

The Deputy of St. Ouen:

I cannot speak for the Jersey Care Commission. They would have their parameters as to how they inspect domiciliary care.

3.2.6 Deputy M. Tadier of St. Brelade:

In addition to the possibility of an independent inspection, does the Minister see value in receiving direct staff feedback to find out what problems may exist on the ground and how they may be ameliorated? If so, can he update the Assembly on what mechanisms currently exist and what progress has been made to such staff feedback?

The Deputy of St. Ouen:

Yes, we value staff feedback and changes that have taken place within H.C.S. by organising it into care groups have meant that staff have a structure in which they can feed their concerns and wishes into their care group, which is then taken forward through the structure and implemented. We have the usual procedures that apply in all States of Jersey employment scenarios, that staff can lodge a complaint, staff can whistle blow, staff can report matters of concern to them. Also I know staff are regularly talking to executives and they also approach me on occasions.

3.2.7 Deputy M. Tadier:

Whether as part of any future inquiry or just general normal workstreams, will the Minister undertake to find new ways to engage with the staff who may not currently engage or may never have been asked for an opinion on their experiences in the workplace so that any grievance can be made throughout the whole system?

The Deputy of St. Ouen:

We are always seeking out ways to communicate with staff and, if there are additional ideas that the Deputy has, I would be very willing to receive them. We are very concerned about our staff's well-being at the moment after the 2 years they have been through and it has been very tiring, very taxing for them. We have a significant well-being programme in place, which would include allowing them to voice their concerns and provide us with feedback.

3.2.7 Deputy I. Gardiner:

I am welcoming the Minister's recognition of the urgency to bring forward an independent inspection of the hospital. I would like to check with the Minister if it would include all satellite services for the General Hospital and not just the General Hospital itself?

The Deputy of St. Ouen:

The care homes that H.C.S. runs are presently regulated and the daycare centres, so I think this would include all medical services. Obviously this has to be worked through with the Care Commission but I cannot imagine why any would be left out.

3.2.8 Deputy I. Gardiner:

There are several services that are not located within the General Hospital, if it is dental or if it some services at Overdale and other places, would they be included in the review as well?

The Deputy of St. Ouen:

Yes, I do not imagine it would be geographically based that it would just be in the Gloucester Street premises. It would be all the medical services provided by H.C.S.

3.2.9 Senator S.C. Ferguson:

How does the Minister reconcile the report of bullying and people being afraid to speak with his wonderful idea about how everybody talks to everybody and everybody can freely discuss matters of concern?

The Bailiff:

I am afraid, Senator, that does not relate to independent inspections of the facilities for Health and Community Services. I cannot allow that as a valid supplemental question. Do you have another supplemental question?

Senator S.C. Ferguson:

Will the examination of what is going on within the department include proper and fair communication with the staff as to their areas of concern?

The Bailiff:

That is a valid question, I think, Minister.

The Deputy of St. Ouen:

Certainly that would be important and I would want that to happen. I am sure the Care Commission would want that to happen. I do not know exactly how these things work but I imagine that would be a fundamental part of the terms of reference, call it what you will, of an inspection.

[10:00]

3.2.10 Senator S.C. Ferguson:

I do not quite understand. Has the Minister not gone into more detail about this given the concerns that are being voiced about matters of concern raised by staff being ignored or being suppressed?

The Deputy of St. Ouen:

There is no need for staff to feel ignored or suppressed. We want to hear their views. We are open and I feel confident that an inspection would rely very heavily on staff views and want to hear them.

3.2.11 Deputy R.J. Ward:

Any inspection should include the role of management in the hospital and the provision of services. Can the Minister assure us that that will include their response to things such as the H.R. Lounge bullying report, which was integral in looking at the way staff are treated and therefore, in the end, the delivery of services?

The Deputy of St. Ouen:

It may well do. I do not think we can get ahead of ourselves and start saying exactly what any inspection would cover. So I think that is a matter to be agreed with the Jersey Care Commission. It would be unusual for a body being inspected to set the parameters of what can and cannot be inspected. I do not feel I can say yes or no.

3.2.12 Deputy R.J. Ward:

Would the Minister be confident that if that was the case and we address those issues that management would have responded to them appropriately? As Minister, is he confident that those issues that are highlighted so significantly have been addressed?

The Deputy of St. Ouen:

I am confident that they are being addressed, if I can put it that way, because it requires culture change. That is what I have been trying to achieve throughout my term, with the assistance and leadership of the management team. The management team now including so many people who have clinical experience and are still working in clinical areas. It is not a quick fix. It is about turning around a large ship and making that cultural change, which is happening.

3.2.13 Senator S.W. Pallett:

I am pleased the Minister is finally talking about what I consider to be a long overdue inspection of medical services, including those in the hospital. Will the Minister commit to providing myself and all Assembly Members a timeline for delivery of a full inspection of hospital services and those under his remit by the next States sitting so that we can fully appreciate or fully understand how he is going to deliver that full inspection?

The Deputy of St. Ouen:

I will circulate to States Members and, as far as I can at this stage, I will try and set that out. If the Senator and Members would understand that this still requires discussions with the Care Commission and Council of Ministers and of course we must seek funding; both the Commission would need funding and H.C.S. need funding for preparation of the inspection. But as far as possible, I will circulate to States Members a full timetable.

3.3 Deputy G.P. Southern of the Minister for Social Security regarding special payments for large one-off items (OQ.21/2022):

Will the Minister explain why special payments for large one-off items (such as white goods) under the income support scheme, which used to be paid for as grants, are now paid as loans, requiring repayment by income support recipients, and how special payments operate in respect of medical expenses (particularly dental costs)?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

The Deputy is quite right. The scheme went from grants to loans but it went from grants to loans in October 2015 and it was a States decision. On the medical, I am not quite sure with the medical expenses. The Deputy knows we now have the health access scheme, which is free for children up to 17 and £12 for all other people in income support. That has just been renewed and will run through to March 2023. On dental it is still grants of up to £500 available towards essential dental cost but pensioners and people with disabilities are exempt from that limit. As of December, I have written to all children aged 11 to 17, as we are running a scheme to get them dental fit. They can go to any dentist on the Island and the invoice will come to us and we pay £350.

3.3.1 Deputy G.P. Southern:

Would the Minister care to answer the question and state whether these payments for white goods, whether that decision to move from grants to loans has been reviewed by herself, especially in light of the fact that these applications used to be around 450 a year and are now languishing around 170, 200 a year. There has been a reduction in the uptake of these payments.

Deputy J.A. Martin:

I have not had anybody ask me to review this. As I say, it was a vote in 2015. I do remember that some of the white goods, if you had a family of 4, were quite basic. You did not have a fridge/freezer, you had a fridge with a small freezer. With everyone else out there doing one or 2-year interest free loans people are probably voting with their feet. But the vote was taken, as I say, in March. Apparently I voted against and the Deputy was not here for the vote.

3.3.2 Senator S.Y. Mézec:

Since the Minister has just indicated that she quite rightfully took a stand against this when it was first introduced, would she be able to give an indication of what impact this has had in the 6 or so years that it has been in place in terms of levels of poverty for income support payments, bearing in mind that the original decision on this was made before the last income distribution survey was published?

Deputy J.A. Martin:

The grants and the loans are running about the same as they were. As I say, the goods were very basic. Some of them were not suitable for families. Adults, single men, were only offered a single bed. That might have been free or it might have been paid. Nobody has come to me and I am not sure it is causing any poverty. It has been running for 7 years and nobody, even before I was Minister, it was another Minister who obviously brought it in, and as I say, there are things that have been improved for income support families, components go up every year, and we now have cheaper doctors. We are trying to do as much as we can with dentists. I do not exactly know if it has caused any poverty but it has been running for so long I think people now accept that it is either a loan or they will go to somewhere else and get what they want over a 2-year free period.

3.3.3 Senator S.Y. Mézec:

It would of course logically follow that it would have an impact on increasing rates of poverty because what was otherwise provided as a necessary item at no cost to the claimant now does come at a cost to them by having to be paid through their income support. Would the Minister endeavour to ask some of her officers to look at the impact this would have had on claimants' abilities to make ends meet through their income, whether that is entirely through income support or with other incomes attached to that as well, and determine whether that policy can be held accountable for increasing rates of poverty for those people?

Deputy J.A. Martin:

I could attempt to do that. Not everybody needs a new white good when they move in. Some people have their families purchase them. As I said, some people want the ones that they want that will last a lot longer than the ones that were going to be provided. But I will ask officers to see if there is any way that what the Senator claims is causing poverty. But as I say, it has been in now for over 7 years and I would be very surprised.

3.3.4 Deputy R.J. Ward:

The claims for expenses of dental costs and optical casts, for example, are capped at £500 per year per household after which a loan is offered. The £350 that was mentioned for dental care, is that included in that £500? Given the increasing expense of dental care, is there any plan to review this level?

Deputy J.A. Martin:

Sorry, the £500 is for essential dental work and that is a grant. If the person needs more work over a 2-year period we will help but that will be a loan. The £350 is for a dental fit scheme to get young adults from 11 to 17 fit. That is £300. We have written to every family. I am compiling a letter with the Children's Commissioner's office to now send out to children so they can pick a dentist, they will go, the bill comes to the department. The pensioners have dental; £40 towards a check-up each year and every 2 years up to £700 towards dental treatment or dentures. It is slightly all different things for different people.

3.3.5 Deputy R.J. Ward:

Does that payment include work, for example, on children for braces, which I know from my own experience can be extraordinarily expensive? Because I do not think that would cover the cost of braces for a child, so is it a question of either pay the expensive dental care on top of that £350 or wait, which is a significantly long time for hospital care to take that on?

Deputy J.A. Martin:

I have asked that. The £350 is, because of COVID and maybe the hospital treatment, they are now passed the age where they could have got the free treatment, is purely to make their teeth dental fit. It is a check-up. If they need fillings, et cetera. If it is more than that we are going to be very sympathetic. We do not want any child to have really bad teeth. This is the start. As far as I know, no, it does not cover braces.

3.3.5 Deputy M.R. Higgins of St. Helier:

Does the Minister believe that the income support system provides more than subsistence levels to the people it serves and that many people, because of mistakes in the past, which has resulted in overpayments which are being clawed back, cannot afford to repay the loan? What does she do in those circumstances?

The Bailiff:

I am sorry, Deputy, is this specifically limited to the loans relating to white goods and medical matters covered by the question?

Deputy M.R. Higgins:

Yes, Sir, it is.

The Bailiff:

Thank you, that is fine.

Deputy J.A. Martin:

The Deputy asked a muddled question there. People who are paying back for white goods will be paying back out of some of their income support. That is what they do.

3.3.6 Deputy M.R. Higgins:

Maybe I did not say it clearly enough. Income support basically provides a subsistence level of support. Many people, through mistakes of the department or mistakes on their part, have been overpaid and are being forced to repay the money. My question is: what about those people? If they cannot afford, basically they are just covering the repayments and they have no surplus money, are they getting grants or are they being forced to take out a loan or to do without the white goods?

Deputy J.A. Martin:

I have not looked into every case but if there is a few thousand pounds overpayment it may be that they have brought the good and then they are paying the money back. This is not to do with the original question. The Deputy is asking me again if people get overpayments do I think they should pay the taxpayers' money back. It is my stance that I think they should.

3.3.7 Deputy K.F. Morel of St. Lawrence:

Apologies to the Minister if this question was answered earlier in her responses, I would have missed it. What is the interest rate that is charged on these loans for whitegoods? Are they interest free or is there an interest rate?

Deputy J.A. Martin:

No, they are interest free.

3.3.8 Deputy K.F. Morel:

What is the normal timeframe for repayment?

Deputy J.A. Martin:

If it is a small fridge you could get one down ... I must not product advertise. Probably a JEC over a year old or the electricals over a year or 2 years, again that would be ... if we know someone is really struggling we can extend it. It is interest free and that is what we will do. We will come to an arrangement with that person and the family and take all those circumstances. Because we do have the office to do that, not like the JEC. If you bought their electrical it would be 12-months or 18-months interest free.

[10:15]

3.3.9 Deputy G.P. Southern:

Is the Minister denying that the take-up rate for these white goods has been reduced because the loans have been introduced? Could she give a figure for repayments of these white goods loans? For example, in one case I heard from a person requiring dental work was asked to pay £22.50 from their £150 a week to live off, all-in, would have to pay 22.50 back as a loan.

Deputy J.A. Martin:

The grants to loans have stayed about steady, over 30 per cent over the last 5 years. I have said that the first £500 is a grant. For pensioners it is much more; it is £700 every other year with £40 towards a check-up on year one. I do not know the Deputy's case. Maybe he needs to contact us because if it is over that amount of money and if it is really needed I know ... I have taken people to Income Support and we have come to an arrangement. What Income Support do not like you to do is just go out and have the dentist work done and say: "Here is the money." They like to know where you are going, what it is going to look like and then they will come to an arrangement. But the first £500 is a grant.

3.4 Deputy M.R. Higgins of the Minister for External Relations and Financial Services regarding sanctions on Russia (OQ.28/2022):

Rather than being reactive to United Kingdom measures to impose sanctions on Russia, in particular the Russian President and the Russian oligarchs who support him, has the Minister considered taking a proactive approach and, if so, will he undertake to introduce a Jersey equivalent of the Magnitsky Act; and if not, why not?

Senator I.J. Gorst (The Minister for External Relations and Financial Services):

Jersey continues to take a proactive approach to the fast and effective implementation of international sanctions and one that properly reflects our constitutional position. We enjoy an excellent record of swiftly implementing all U.N. (United Nations) and U.K. sanctions against countries, regimes or individuals violating international law. The Deputy will of course recall that in 2020 I made an order under the Sanctions and Asset-Freezing (Jersey) Law 2019 that implemented the U.K. Global Human Rights Sanctions Regulations. These regulations are the U.K. equivalent of the Magnitsky Act and enable the U.K. to freeze the assets of individuals and entities linked to gross human rights violations. Any persons designated by the U.K. for an asset freeze under these regulations are automatically and immediately subject to an asset freeze in Jersey.

3.4.1 Deputy M.R. Higgins:

Why is it we have to wait for the U.K. or other states to name people and bring these things in? We constantly talk about Jersey having a place in the world and is able to deal with money laundering and we have a fantastically regulated financial services industry, and yet why do we not have the powers ourselves directly to take action against Russian money, which we know is in the Island, and we have allowed a Russian oligarch to have residential status in the Island? We do we not have the powers ourselves and take unilateral action if we feel it is necessary?

Senator I.J. Gorst:

The Deputy will know from reading the legislation that we are able, in theory, to make our own sanctions but the issue is, of course, the constitutional position. Sanctions cross all of the boundaries; financial services, fighting financial crimes and of course foreign policy. Nor actually do we have the intelligence information here in Jersey, which lead to the development and decisions about making international sanctions, which the U.K. have and the U.N. do. Much better for us to follow the process that we do, which is to work in lockstep with the U.K. and the U.N. to introduce sanctions immediately that others with that capability introduce them, and that is what we do.

3.4.2 Deputy K.F. Morel:

The Minister mentioned the constitutional position and a lack of intelligence information as reasons why we would not take a proactive approach. Is the possibility of retribution, possibly through cyberattacks, that sort of thing, also a reason as to why the Minister feels a proactive approach would perhaps not be appropriate for Jersey?

Senator I.J. Gorst:

No, it is not. We must take and we can and do take the decisions appropriately straightaway. It may not surprise Members to hear that rather than what Deputy Higgins was suggesting, my officials are in conversation right now and have been with U.K. officials so that we are absolutely ready at the time that there is sufficient and appropriate information to make decisions, which will stand up not only in the United Kingdom but here in the Royal Court, we will make them.

3.4.3 Deputy K.F. Morel:

In his answer to myself and the original questioner the Minister mentions U.K. officials. He has also mentioned the U.N. How about the European Union? If the European Union were to levy sanctions against Russia would Jersey follow those?

Senator I.J. Gorst:

Theoretically the law would allow us to do so, as the Deputy knows, for when we are developing this law he was the chair of the then Scrutiny Panel; so he knows that. However, from a policy perspective, it is much more straightforward because the U.K. is responsible as a matter of international law for our foreign relations to follow the U.K.'s leading and the U.N.'s leading than it is from the E.U. But in theory, we could do.

3.4.4 Senator S.Y. Mézec:

This Minister will recall when he was Chief Minister a controversial decision being made to allow a Russian oligarch to relocate to Jersey through the 2(1)(e) scheme, which quite reasonably would have been thought to have enabled more Russian money to be going through Jersey. Could the Minister assure us that lessons have been learnt in the years since then and such decisions would unlikely be taken like that previous one now?

The Bailiff:

That is not a question about sanctions, is it, Senator?

Senator S.Y. Mézec:

It is about action that would pre-empt specific sanctions, I think.

The Bailiff:

I think that does stretch it a little bit too far. The question is directed to sanctions and I think that is not a question that I can permit, I am afraid.

2.4.5 Deputy G.P. Southern:

I will try another approach. Does the Minister consider that his lack of intelligence would indicate that companies in Jersey do not know their customers?

Senator I.J. Gorst:

I am afraid that once again the Deputy shows his ... I am not sure how to phrase this in a parliamentary manner.

The Bailiff:

Perhaps do not say it at all then.

Senator I.J. Gorst:

I need to respond because the inference is incorrect. The information that comes to an intelligence agency is completely different from the information that the international standard setters require financial services firms to gather in relation to understanding the customer that they are taking on and the business that they are doing. The Deputy will know, hopefully from reading the national risk assessment, that Russia is classified as higher risk and politically exposed persons resident in Russia, or elsewhere, of Russian nationality are also classed as higher risk and therefore such business is subject to enhanced checks to ensure that the money is from legitimate sources. That is absolutely right and proper. That is completely different from intelligence-service gathered information, as the Deputy well knows.

2.4.6 Deputy M. Tadier:

I suppose the question which may be in order is to ask: if sufficient checks are done at the point of K.Y.C. (know your customer) when deciding whether or not to take Russian money or a Russian client or indeed grant 2(1)(e) status to a Russian oligarch, if sufficient checks and balances are done at that stage should it not be necessary then to use sanctions against the clients and against this money which should necessarily be legitimate?

The Bailiff:

It does relate to whether prior information may or may not remove the need to issue sanctions.

Senator I.J. Gorst:

I think you are being very generous about whether that is really a sanctions-related question but I shall endeavour to answer it nonetheless. Situations change. People do things which they might not have done when they have been in Jersey or in any country in relation to businesses or individuals. What is important is that while there is a higher and enhanced level of due diligence for residents and pets from Russia, and that is absolutely right and proper, it is equally right and proper that they continue to be put under review and supervision by the regulator and the international community continues to consider actions that they might take. We all recognise that the actions that might be taken in regard to sanctions are a result of recent actions on the Ukrainian border. We could not take the action saying that Russia might send troops to the Ukrainian border in advance of them having done so.

2.4.7 The Connétable of St. Brelade:

Would the Minister, in his deliberations on this matter, confirm to Members whether he has read Bill Browder's book *Red Notice*?

The Bailiff:

I have no means of judging whether that relates to sanctions, I am afraid. [Laughter]

Senator I.J. Gorst:

Of course that is the gentleman that proposed the Magnitsky Act and supported the United Kingdom Act, and of course supported the order that I made in 2020. It is irrelevant whether I have read his book or not. We have taken actions based on the underlying principles, which he is supporting.

The Connétable of St. Brelade:

I recommend that he does.

The Bailiff:

I will take that as a call for action, which is just about within Standing Orders.

2.4.8 Deputy M.R. Higgins:

The Minister in his answer said that the regulator keeps all these things like K.Y.C. information that is required when people come into the Island. Could he give an example of reviews that have been done and can he tell me how he knows what assets are held by Russian nationals in the Island? Are they monitoring it on a regular basis? How do they know what they do have and how can they implement sanctions quickly if they have no knowledge?

The Bailiff:

I am sorry, Deputy, that is well away from the introducing of an equivalent of a Magnitsky Act or indeed the imposition of sanctions. In any event, it is to do with what K.Y.C. resolves in a case, and I am afraid I cannot allow that.

Deputy M.R. Higgins:

In that case, Sir, can I rephrase the question?

The Bailiff:

I will give you one chance to rephrase the question, Deputy, yes.

Deputy M.R. Higgins

Thank you. The Minister says we have the powers to impose the sanctions, I would like to know what knowledge he has of the assets of Russian nationals in the Island, including property, and if we do not have a property list then how do we know what they have and how quickly can he impose sanctions if necessary?

The Bailiff:

Well 2 questions: how do you know what Russians have and how quickly can you impose sanctions, it sounds to me?

Senator I.J. Gorst:

Sir, in light of your earlier ruling, I do not think the first question is within Standing Orders. The second question obviously is because he is asking about sanctions. Straightaway we issue the sanction, I sign the sanction order and that is straightaway published and straightaway firms are required to comply with that sanction and the regulator is required to regulate in line with that sanction and any assets that need to be frozen are frozen.

Deputy M.R. Higgins:

With respect, Sir ...

The Bailiff:

No, I am sorry, Deputy. I have got Deputy Southern put his light on but not indicated anything in the chat. But, Deputy, is it a point of order?

Deputy G.P. Southern:

I think is a point of order, Sir. It is for you to decide what is within Standing Orders and not the Minister surely.

The Bailiff:

It is entirely for me to decide and I think the Minister accepts, having done so in the past and answered questions which he has felt I have been too generous about, but it is entirely for the Chair. I took that in the spirit of generosity as a rather unfortunate turn of phrase but not a challenge to the authority of the Chair. But you are quite right, Deputy, of course it was entirely for me to make that decision.

Deputy G.P. Southern:

But, effectively, he has avoided the question.

The Bailiff:

I did not make a ruling on it and so he has answered the question the way he wants to. If I am called upon to make a ruling on it and if I had been afforded the opportunity to do so I would have agreed with the Minister in this respect that it was outside the range of information.

[10:30]

Deputy M.R. Higgins:

Sir, can I just question that because ...

The Bailiff:

No. Sorry, is this a point you want to make on a point of order, Deputy?

Deputy M.R. Higgins:

Yes, I will.

The Bailiff:

Yes.

Deputy M.R. Higgins:

The point that is being asked of the Minister, and he has not answered it, does he have knowledge of what assets Russian nationals have in the Island, so that when he brings in sanctions he can bring them in quickly and effectively or does he have to search for that information?

The Bailiff:

That is, I am afraid, past your final supplementary; that is an entirely different way of asking a question. That question may well have been in order but I am afraid it is too late, Deputy.

3.5 Connétable K. Shenton-Stone of St. Martin of the Minister for Home Affairs regarding the Task Force on Women's Safety (OQ.18/2022):

Will the Minister outline the recruitment strategy for the Task Force on Women's Safety, including its composition and whether anyone employed by the States Employment Board or an active or former Member of the States Assembly will be a member and, if so, who?

Deputy G.C. Guida (The Minister for Home Affairs):

I think this is rather a good question. When I discussed with the Constable about her amendment to the Government Plan it did feel that she wanted as wide as possible a response, as holistic as possible a response as could be achieved. I made a point to ensure that whoever we put in the task force, again, was picked up from as ranging sources as possible. This is a non-exclusive list but we do intend to include the States of Jersey Police, Her Majesty's Prison at La Moye, the Probation and After-Care Service, Social Care Services, the Jersey Domestic Abuse Service, the Jersey Sexual Assault Referral Centre or Independent Sexual Violence Advisers, Victims First Jersey and of course all this will be led by the Strategic Policy, Performance and Population office, which we say it is above the Government and is very well placed to avoid silos. We will also invite - slightly outside of the Government - schools to participate and charities and other non-governmental organisations, like the Women's Refuge and Jersey Actions Against Rape, if they wanted to participate. Of course we will also want representatives of the Assembly to be in the task force, and I will take advantage of this opportunity to invite the Constable to join us, if she wishes.

3.5.1 The Connétable of St. Martin:

I thank the Minister for his very thorough answer and I would just like to know: does the Minister intend to publish these details and the task force's terms of references and its scope on the gov.je website?

Deputy G.C. Guida:

Yes, absolutely. We hope to have a head for the task force before the end of the month and we hope to have our first meeting before the end of the month as well, so this is being done urgently.

3.5.2 Deputy L.M.C. Doublet of St. Saviour:

I wanted to ask the Minister about the task force when it is set up. What will be the first items on the agenda of the task force? As part of that first meeting, would the Minister agree to discuss with the task force about the consultation into this area? The Minister will recall that I questioned him as a

supplementary to Constable Shenton-Stone's question and he committed to carrying out a survey, which he has since said will just be a consultation in a Scrutiny hearing. Would the Minister ...

The Bailiff:

Deputy, I am afraid I must ... Deputy.

Deputy L.M.C. Doublet:

Yes, I have not finished the question, Sir. Would the Minister agree to just check this ...

The Bailiff:

Deputy, when I interject Members stop speaking, please. They do not say, yes, I am just about to finish or anything because you prejudged what I was going to ask, which is how does this relate to the recruitment strategy? You seem to be talking about the contents of what the first meeting is going to be and not the recruitment strategy, which is what the main question is about. I was asking: does this relate to the recruitment strategy?

Deputy L.M.C. Doublet:

Okay, Sir. What I am asking is once those individuals are recruited, will the Minister ask those individuals at the first meeting about his decision over a survey versus the consultation as their first piece of work?

The Bailiff:

I am afraid, Deputy, that simply does not amount to the recruitment strategy, it is what takes place after recruitment has taken place and I am afraid that is outside the parameters of the question. I am sorry, I cannot allow that.

3.6 Senator S.Y. Mézec of the Minister for Children and Education regarding plans to develop homes in town (OQ.24/2022):

Given the current plans to develop around 1,000 homes in the south-west of town and a further 1,000 homes in the vicinity of the Millennium Town Park, what plans, if any, does the Minister have to ensure there are adequate school places for the children who will live there, including the provision of safe walking travel routes to their schools?

Deputy S.M. Wickenden of St. Saviour (The Minister for Children and Education):

I thank the Senator for his question. Through the town schools' site review, I am planning to ensure that there are adequate schools places, and this work includes analysis of walking routes and distance, as well as demographic projections placed on large developments. Officers are currently working up the latest options following feedback from last week and I expect these to go to the Regeneration Steering Group for review.

3.6.1 Senator S.Y. Mézec:

Is it not the case that it is very inconvenient to not have this information available to us in advance of the Island Plan debate and advance of the deadlines for amendments to the Island Plan? What assurance can he give us that when these proposals are revealed that we can have confidence that they will meet the aspirations of the people who live in these communities and we are not simply going to see more and more children put in homes in this area where they do not have easy access to their schools?

Deputy S.M. Wickenden:

Along these lines of working we will need to make sure that we involve stakeholders so that we are not surprising anyone with these kind of plans coming out. I know the Senator says it is unfortunate for the Island Plan review, that there are amendments in there. I have been speaking to the Minister

for the Environment. We have plans that will meet hopefully the demographics, make sure that we have got walking distances. I wish I could have done all of this a lot quicker but making evidence-based decisions on the best site for schools that will last decades is not something we want to rush in any way. We have been looking at a range of sites for new builds, extensions, suitability of 2 or 3-form entry, demographic projections and walking distance and identification of stakeholders so we can engage with them. It is a complex piece of work and I am determined to get it right. If it takes a little more time I would rather it takes more time and get it right than it is rushed and it is wrong.

3.6.2 Deputy R.J. Ward:

When will the school sites review be available and has it addressed the development of the waterfront within it?

Deputy S.M. Wickenden:

I have been through many iterations to review. I wanted to get it to the Regeneration Steering Group but there are other people who wanted to get involved in talking about some and looking at different sites before that happened. I am hoping now that we have got the final draft so it can go to the Regeneration Steering Group and, yes, it takes into consideration the demographics of the waterfront, which, I think, contains ... out of the 1,000 there are 531 one-bedrooms, 374 2-bedroom properties and 195 3-bedroom in the outlining applications, so a total of 569 possible sites that could have children in there for being over one bedroom. It is in consideration based on the information we have.

3.6.3 Deputy R.J. Ward:

I wonder if before I ask that I could just ask for the part of the original question of when to be answered, it was very specific, a timeframe. I assume that inferred a timeframe.

The Bailiff:

Were you asking, effectively, for a ruling as to whether that part of the question was answered?

Deputy R.J. Ward:

Yes, I suppose I was.

The Bailiff:

No, I think it would be possible to answer that question with greater clarity on that particular aspect, Minister.

Deputy S.M. Wickenden:

The next step, now that the plans have been reviewed and are being worked up, is to go to the Regeneration Steering Group. I have asked for it to be at the next Regeneration Steering Group, which I believe is next week. Once that has been through there, and if it is approved, then it will be made public; that is about the best timeline I can get. I do not control the Regeneration Steering Group or what is on its agenda, I can only request that it is put forward.

3.6.4 Deputy R.J. Ward:

Does the Minister believe there may be a risk that the bridging Island Plan - because we are in the middle of that and all the amendments have gone through - could be contradictory or one might say incongruent with what comes out of the school sites review, given that the 2 have not been brought together?

Deputy S.M. Wickenden:

No, I do not think there is a risk because we are looking at building within the built-up area of that and in town because that is where the best sites for the demographics and walking sector is. I am not worried that the bridging Island Plan would in any way stop any of the work that is being undertaken.

3.6.5 Deputy M.R. Higgins:

Following up on the idea of timescales, can the Minister tell me whether he will be bringing the results of all this research to the States for debate in the States, bearing in mind the limited time that is available before the next election? Will the States have the opportunity to debate what his proposals will be before the election?

Deputy S.M. Wickenden:

I do not work on election cycles, I work on trying to get best outcomes for the Island. Any work I have done since I have been the Minister for Children and Education has been about what is the long-term benefit to the Island. I can say that if I do get these plans together I will bring them to the States for debate. If they are not in a place ready for that it will be up to the next Minister because this is about getting it right for the children of the Island, not about an election.

3.6.6 Deputy M.R. Higgins:

Do I take it then that the Minister is kicking this down the road because he would not make a decision on it and does not want to be held accountable for it? Is that not the case, Minister?

Deputy S.M. Wickenden:

I believe I said nothing of the sort there. I said that I am looking to make sure that we have best outcomes. If it happens that we can get this before the Assembly before the elections I will. It is about what is good for the Island, it is not about what is kicking down the road.

3.6.7 Deputy I. Gardiner:

The Minister indicated about built-up areas. As a Deputy of the south of St. Helier, did he include in the 500 children number of the waterfront development, children who would be in Horizon, currently in Castle Quay, at South Hill and the Lime House development? What is the total number of the south of St. Helier new build expected?

Deputy S.M. Wickenden:

My officers in C.Y.P.E.S. (Children, Young People, Education and Skills) are pretty well-versed in planning and projecting for each year of the education cycle and they have been looking, along with Property Holdings, at all developments to make sure that we get it. I do not know what the figures are off the top of my head but I can guarantee the Deputy that the officers at C.Y.P.E.S. are fully aware, along with Jersey Property Holdings, when planning this about the number of possible children that would live in the area based on projections we have used for years.

3.6.8 Deputy I. Gardiner:

As the Minister indicated in his first previous answer that he is working with the Minister for the Environment around the bridging Island Plan, would we see any amendments related to the education estate in the bridging Island Plan?

Deputy S.M. Wickenden:

I have not lodged any amendments in the bridging Island Plan and the date and timeline for lodging amendments is over now. I can clearly say to the Deputy that, no, there will be no amendment to the bridging Island Plan from my department for education facilities.

3.6.9 Deputy G.P. Southern:

As a fellow representative of St. Helier, I am particularly concerned to know whether the sites under consideration are expansions of current schools or are they new builds?

Deputy S.M. Wickenden:

Everything has been taken into consideration within looking at what is available and what is correct and what the demographics will look like. I am not going to pre-empt the answer to what is being tapped by mentioning either but all aspects were taken into consideration.

3.6.10 Deputy G.P. Southern:

Did that “all aspects” include the room for expansion of present sites of education?

Deputy S.M. Wickenden:

All options for future demand and demographics have been taken into consideration.

[10:45]

3.6.11 Senator S.Y. Mézec:

If I ask the Minister what he exactly is taking to the Regeneration Steering Group I suspect he will not tell us but could instead I ask him if what he is taking to the Regeneration Steering Group is something which is in line already with the bridging Island Plan or is it something that would require amendment to the bridging Island Plan to allow it to go ahead?

Deputy S.M. Wickenden:

I do not believe it would require an amendment with it. It is very exciting plans if we can get it through the Regeneration Steering Group. But I do not believe that it will require an amendment.

3.7 Deputy M. Tadier of the Minister for Infrastructure regarding walking and cycling routes (OQ.26/2022):

Will the Minister provide an update on the progress that has been made recently, if any, towards joined-up walking and cycling routes in the area of La Moye, including any land acquisition involved?

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

I am able to advise that further to the recently completed zebra crossings at Les Creux and La Moye School, also the virtual footpath extensions from Clos Orange towards La Rue de la Sergente junction, that a potential further opportunity for any footpath extensions and crossings are under development. However, due to the confidentiality surrounding the required enabling land negotiation, this remains policy under development and I am unable to elaborate more on that.

3.7.1 Deputy M. Tadier:

I thank the Minister for that and of course I understand the sensitivities around negotiation, so I will not pursue that line of questioning. But can the Minister give an overview of what the vision is for the area, for example, is it the case that he hoped there will be connectivity right from the La Pulente area to Route Orange where one can travel on a cycle or footpath without having to go on the road? If that is the vision, when does he anticipates the projects should be complete?

Deputy K.C. Lewis:

I would estimate it would definitely be by quarter 3 this year but, as I say, negotiations are ongoing. We have big aspirations for the areas that we have just done, the Pont Marquet, Toucan railway track crossing, a pedestrian crossing and bus stop improvements on Route des Genets, Mont Nicolle School, pedestrian crossings and improvements on Route des Genets and the bus stop. We do have that ambition for the area, as we do for the whole Island, with the safer routes to school project.

3.7.2 The Connétable of St. Brelade:

Would the Minister agree that the 3-year delay here alluded to with regard to property acquisition is unreasonable, given that the owner of the property is a willing seller in the situation and that his department have been tardy in completing this land deal to the benefit or to the detriment of the pedestrians in the area?

Deputy K.C. Lewis:

Definitely not. The department is working tirelessly to get these projects through. We obviously have not had a lot of funds of late because those funds have been diverted. We have been struggling with that but we are very keen to progress all projects as soon as possible.

3.7.3 The Connétable of St. Brelade:

Would the Minister agree to meeting with myself and Deputies responsible for the area to formulate a proper plan to enable better cycle routes and better walking routes in the La Moye area?

Deputy K.C. Lewis:

Teams are being set up for that very thing. Of course representatives of the area, Constables and Deputies, will be included in that. But, as I say, we are recruiting for cycling proficiency people and it would be on the cards in the very near future.

3.7.4 Deputy M. Tadier:

Just parenthetically, can the Minister pass on my thanks to those in his department, who I know have been working very hard on these issues for a long time? In line with what the Constable has said, would he consider in fairly short order to providing perhaps an evening of a presentation for residents of that area who do have a keen interest and discuss these issues quite a lot on social media, perhaps somewhere like Les Creux, so that interested parties can come down and be told and engage in what the plan is, what the vision is for the area? Would that be something he might consider?

Deputy K.C. Lewis:

When negotiations are complete, as I have pointed out, there are certain confidentiality involved, which I cannot go into, regarding acquisitions. But once things are complete, more than happy to come down with the team and meet local representatives and indeed the people of the area, no problem at all. I thank the Deputy for his kind comments.

3.8 Deputy G.P. Southern of the Minister for Infrastructure regarding the U.K. Highway Code (OQ.19/2022):

Will the Minister confirm what consideration, if any, was given to the recent, long-planned changes to the U.K. Highway Code during preparation of the Island Road Safety Review (R.185/2021), given that references to the changes are not in that review, despite a recommendation to review the Island's existing legislation and Highway Code to identify the benefits and risks to road users of introducing a hierarchy of responsibility?

Deputy K.C. Lewis (The Minister for Infrastructure):

The Island Road Safety Review's purpose was to examine structural issues with the Island's current approach to road safety and to suggest a new way forward. It specifically states work on redoing the Island's existing legislation and Highway Code will be developed in conjunction with the planned update to road legislation. It must be remembered this is a first stage in process of improving road safety in Jersey. The next stage is the development of a 10-year road safety strategy, which will set out the new methods of working required to deliver safety objectives and address the challenging target of halving the number of people killed and seriously injured on our roads by the end of 2032.

3.8.1 Deputy G.P. Southern:

I will start with an easy one. What was the cost of the Island Road Safety Review, which failed to address the issue central to the changes in the U.K.?

Deputy K.C. Lewis:

There is no failure there, everything is ongoing. The 2 items were completely separate and if I may expand on what our colleague, the Minister for Home Affairs, stated, that the Highway Code is a very valuable tool and even though the Highway Code itself is not based in law, it does dovetail with the Jersey Road Traffic Law 1956 as amended, which is embedded in law. Parts of the Highway Code do have legal standing. For instance, one may read one should do this or one should do that, also in the Highway Code you must stop at a red light, you must not drive the wrong way on a street; that is embedded in law. The parts that are not embedded in law, if there is a road traffic collision and the Highway Code was ignored, a Centenier, Magistrate or a legal judge may - and I re-emphasise may - give weight to that should there be a serious road traffic collision.

Deputy G.P. Southern:

Sir, if I may, the cost, please?

Deputy K.C. Lewis:

I do not have the cost, I will need to review that.

3.8.2 Deputy R.J. Ward:

Does the Minister accept that there are concerns that the lack of reference to the changes of hierarchy in the Highway Code in the report was a glowing error and does reflect of a concern over a lack of preparation for the changes to the hierarchy of road users?

Deputy K.C. Lewis:

As this is the U.K. Highway Code, which obviously was adopted, we have our own version of the Highway Code, such things as filter-in-turn roundabouts. I am sure that would scare a lot of U.K. visitors. Also the yellow lines across the road and a few minor things that we have local peculiarities for, then there are differences there. Obviously we do not have motorways. But it was thought best to adopt the Highway Code many, many years ago, including the updates which come through from time to time.

Deputy R.J. Ward:

The question was about the omissions, so I do not have a supplementary. I think they are way off target at the moment.

3.8.3 Deputy G.P. Southern:

In the light of the absence of the changes to the U.K. in the report so far done by his department, this is not surely akin to having a dog and barking yourself.

Deputy K.C. Lewis:

I am not sure if that is a question but what can I say to that? As I mentioned previously, it is part of a 10-year programme to improve road safety. If the Deputy has something he wishes to add to that, I would be more than happy to look at it.

3.9 Deputy R.J. Ward of the Minister for Children and Education regarding the school meals pilot (OQ.20/2022):

Will the Minister advise what criteria were used to select the most recent schools to be included in the school meal pilot project?

Deputy S.M. Wickenden (The Minister for Children and Education):

The most recent schools to be added to the school meals pilot are St. Martin and St. Peter. The pilot objectives are to understand the cost and feasibility associated with delivering nutritionally-balanced meals in Government-funded primary schools in Jersey, with a focus on achieving public health outcomes, such as increasing the consumption of fruit and vegetables among children, to understand the methods for implementation, commissioning and barriers to delivery and to review user feedback and lessons learned in order to make recommendations for a sustainable and cost-effective model provision. The original plan was to pilot the scheme in 3 schools and we are now extending it up to 5. Within the criteria for extending the pilot we have taken into consideration how easy or challenging it is to fit out the schools with an appropriate server area. In the extended pilot we have selected schools where this is straightforward. Within the criteria we are also keen to stress-test the pilot by bringing in out-of-town schools to understand the methods for implementation, uptake among students and barriers to delivery in accordance with the pilot objectives.

3.9.1 Deputy R.J. Ward:

Would the Minister agree that the greatest need is within the town schools where Pupil Premium level, Jersey Premium levels are 53 per cent, 50 per cent and 44 per cent of students and, therefore, the impact would have been greatest? Does he not feel that that criteria of the greatest impact should have perhaps been weighted when making this decision, therefore, if you like, the biggest bang for your buck?

Deputy S.M. Wickenden:

Within this pilot we have to take into consideration that there are 25 primary schools in the Island, most of them, if not all of them, were never built with a fit-for-purpose modern health and safety server area so we can deliver food to children safely within those buildings. Each building has to be assessed to be able to see whether there is current capacity and room for a server that will meet modern health and safety standards, along with if we need to build an extension to put them in through lack of space. When we are looking at a pilot and we need to see how the feasibility of how the whole scheme worked across the whole Island in 25 schools, we need to look across the board at schools in town and out of town so that we can properly assess for a tender process to take place. What the actual scheme will look like, the challenges of making 3,000 hot meals a day and delivering them across the Island to 25 schools and serving them within their school; that is why the criteria was what it was. I do agree with the Deputy that there is greater need in the Pupil Premium if it is uptaken to its fullest but that is why we did what we did.

3.9.2 Deputy G.P. Southern:

Is it not the case that it would have provided far better detail of what you can and cannot do if the Minister had chosen schools with high pupil premiums?

Deputy S.M. Wickenden:

No.

3.9.3 Deputy G.P. Southern:

The Minister chose to go for easy targets; is that the case?

Deputy S.M. Wickenden:

No.

[11:00]

3.9.4 Senator S.Y. Mézec:

Is it not the case that the school meal programme has already shown its value and is it not the case that it is clear at this point that a rollout across all schools in the Island is surely an inevitability, based on what the pilot has shown us already? Would he agree to set that as the direction of travel now?

Deputy S.M. Wickenden:

The direction of travel is to get it into all school meals and the pilot will continue to extend to more schools throughout the year. That is already set in place. We are extending the pilot so that we can get the best possible information. We have been working with the amazing charity, Caring Cooks, who have been providing us with the information and who have agreed with the work we have done and the information we have got, they are extending the pilot to better achieve the right outcomes for a full programme.

3.9.5 Senator S.Y. Mézec:

Therefore, will the Minister undertake now to commit to ensuring that the next steps of expanding this pilot will be focused at those schools where there is the demonstrable greatest need for those children to access this programme and, in particular, that should include the town schools where a recent answer to a written question from Deputy Ward showed that they are where the greatest need is and that ought to be pursued as a matter of priority? Does he not agree?

Deputy S.M. Wickenden:

I will take it into consideration and, if it is not me, whoever succeeds me will take into consideration the evidence about the best way to go forward. I will not make a commitment or pre-empt that evidence-based work for headlining.

3.9.6 Deputy L.M.C. Doublet:

The Minister mentioned that he has chosen out-of-town schools, which I understand, and did he consider any St. Saviour schools, given the high level of need in some of our schools in St. Saviour?

Deputy S.M. Wickenden:

All schools were considered and it was about where we would get the best data to be able to create the best service after the pilot about delivering a full service to all schools. That is why we considered what it was. We had to look at whether we would have to do a planning application to build a servery within certain schools and a lot of the schools do not have the space to be able to put a servery in without building, planning applications and extensions. We tried to deliver what we could to get better information in the best possible way to be able to create a really good service when it comes to the actual delivery after the pilot.

3.9.7 Deputy L.M.C. Doublet:

What will the Deputy hope to learn about the schools that do not have serveries yet if the pilot scheme does not include those schools without serveries?

Deputy S.M. Wickenden:

We need to have a kitchen that can cook 2,500 to 3,000 meals a day and they need to be delivered across the whole of the Island to schools inside and outside of town. It was really important to be able to work out things like travel routes, delivery and staffing for areas around the Island within the pilot.

3.9.8 Deputy I. Gardiner:

I would like the Minister to address 2 things that he gave in his answers. From one side the pilot should present a way forward and how to address challenges to deliver hot food meals at schools. From the other side the schools in town, for example, as the Minister indicated, they do not meet more than the health and safety standard and the reason that these school meals cannot be introduced.

How can we understand what is the way forward to introduce meals in much needed town schools with a high Jersey Premium if they are not creating a trial to do this?

Deputy S.M. Wickenden:

We are creating a trial, we are currently in the trial. All schools have been assessed by the C.Y.P.E.S. Department to identify which schools would require an extension and a planning application, which we could not do during COVID while we had schools in one-way systems and classroom bubbles. It would have been completely unacceptable and I wish we were further along but COVID really has put us in a situation in some places. There are children in all schools that this service will help and the ones that we picked in St. Martin and St. Peter cannot be forgotten either. But we can get there quick and easily to help those children that should not be left while collecting good data. At the same time over this period we have been identifying within schools areas of how we can deliver a service with a modern health and safety-met standards of a servery within those schools to find out if there is space currently or if there is not, and in most instances there is not. None of the schools were even built with a nursery and we had to build nurseries on those schools to even get them into our schools.

3.9.9 Deputy I. Gardiner:

If I understood correct, the town schools that do not meet health and safety requirements require extension and require planning application. It means that the town schools will not receive meals for the next 3, 4 or 5 years.

Deputy S.M. Wickenden:

I do not believe I said any of such and that is an assumption that lies with the Deputy.

The Bailiff:

I think it is a statement of what the Deputy understands to be the implication of what you said and it could well be the subject of a legitimate question, so if you would like to answer it, Minister.

Deputy S.M. Wickenden:

I do believe that Standing Orders says that questions should not be statements but I will answer. It is being reviewed, we are looking at it now. It is not going to be 2 to 3 years for all of this. We need to make sure we do this right and that anyone that takes over this service when it is a full service knows the full implications of what is being done, otherwise we are only going to deliver something that does not provide a service for the children that is required.

The Bailiff:

Thank you very much. Before we come to the final supplementary, you made an observation there, Deputy, that you thought Standing Orders had a particular effect. I am sure you will accept Standing Orders is a matter for the Chair. Questions can be posed in a number of different rhetorical forms, including a statement with an upward inflection at the end. They can be questions just as much and they are not simple statements, they are obviously posed as questions and that is a matter within the judgment and discretion of the Presiding Officer.

Deputy S.M. Wickenden:

Can I just state the Standing Order that I believed that it was not in order with, please, Sir?

The Bailiff:

No, the Standing Order provides that a question should not be a statement of fact or anything of that nature; that is what the Standing Order provides, it should not. But if someone says I understand what you are saying is this that is a question if it is done in a question form with an upward inflection at the end, which I heard that to be; that is my ruling on the matter. We are not going to have a

discussion on Standing Orders but if you wish to raise the matter with me outside the Assembly, please do not hesitate to do so.

3.9.10 Deputy R.J. Ward:

From my understanding of the answers so far, would the Minister agree that given the limited resources available for the project in terms of being able to cook meals, would it not be best to focus those on where the most need is? If you have a limited resource focus where it is most needed because would the Minister not agree that these young children in our town schools only get one go at school and as time passes they miss out on something that could be beneficial. We have missed a real opportunity to impact on children's lives much more fully with what is a project that I believe will be fully supported across this Assembly.

Deputy S.M. Wickenden:

Just because we have opened up the pilot to 2 schools where we can deliver to the children as soon as possible this required need of hot meals does not stop or slow down the work that is already underway to make sure that the schools that do need longer and stronger applications that would require building to take place. That work is still going on and we will be taking part throughout the year as part of the delivery of the programme. But that does not mean that we should not deliver the service to other children outside of town where there is also a need, which is just as great for those children as there is for the children in town.

3.10 Deputy M. Tadier of the Minister for Infrastructure regarding pedestrians using the Tunnel (OQ.27/2022):

Will the Minister advise what additional health and safety warnings have been issued to pedestrians using the Tunnel during the ongoing roadworks at Havre des Pas in terms of the quality of air they can expect and is it the Minister's assessment that it is safe for pedestrians, including children and pregnant women, to use the Tunnel during peak times?

Deputy K.C. Lewis (The Minister for Infrastructure):

The Tunnel operates at capacity or close to capacity throughout the day in normal operation. But this situation has not been changed by the essential works at Havre des Pas. The short period, approximately 3 minutes, it typically takes a pedestrian to walk through the Tunnel is not captured within the European or World Health Organization advice on exposure to poor air quality. There is no requirement under British standards for internal ventilation for the Tunnel because of the length it allows to be naturally ventilated at each end. However, signage is provided to pedestrians that the air quality is poor, so an informed decision as to whether to use the route can be made.

3.10.1 Deputy M. Tadier:

Does the Minister ever use the Tunnel to walk to work and back and, if not, why not?

Deputy K.C. Lewis:

Yes, I do; not very often, possibly 3 or 4 times a year I have walked that way, not something I would recommend. The air quality is not good, no one is saying it is. But I believe originally the walkways on the left and right were for emergency use only but the States mandated there should be a walkway for pedestrians to go through. I am not an engineer but I would estimate that if the Tunnel was half as long again as it is, it would possibly need mechanical extraction of the air. But if one looks at the Tunnel or even cycles through the Tunnel you will see there is a marked rise in the Tunnel coming from west to east, with the usual prevailing south-westerly winds that does ventilate the Tunnel to some extent. The angle of the Tunnel is not apparent unless you are cycling but in fact going from west to east you are cycling uphill. As I say, if it was twice as long or half as long again there would be a case for mechanical extraction but at the moment it is perfectly adequate. I would not recommend people to walk through it but if they wish to do so then that would be their choice.

3.10.2 Deputy R.J. Ward:

May I ask the Minister what air-quality monitoring is undertaken in the Tunnel?

Deputy K.C. Lewis:

A public health position, a study of the air quality within the Tunnel was undertaken in 2017, focusing on exposure to pedestrians and cyclists and those in vehicles. It found elevated levels of NO₂ and particulate matter during the hours of elevated traffic, obviously 0800 to 1900 and it takes a fit pedestrian approximately 3 minutes to walk through the Tunnel. The short length of time means it is not captured within European Organisation advice. As I say, it is borderline. It is not a perfect solution, which is illustrated by the fact that the Tunnel is closed several times a year for cleaning, so it does illustrate that it is not perfect quality. That will get better in time obviously with the introduction of more electric cars but that is way down the road. At the moment it is not perfect and we do not recommend that people walk through the Tunnel.

3.10.3 Deputy R.J. Ward:

The question really was about live-air monitoring, so I will ask that question: is there live-air monitoring, time-dependent air monitoring so that the Minister could take a decision to give advice to the public to say the air quality is so poor I advise you that you do not walk down it at particular times, particular seasons, et cetera? Is there any facility to do that and would the Minister issue that guidance for the safety of pedestrians?

Deputy K.C. Lewis:

That would be down to our public health service but there is no live-air monitoring. There have been several static monitorings over the years, the last one being 2017. As I say, it is not perfect and it is signed to that effect, that we will try and get people through there as soon as possible.

3.10.4 Deputy J.M. Maçon of St. Saviour:

I think the Minister has just answered my question. I believe that on many occasions I have noticed that there is quite clear signage about the poor quality of air within the Tunnel. Therefore, will the Minister confirm that that signage is there quite clearly for members of the public and that there are alternative routes via a car park as an alternative?

[11:15]

Deputy K.C. Lewis:

Indeed, I believe it says members of the public or pedestrians are warned that at certain times of the day the air quality is poor in the Tunnel; I believe that is at both ends. There is a one-way system left and right so one did not have to come past other people coming the other way. But it is clearly signposted and there are alternate routes. But I do use it myself, not often, it is not a perfect route for pedestrians but that would be my choice. I am reasonably fit, I have got long legs, so I can get through there quite quickly. I do, whenever possible, put a handkerchief over my mouth because it is not perfect to walk through. But it is clearly signed to that effect and I thank the Deputy for the question.

3.10.5 Deputy M. Tadier:

Just to contextualise, while there is signage, which I had asked to be put back when it was removed, which does say that during peak time air quality in this Tunnel is poor. Does the Minister accept that the roadworks at Havre des Pas have meant that the peak time in the Tunnel is now virtually constant throughout the daytime when previously it might not have been peak and it is important that pedestrians, in particular, are made aware that there will be poor air quality in the Tunnel at probably most times during the day where there was not before because of these roadworks?

Deputy K.C. Lewis:

I would accept that, yes. Instead of having the rush hour it is a permanent congestion point there. As I say, luckily the fault that stopped the Havre des Pas works going has been rectified and, hopefully, we will be catching up with works at Havre des Pas, so we can reopen as soon as possible. But there will be a slight delay in reopening but, hopefully, fingers crossed not too big a delay, but I accept the point.

3.11 Senator S.Y. Mézec of the Chief Minister regarding the Common Strategic Policy (OQ.25/2022):

What statistical evidence, if any, does the Chief Minister have to determine whether the ambition set out in the Common Strategic Policy to deliver a fair balance between wages, taxes and benefits, rents and living costs for Islanders has been achieved?

The Bailiff:

Deputy Chief Minister, are you dealing with this?

Senator L.J. Farnham (Deputy Chief Minister - rapporteur):

If it is okay with the Senator, yes, thank you. As Members will be aware the 2022 Government Plan allocated additional funding to allow the living costs and household income survey to be restarted from September 2021, which will run for a period of one year. The original survey was started in 2019 but was severely disrupted by COVID because it involved a significant amount of field work and personal contact. However, the high-level findings from the interrupted 2019-2020 survey will be published during this term of the States. The income distribution preliminary report from 2021 and 2022 is provisionally scheduled from August 2022 with the full results from the survey expected in Q1 of 2023. In terms of the statistical evidence, this will provide the best indication of overall living standards for Islanders. The last housing costs household income survey was completed in 2015. It is important that these surveys are carried out more frequently in the future and that will, of course, be subject to further funding.

3.11.1 Senator S.Y. Mézec:

I believe that was a long way of answering with the word “none” because in the Deputy Chief Minister’s answer he appeared to reference no statistics that bear this out, whether that is the case. Can I ask the Deputy Chief Minister if based on access to the statistics which we do have like, for example, Statistics Jersey’s reports on real-terms earnings, would he like to give his assessment of whether this Government so far in its term, which is almost at an end, has achieved a fairer balance between wages, taxes and benefits, rents and living costs, which was very clearly stipulated in the Common Strategic Policy as one of their aims? Does he believe we are better or worse on that metric?

Senator I.J. Farnham:

The Senator is technically correct that we have no statistics from the housing incomes plan because it was, unfortunately, delayed. We should now be in possession of those statistics and will help us to judge how we have been getting on, if we have made any progress, what sort of progress, if we have not made progress. Because on top of the pressures faced by COVID in the logistics of completing such surveys there have been enormous other pressures. There is pressure coming along, for example, with the cost of living and increase in price and not only on the back of COVID but on the back of Brexit as well. There are huge challenges coming along, so it is difficult to accurately state what progress has been made. We can go down and list the policies that have been enacted to help alleviate the problem and help with the drive towards better income equality. But without those very important statistics there is no way of showing how successful, if at all, we have been.

3.11.2 Deputy G.P. Southern:

Will the Assistant Minister now commit himself to the publication of what income distribution trends we have already for 2021, for example, which may have been done, even at a high level, so that before we come to the next election they can check out whether we have achieved any progress on this front or not?

Senator I.J. Farnham:

I would very much like to make that commitment but I am not sure it is going to be possible. The results of the 2019-2020 work, and I took some time to speak to the head of Statistics Jersey this morning to get the very latest update, we managed to get to about 50 per cent of the sample. Not fully detailed but there will be some high-level result from that, which we are committed to publishing and the aim is to publish them in the first quarter. The work that was restarted in 2021 and is due to be presented in August 2022, I am not sure is going to be at the stage where we can draw any meaningful data from it but we can certainly speak to. I can undertake to talk to Statistics Jersey to see if there is any early high-level data that can be shared. Yes, very prepared to do that.

3.11.3 Deputy G.P. Southern:

Will he go further and not just simply talk to the stats but to make a political decision that is essential to have this high-level 50 per cent information out in the public in order to have a meaningful conversation about our economy and about income distribution on the Island?

Senator I.J. Farnham:

We will do our very best. Statistics Jersey do run independently of the Government, so we have to work collegiately with them and I will certainly undertake to do whatever we can to get those helpful statistics out. But, like I say, it might be difficult because of the short period of time since restarting the survey there might not be enough data gathered to give anything meaningful but we shall certainly try.

3.11.4 Deputy R.J. Ward:

Can I ask the Minister to go back to the question with regards the strategic policy to deliver a fair balance and one of the factors is living costs? Does the Assistant Chief Minister recognise that there has been a significant increase in basic living costs, such as things like pasta and daily staples, which disproportionately affects those on the lowest incomes? Does he recognise that that is affecting people on this Island daily?

Senator I.J. Farnham:

Yes, of course I think we all do. We are all acutely aware of the inflationary challenges that we are facing, not least in foodstuffs. Having said that, some welcome news that our recent inflationary figures were lower than anticipated because we do not have the challenges of the high soaring energy costs that we are seeing in other countries, mainly the U.K. But, yes, there are severe pressures at the lower end in certain sectors. While we have made some headway, for example, increasing minimum wage by 23 per cent since 2018, of course moves like that are offset against the cost-of-living index. It is important we stay ahead of the game.

3.11.5 Deputy R.J. Ward:

Does the Chief Minister recognise that those inflation figures quoted can mask the significant increase in some areas, such as those food staples that disproportionately affect people on lower incomes? Therefore, where does the use of, for example, foodbanks fall into this balance of between wages, taxes, benefits, rents and living costs because they are increasing and is there any data on that?

Senator I.J. Farnham:

Of course the overall total R.P.I. (retail price index) figures are, as the Deputy knows, an amalgamation of all the figures. But in the report every category is broken down, so it is clearly visible. I am not sure how the increasing usage of foodbanks is measured in the equation, I simply do not know and I do not think we have any statistics to deal with that.

3.11.6 Senator S.Y. Mézec:

In answer to one of Deputy Ward's questions the Deputy Chief Minister referred to cost of living index and rises in the minimum wage. These are 2 metrics by which you can judge success on what the Common Strategic Policy asked this Government to deliver on. I am asking him, I kind of think this is the third time I have asked him the same question, but based on the statistical evidence that he does have access to, like R.P.I. figures, like the breakdown of R.P.I. figures, like the housing cost survey, like the real terms earnings index, can this Deputy Chief Minister say that this Government has succeeded in this term of office in its aim to deliver a fair balance between wages, tax and benefits, rents and living costs or would he prefer to say what most of us recognise is the reality, which is that they have failed to deliver on this and that the statistical evidence we do have shows that life has not got better for the people who this pledge was targeted at?

Senator I.J. Farnham:

While the statistics are not available to show that we have succeeded, I would certainly say we have not failed. The statistics are required to measure both descriptions that the Senator refers to. What I can say is that this Government is committed, as stated in the Common Strategic Plan, as approved by the States Assembly to working to reduce income inequality. That is what we have been doing. That is what we are going to continue to do. I hope the next Government continues to do that. We have been doing it, as Members will know, against the most extraordinary and unexpected economic circumstances. However, I can continue to give that commitment to the Assembly that although we cannot measure whether we succeeded or whether we failed, we are doing everything we can to alleviate the problem, but there is more to do.

4. Questions to Ministers without notice - The Minister for International Development

The Bailiff:

That brings questions with notice to an end. We now move on to the first question period for Ministers. The first Minister to answer questions is the Minister for International Development.

4.1 The Connétable of St. Martin:

I recently read that this year marks 50 years of overseas volunteering. Will Jersey Overseas Aid be acknowledging this milestone and what is the current status of these projects, given COVID-19 and international travel restrictions?

Deputy C.F. Labey of Grouville (The Minister for International Development):

Indeed 2022 is a milestone year for us. Since 1972, Jersey Overseas Aid has facilitated parties of volunteers to work with communities in developing countries. As well as bringing lasting benefits to poor and vulnerable people, these community work projects served to raise awareness in Jersey of global development issues and also play an important part in Islanders' own development. Many have led to lasting links with communities all over the world. Some of the volunteers have set up their own charities on the back of it. By 2021 we had an impressive 1,000 volunteers from Jersey who had completed 100 projects in some of the world's poorest communities. As to the current status of travel, due to COVID-19 we have not been able to organise any trips for 2 years. However, I am really hopeful that C.W.P. (Community Work Projects) will be heading to Kenya in June and another one to Nepal later on in the year.

[11:30]

4.2 Deputy S.M. Ahier of St. Helier:

I notice that Jersey Overseas Aid is supporting long-term development projects in 6 targeted countries. Will the Minister advise how these particular countries were selected and why they were restricted to 6?

The Deputy of Grouville:

Aid which is not properly targeted or dissipated on hundreds of tiny projects or aid which is focused on immediate activities rather than long-term results is more likely to be aid wasted. We have a responsibility to the world's poor and to the Jersey taxpayer to make every penny count. So we are focusing our development grant on fewer countries, chosen not only where needs are greatest, but where lower levels of corruption mean that aid can have more of an impact. In fact, we are the first in the world to take account of corruption levels, as well as development needs, in our choice of countries, which enables Jersey to achieve greater impact in each place. We have a particular formula for choosing our countries. First and foremost it is based on need. We use the humanitarian development index. We then use the corruption index. We also then choose countries where the likelihood is we will have the most lasting change. Obviously we consider language, because we have to read the reports, and access.

4.3 Senator S.Y. Mézec:

Could I ask the Minister whether she has a policy or view on whether or how the Overseas Aid Commission should provide aid and support to people around the world who are living under the specific crime against humanity, which is apartheid?

The Deputy of Grouville:

No, we do not have a particular policy on that particular aspect.

4.3.1 Senator S.Y. Mézec:

Would the Minister, therefore, give some consideration as to whether they should do this or not, bearing in mind the 2 reports that have come out recently, one from Human Rights Watch and one from Amnesty International declaring that the Palestinian population who live under the jurisdiction of Israel are subjected to the crime against humanity of apartheid?

The Deputy of Grouville:

Yes, most certainly. Indeed, the particular jurisdiction the Senator is talking about, Jersey Overseas Aid are guided by the needs of those affected by natural disasters and armed conflict. Our core values are humanity, impartiality, independence and neutrality. We have, indeed, recognised that 2.1 million people, approximately 40 per cent of the population of Gaza and the West Bank, are currently in need of humanitarian assistance. In recent times, Jersey Overseas Aid has provided aid to the occupied Palestinian territories to the tune of over £1.13 million. It is not the political aspects, because as I have described, Jersey Overseas Aid likes to address need in an impartial, independent and neutral way, but we have indeed recognised the very great need of the people in Gaza and the West Bank.

4.4 Deputy M.R. Le Hegarat of St. Helier:

How significant does the Minister think the bridging Island Plan will be on the Island's identity?

The Deputy of Grouville:

That is a very good question. It is obviously a balance. I would like to think that we can provide adequate housing for our population, both affordable, right sizing and premarket accommodation for the people who live and work in the Island. Also, if we are to rezone, that they are carefully chosen sites. In the bridging Island Plan, I would also like to see a more aggressive rollout of the cycle

network in the Island. That could add a huge amount to the Island's identity. Indeed, one of the recommendations of Island identity in the policy development board's report was that the bridging Island Plan and planning should give guidance to give open spaces a sense of place. It could have a very positive effect. I am hoping it will have a very positive effect on the Island's identity.

4.5 Deputy J.M. Maçon:

I heard recently on BBC Radio Jersey that Jersey Overseas Aid are to prioritise cash assistance in communities affected in emergencies. I wonder if the Minister could explain why.

The Deputy of Grouville:

Yes. Cash transfer interventions are increasingly considered by donors and humanitarian agencies as an appropriate emergency response to meet the immediate needs of food and non-food items and to support the recovery of livelihoods. It gives households a greater degree of choice and permits them to spend money according to their priorities, which in effect gives greater dignity to those who are receiving the cash. It also is likely to be cheaper and faster than to distribute alternatives, such as food distribution. It is cost-effective. It is better for the local economy as it means rather than shipping food and goods to a jurisdiction or a country, it means that the recipients of the cash are spending in the local economy where they are. Importantly, I would also say, it gives greater empowerment to women, especially in marginalised groups.

4.5.1 Deputy J.M. Maçon:

I thank the Deputy for her answer. In emergency situations things would be in disarray, given this approach, how are these funds audited in order that they are guaranteed that they get to the right recipient?

The Deputy of Grouville:

A lot of the cash assistance is now given through sophisticated means. The N.G.O.s (non-governmental organisations) that we work with will set up facilities at a local bank. I have seen it working in action and am aware that the particular people that can access cash can go into a bank and they get recognition through the iris of their eyes. It is rather like a thumb print, if you like. They are given cash assistance in that way. Also, using mobile phones people are allowed to access banking facilities on their phones and access saving and microbudget that way.

4.6 Deputy L.M.C. Doublet:

Could the Minister give her view on what established pathways there are for reaching out to the various international communities in Jersey, i.e. is it done by the consuls or other ways? What is she aware of that currently is in Jersey? Does she think it works well or not?

The Deputy of Grouville:

That is a really interesting question and it is one that the Island identity report is focusing on. There is some work going on currently in the lead up to the conference, which is happening on 15th February, by the Tasks of Jersey Policy Forum with having meetings with international groups in the Island to work out the barriers that they face and to work out how their experience could be better served in Jersey. What would make them more welcoming? We have various things that we are doing, like providing an information and knowledge resource on our website. We have been having meetings with various departments, for example, Social Security, where people pick up a social security card when they arrive in the Island. We have suggested giving them a welcome pack, so they know what is going on and how to access various services, et cetera. It is something we are working on at the moment. We are hoping to have the conclusions of that work at the conference, but it is an on-going project.

4.6.1 Deputy L.M.C. Doublet:

Would the Minister keep the Diversity Forum informed of this work? We would be really interested to make use of those pathways. Does the Minister have a vision of what she thinks it would look like? What does she think would be the ideal solution in terms of making sure that those international communities can access Government and access democracy?

The Deputy of Grouville:

Giving people the knowledge of how to access democracy and how to access services ... we have been doing a job of work with Social Security customer relations and also with P.P.C. (Privileges and Procedures Committee) so that there is an educational programme for children in schools. However, obviously not just children need to know about the Island, newcomers need to know. We are hoping that that facility can be accessible. We will, of course, keep the Diversity Forum apprised of the situation and I hope that States Members are going to attend the conference where they can hear more about it.

5. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

That brings the time available for questions to this Minister to an end. The next period of questions is for the Minister for Social Security. Does anyone have any questions for that Minister?

5.1 Deputy S.G. Luce of St. Martin:

Could I ask the Minister to inform the Assembly of the process of being assessed for long-term care?

Deputy J.A. Martin (The Minister for Social Security):

It is a medical assessment done by doctors at the hospital. Then they come to my department and it is my department who pay the money.

5.1.1 The Deputy of St. Martin:

Could I ask the Minister what the usual timeframe for that being done is please?

Deputy J.A. Martin:

Back in the day it was quite a while, but I am told that now they have this down to a very fine art. I am told it is about a week. If the Deputy is hearing other stories, please let us know, because something might be going wrong again, but it was really being processed very quickly.

5.2 Deputy R.J. Ward:

The Minister made a statement earlier regarding repayments. Would the Minister be willing to review cases where repayments have been going on for longer than one year, particularly where people have retired and now are on a very set income?

Deputy J.A. Martin:

I have had this question many times. I will try and keep the answer very simple.

[11:45]

If you have 2 single-parent families each with 2 children receiving about £350 a week and one family has moved somebody in or has got some work and there is another £500 a week coming into the house, over a month there is an extra £2,000. I have to ask for that money to be paid back over a certain time, because one family have still been living on the £350 a week and the other family have the £350 plus the £500 a week because they have not informed the department that somebody has moved in. It is across the board. It is taxpayers' money. We have 5,500 people on income support and we have to be fair to everybody.

5.2.1 Deputy R.J. Ward:

I do not think that was an answer to the question. Can I ask the Minister, given that there are no cases of fraud ... virtually all cases and there is no fraud case taken, so it is an error from the department, will the Minister use her discretion after a set time to remove the burden of overpayment? For example, if somebody has an overpayment of £8,273.69, it could take a significant amount of time to repay and it could simply have been happening 2 or 3 years beforehand.

Deputy J.A. Martin:

Sorry, the Deputy made a bold statement that there is no fraud. I do think most of these overpayments are not intentional. However, when a change in circumstances happens and we are not told that is how these big numbers come up. Again, I will say there are other families on income support who do not get the extra £8,273.69 and have to manage. Again, it is taxpayers' money. I do not know how I can keep saying it. If you are not sure, if you have a bit more money, if someone has moved in with you, contact the department straight away. As I say, £500 over 4 weeks to that family is £2,000. That is a lot of money to pay back and they may have already spent it.

5.3 Deputy G.J. Truscott of St. Brelade:

The cost of living is rising exponentially, can the Minister indicate if any short-term measures are being considered to help the financial squeeze felt by those receiving income support?

Deputy J.A. Martin:

When the figures came in a couple of weeks back, we looked at a couple of things we could do. We are still keeping a watch in brief. Last year I put the income support components up twice and they will go up in October. The income support people do not need to worry about who is in Government, that is there. My officers have contacted all the energy suppliers and they have said they are really open to long plans. They have said: "Please do not not put your heating on." We have the gas scheme, which has not really been taken up, because there are not many people on gas, but it is there if they want it. Doctors are a lot cheaper and that has just been renewed. We are keeping a watch in brief to see where we may need to, but at the moment we have not made any final decisions.

Deputy G.J. Truscott:

I thank the Minister for her answer.

5.4 Deputy S.M. Ahier:

Will the Minister update the Assembly as to the progress of the proposals to implement P.70/2021 Parental Bereavement Leave?

Deputy J.A. Martin:

Over the last couple of weeks we have been having many discussions. I can assure the Deputy that it is going to be a day one law, but that law comes under the Employment Law and will need primary legislation. We will have to go to Privy Council, so with the timing we will not be able to do that. I am doing a full report. We are now looking at the money side, because it is going to be ... I know it is a very small amount of people, but in such very tragic circumstances. We want to make sure we have the scheme right and that it does what the Deputy wants. Obviously we will then be consulting with Footprints, J.A.C.S. (Jersey Advisory and Conciliation Service) and Chamber, et cetera. As the report becomes more put together I will bring in the Deputy and hope he thinks that it does exactly what he wanted it to say on the tin.

5.4.1 Deputy S.M. Ahier:

Does the Minister believe the shortage of law drafters has led to the delay in bringing forward legislation?

Deputy J.A. Martin:

Coming nearer to the end of a term there are a lot of things that do need doing. I have been told that we are short at this particular time on law drafting. I can do the instructions. It is technical, because some people will already be on parental leave and if something very sad happens there we have to instruct that they can have that leave or this leave, et cetera. I am told there will definitely be some law drafting time over the election time and whoever the new Minister is ... challenge for the new Ministry, this will be one of the first pieces of legislation that they should be able to bring to the Assembly.²

5.5 Deputy G.P. Southern:

Does the Minister not consider that a household with a total of £150 a week to live off, after rent, should be asked to pay back a loan at the rate of £22.50? Is that not likely to cause hardship to this family? Is the issue that underpins these overpayments is that we pay people in advance? If we pay in arrears, which we could do, because we are so efficient at getting the payments out, would that not improve the situation?

Deputy J.A. Martin:

I will deal with paying arrears first. I absolutely think that is terrible. I have looked at Universal Credit and I just do not agree with that. The example the Deputy gave was probably a single pensioner. As I said, what we have done with the child component, et cetera, a single parent with 2 children gets roughly £350 a week plus their rent paid. I think I have answered his question.

5.5.1 Deputy G.P. Southern:

There is no answer in there. The situation was £150 a week after rent to live off. Is that paying a loan back at £22.50 a week causing hardship?

Deputy J.A. Martin:

The person obviously got the overpayment. I do not know for how long. Was it thousands? Was it hundreds? If they are paying back an overpayment they had the money in the first place. That is the answer.

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

Will the Minister advise Members what happens to income support payments for those who are admitted to hospital?

Deputy J.A. Martin:

It depends on how long they are in hospital. If it is a long time, over 3 or 4 weeks, the living component, the adult component, would not be paid for the time, because they are being provided

² Following the meeting, the Minister for Social Security provided the following information:

“Earlier today I answered a question without notice from Deputy Ahier regarding progress on P.70/2021 (Parental Bereavement Leave).

The Deputy asked me if I thought that a shortage of law drafters was the reason for the delay in bringing forward legislation in relation to this work.

I need to clarify my answer to this question.

The timelines for the proposals for my work on P.70/2021 have nothing to do with the resources of the Legislative Drafting Office.

My reference to being short of law drafting was a reference to the clear timelines leading up to the election, with no States Assembly sittings after April and a period of restricted political activity until the end of June.

It was not my intention to suggest that there is any shortage of legislative drafters or a lack of resources within the Legislative Drafting Office.

The proposals for P.70 will be presented in March and the usual process for requesting law drafting will be followed thereafter.

I apologise for any confusion my comments may have caused and hope that this clarifies the situation.”

with their food and board in the hospital. I think that is correct, but if I am wrong, I will let the Constable know, but I am sure I am correct on that one.

5.6.1 The Connétable of St. Lawrence:

I thank the Minister for her response and ask her: who is responsible for advising the department of the admittance to hospital and is there a timeframe for the income support payments to be repaid to the department if they have been paid during the term of hospitalisation?

Deputy J.A. Martin:

It is very clear. I keep trying to make it as clear as possible. All our letters that go out with awards or increases or even the dental thing we are doing now, have in bold, bold letters: if you have any change in circumstances please contact the department. Obviously if you only think you are going into hospital for a few days and something perhaps does not go as well as it should you would not, but if you know you are going in for 3 or 4 weeks you should; it is a change of circumstances. Maybe that needs to be made much clearer. I have had one case in the last 4 years where they had not understood this. I do not know if the Constable has had anymore, but if we are not making it clear enough we need to make sure we are communicating much better.

The Connétable of St. Lawrence:

I asked whether there was a timeframe for an income support repayment to be made by a person who was hospitalised? Is there a deadline for repayment?

Deputy J.A. Martin:

There is not. I will say it again, depending on what it is. Officers will look at the case. I do not know how much, but the lowest is about £2 a day. If it is only a few pounds it can be done in a week, but if it is more it will be done over time. There is not a cut-off time, where if you have not paid it back we are going to increase it or anything like that, no.

5.7 Deputy M.R. Higgins:

Can I ask the Minister, where the department makes mistakes, which they often do, which results in overpayment and the person effectively is sanctioned and has to repay that money over time, are there any barriers to prevent these people having the case revisited and, if evidence is produced that shows the department made the error, they can be released from those repayments?

Deputy J.A. Martin:

I think that the Deputy and I will have to agree to disagree, because the majority of overpayments are just customers' income support families just not telling us up-to-date information and it may be a week or 2, as I just said, in an example there. If somebody moves in on £500 a week, that is £2,000 in a month overpayment. The department only can work on the information it has and the Deputy has asked me now about this 15 times and the answer is still no. It is not my money. It is taxpayers' money to help people when they find themselves in need and I am the custodian of that, and I think it is fair that it is paid back because the other families did not get it, did they?

The Bailiff:

I am sorry, Deputy, that brings the time available for questions to this Minister to an end. The next question period is for the Chief Minister.

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy K.G. Pamplin of St. Saviour

With the ending of the testing at the borders coming to an end this Monday, will the Deputy Chief Minister pay tribute to all the Islanders and the team who were involved in the testing over the last 2 years and reassure all of us what the policy is through ensuring that those people who are no longer

working will be given help to find work within the Government if there are roles to play or help transitioning out of their roles?

Senator L.J. Farnham (Deputy Chief Minister - *rapporteur*):

Thank you to the Deputy for the question, and of course I am sure the whole Assembly will join in in paying tribute to all of the staff, especially those on the front line, throughout the last 2 years that have managed to get us through to where we are today. **[Approbation]** Not only to the staff but of course we must also pay tribute to the Islanders, the vast majority of whom have really supported the Government and the States decisions to keep Islanders safe and protect the economy throughout that very difficult period. I do very much hope that we will be able to absorb some of those people who have been working for us on temporary contracts throughout that period into our public sector workforce where they are needed.

[12:00]

We do have vacancies and while I cannot give a precise update to the Deputy of where we are with that, that is certainly a position that is supported.

5.1.1 Deputy K.G. Pamplin:

I thank the Deputy Chief Minister for his answer. Given that, will there be a statement released or some reassurance or somewhere on the website of gov.je for those people, not just at the border testing at the airport which has come to an end but anybody who has worked across the Government in the last few years, can find the information for the next step? Will he commit to releasing that statement and ensuring that goes online?

Senator L.J. Farnham:

While I cannot give that guarantee, I will certainly take that up with the Chief Minister or the Assistant Chief Minister in their capacity of chair and vice- chair of the States Employment Board.

5.2 Senator S.Y. Mézec:

Following that question from Deputy Pamplin and the Deputy Chief Minister paying tribute to those front line workers, would he like to inform the Assembly by how much the pay of those front line workers has gone up during the pandemic and how that compares with R.P.I. or another cost of living metric?

Senator L.J. Farnham:

Regrettably, I cannot. I do not have that information to hand but I am happy to provide it to the Senator.

5.2.1 Senator S.Y. Mézec:

Of course the reason I asked that question is because it has not compared favourably so would the Deputy Chief Minister like to put his support to pay proper tribute to our front line workers by supporting them with a decent pay rise that matches the effort they have put in to keeping us safe throughout this pandemic and ensuring that, for once, the Government does stick to its priority of attempting to improve the standard of living? As in previous questions, he was unable to provide us any evidence that they have stuck to that.

Senator L.J. Farnham:

While I am very often prepared to take the Senator's words as read, I would need to check on the pay scales because I simply do not know what levels of pay have been attributed to people on the front line, although I understand that they were good rates of pay and I do not know if they have increased or by what amount they have increased. I will find that out. I am sorry. I have forgotten the second part of the question.

The Bailiff:

I think it is to commit to make sure that they are rewarded in financial terms was the thrust of the second part to the Senator's question.

Senator L.J. Farnham:

As I said, I believe they were appropriately and adequately rewarded for the very important work they have done and, as most of that work is now coming to an end, I am not sure we can give them pay increases because most of them will be redistributed into the workforce and to the Island's labour market.

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

The Deputy Chief Minister will be aware that, at the last meeting, I asked the Chief Minister whether he would support the doubling of the size of the Millennium Town Park, which is the vision of Andium Homes, and the Chief Minister was distinctly lukewarm about it. Can the Deputy Chief Minister be a bit more enthusiastic about this project?

Senator L.J. Farnham:

I can be as enthusiastic. I try to be enthusiastic. Yes, I think one of the very challenging issues for the Parish of St. Helier and the Constable and the Deputy is the lack of green space throughout the town. It is far less than many other much larger towns and cities and it is something that needs addressing. I remember not supporting the Andium Homes development of the former Ann Street site because I felt, as did other Members, that would be an important space for a new park and green areas. I am not too close to the future plans or the proposals for that area but if I was asked just now without knowing that, I would say yes, I do support the expansion of the town park. I think it is hugely important for that part of town and, on top of that, we need to do a lot more work to regenerate the north of the town, especially from an economic point of view and for the young people in youth facilities.

5.3.1 The Connétable of St. Helier:

I am delighted to hear the enthusiasm of the Deputy Chief Minister who I hope will convey that to the Chief Minister. The Deputy Chief Minister will be aware that there are other uses that have been talked about for the Jersey Gas site. Does he not agree with me that doubling the size of the Millennium Town Park in terms of the future of St. Helier and the Island is of far greater use than anything else that could be dreamt up to place on that site?

Senator L.J. Farnham:

I think it is hard to challenge the fact that increasing green space in heavily built-up areas is not the best use of that particular land, so I would agree with him, and unless some spectacular idea or something we had not thought about comes along, I refer to my previous answer. I think it is terribly important that we rejuvenate that part of town as previously described.

5.4 Deputy L.M.C. Doublet:

Does the Deputy Chief Minister agree with me that in terms of the C.O.M. (Council of Ministers) priorities, the legislation to support same sex parents in having parental responsibility from the same footing as any other parent should continue to be of the utmost priority so that these parents and indeed their children are no longer subject to discrimination in this area?

Senator L.J. Farnham:

In short, yes, I would concur that it is important so must remain a priority for this and any future Government.

5.4.1 Deputy L.M.C. Doublet:

Would the Deputy Chief Minister please connect to following up with the relevant Ministers that have responsibility for this area to ensure that that priority level is communicated to them and that this legislation is going through before the end of this fiscal term?

Senator L.J. Farnham:

Yes, I will certainly make enquiries with the relevant Ministers although I cannot commit to it being dealt with this term until I have that information, but I will keep the Deputy informed.

5.5 Connétable R. Vibert of St. Peter:

Does the Minister agree that residents whose water remains polluted as a result of the chemical pollution by the airport several decades ago should not be financially worse off as a result of having to be connected to the mains water supply?

Senator L.J. Farnham:

Yes, in short, absolutely I do. I believe the States, the Government and the Ports of Jersey have a moral responsibility and indeed carry a moral liability to ensure that the status quo can be maintained for people who were affected by the pollution of their land and their water supply. I think the Government would not be acting responsibly were it not to follow that up so, in short, yes, I believe we should be. The Constable and Members will know that this is still a great cause of concern for many residents of the area and the States have organised a blood test and further support so we can ascertain the impact of the pollution on people's health and act accordingly.

5.5.1 The Connétable of St. Peter:

Is it acceptable that there has been no resolution to this matter given that it started back in the late 1980s/early 1990s and that it is very clear that the States of Jersey had accepted full responsibility at the time?

Senator L.J. Farnham:

I am trying to cast my mind back to my spell on the Harbours and Airports Committee, probably 15 years ago now, and the solutions that were found then but, since then, the actions out of the decisions made in those days seem to have been inconsistent where I understand that compensation in the way of free water supply was provided. That has been inconsistent and I think we need to put this back on to a consistent footing to ensure that those people affected are no worse off than they were before we became aware of the pollution all those years ago.

5.6 Deputy G.J. Truscott:

The cost of building materials has risen at an alarming rate. Is the Minister still confident that our new hospital can be delivered on budget?

Senator L.J. Farnham:

At this stage, and based on the advice we are getting from our hospital team and the design and delivery partners, yes, I am still confident it can be delivered on time but I would reiterate that depends on a number of issues. The first one being the successful rezoning in the bridging Island Plan of the area which will facilitate hopefully a successful determination on the planning application and no further delays after that. The longer we leave it or the more delays which come in, then the higher the risk is, not only for the increase in the cost of building supplies and other commodities that will be used to build the hospital and provide the technology and equipment required but also in the threat to the rising interest rate and the security of the bond which cannot be confirmed until planning permission is received.

5.6.1 Deputy G.J. Truscott:

Taking into account these huge increases in all building cost indices, can the Minister indicate what impact this has had on the original budget?

Senator L.J. Farnham:

The Deputy will remember that, in the figure of £804 million, there was a considerable amount set aside for contingencies. At the start of the project, we were hopeful that not a lot of those contingencies would be used. As we have moved on through and out of the other side of Brexit and COVID, it seems that we will be eating much more into those contingencies with raising prices but right now the indication is that we can still deliver on time and within budget if we get on with it.

5.7 Deputy K.F. Morel:

I noted yesterday that the Chief Minister of Guernsey visited the Island for conversations with the Chief Minister who would have been absent, I assume, yesterday as well. Would the Deputy Chief Minister please advise the Assembly as to what was discussed and how those talks went?

Senator L.J. Farnham:

First of all, I can confirm the Chief Minister attended via Teams at the meeting and we were very pleased to welcome Deputy Ferbrache, Guernsey's Chief Minister, Deputy Mark Helyar, as well as the Minister for Treasury and Resources to Jersey to discuss a number of issues. But the talk did focus on the future and ensuring the sustainable and reliable future for our important sea link. Members will remember that Guernsey announced they were, through one of their infrastructure funds, going to be purchasing a ferry and leasing it back to Condor. Since that announcement was made, officers have been working so we can understand the position they are in. We also talked about future possibilities of how we might work together as the Channel Islands because there is no doubt that if we work together as the Channel Islands on our sea links, we can deliver much more viable and sustainable links for Islanders moving forward. It is especially important that we work towards improving and getting back to a return of much more consistent air and sea links. We also discussed Jersey's current operating agreement with Condor, which is due to expire in 2025, which means we have to give notice of that pretty early this year as part of the process in how we move forward and we agreed in principle that we would work closely on that. We very much hope Guernsey and Jersey could be part of a joint or similar operating agreement in the future which will give us better control over our sea links. I am sorry that was a bit of a long answer but I have tried to encapsulate it as quickly as possible.

PUBLIC BUSINESS

6. Draft Children and Young People (Jersey) Law 202- (P.107/2021)

The Bailiff:

It was just about within the time permitted so that brings the time for questions to this Minister to an end. There is nothing under J and K so we come on to Public Business and the first item of Public Business is the Draft Children and Young Persons (Jersey) Law, P.107, lodged by the Minister for Children and Education. The main responder will be Deputy Ward of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft People and Young Children (Jersey) Law 202-. A law to make provision to promote and support the well-being and safeguard the welfare of children and young people and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

6.1 Deputy S.M. Wickenden (The Minister for Children and Education):

The 2017 Independent Jersey Care Inquiry found that, as a Government, we had historically fallen short in respect of the childcare system in Jersey. Most critically, the fundamental failings identified included a failure to have in place adequate legislative framework that prioritises the welfare of children in need or children at risk, failure to keep pace with development in social policy, childcare practice and social work standards in the developed world, failure to plan and deliver services in an effective targeted manner to achieve positive measurable outcomes for children.

[12:15]

And failure to the States of Jersey to understand and fulfil corporate parenting responsibilities, including adequate aftercare of children who have been looked after by the state. In response, one of the Assembly's firm commitments approved in subsequent Government Plans was to update our legislative framework in respect of children. The Draft Children and Young People (Jersey) Law represents a very significant update to the existing children's legislative framework. Not only will it help to ensure we continue to move forward and address the failings of the past, particularly in respect of the most vulnerable children, it is a law that aspires to support and improve the well-being of all children and young people in Jersey and meets the more contemporary concerns regarding early intervention and early help. The draft law, in part, will be underpinned by training and statutory guidance. To allow time for that to be rolled out, we propose that it will be enacted through an Appointed Day Act in early 2023. The central feature of this law is the concept of well-being, which is defined and identified as an outcome that can indicate the breadth of influences on children's everyday lives. Rather than just preventing harm, which is very important in itself, the draft law underpins the aspirations to promote the well-being of all children in Jersey. In summary, I believe that the Draft Children and Young People (Jersey) Law lays the foundation to deliver high quality support services for children and young people where and when they are needed. This law represents a significant step forward in meeting the commitment that we made as a Government and as an Assembly to put children first. I would like to thank the comments made by P.P.C., by the Children's Commissioner, and the amazing work that happened with our Scrutiny Panel. This has been a long journey to get to where we are today and the work that everyone has helped to put together with the officers has been amazing. I propose in First Reading.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Ward.

6.1.1 Deputy R.J. Ward:

I speak partly on behalf of the panel that scrutinised this piece of work. I refer Members to the Scrutiny Report that has been both made public, and I emailed to all Members simply because I know the nuances of this piece of legislation. I start by saying that the panel does support this piece of legislation and would urge Members to support it for a number of reasons. We have received views from a number of stakeholders who raised several question in respect of the law and I just want to briefly talk about some of the concerns that we have had. I mention them so that we are clear as to the way forward with this piece of legislation. I reiterate the point made by the Minister that this has developed over a number of years and a number of Ministers and the scrutiny will be ongoing of this piece of very important legislation. So one of the areas we mentioned are the need for statutory training and guidance and the panel notes that the legislation creates a statutory duty for the Minister to publish guidance in relation to the responsibilities of all professionals working with children and young people. The word "statutory" is very important but there is no duty on Government to provide training included in the draft law although this will need to be undertaken. We do raise concerns that training has often been cut in the past and any training will need to be meaningful and not a tick-box exercise. A concern raised by the Children's Commissioner over the impact of further regulations on the third sector is the Government must support the third sector in relation to guidance and training

if they expect them to deliver under this new legal framework. We also note the responsibility under the draft law for corporate parenting and the panel would suggest that the Minister for Treasury and Resources is added to the list of Ministers responsible for this - that is the Minister for Children and Education, the Minister for Health and Social Services, the Minister for Home Affairs and the Minister for Housing and Communities - because of the possible need for funding for that implementation in that important area. We are pleased to note the duty to plan in respect of well-being and a plan for the relevant providers of care and relevant providers for children. It is very difficult to word this carefully and I want to word it carefully that the voice of the child is being heard in this because it is such an important part of the discussion. As this piece of legislation developed over time, there is a real requirement for long-term leadership into the future and we cannot consider that, as an Assembly, if and hopefully when we vote for this piece of legislation, that that is it and it is complete now. There will be long-term leadership needed by future Ministers and future scrutiny from panels to see the implementation of these laws, how they work and possible amendments to improve these laws in the long term. It is about a commitment to a long-term change of culture that if it does not happen, there is a real risk that this is a policy initiative to improve the well-being of children. One thing is the voice of the child. The draft law does include rights-based language. However, the panel would agree with the Children's Commissioner that the term "looked after children" should be reviewed. It is something that children in care have stated that they do not wish to be called and it is those small nuances that I think are very important for us when we look at this law. We are pleased to see that a Child Rights Impact Assessment has been undertaken for this piece of legislation and I think they are important for all pieces of legislation. Although we welcome the law, I caution again that this is the first step in a legislative journey and further regulations and statutory guidance will need to be developed should this be adopted by the States Assembly. It is vital that succession happens in terms of both Scrutiny and the Minister and certainly in the legacy report from our panel; we will be reporting on that and urging that. So I would say that the risk of implementation of this legislative framework is an area that I would like to highlight in finishing. While assurances have been given this will be managed with training, the panel would state that any training must be meaningful, accessible and truly engage staff and professionals so that they have a full understanding of what is being asked of them. The process must be resourced effectively to ensure the training reaches all those that are required to undertake it. We would echo the point raised by the Minister for Children and Education that the third sector must be supported by Government during this process so that services do not fall under the burden of additional regulation without additional support. If the regulation is right, it will be supported. We will continue to monitor the implementation of the draft lodged and its remaining time in office and ensure that the point is raised on our legacy report. I finish by simply saying this is a significant day, I think, for this Assembly and the culmination of a huge amount of work by officers and the briefings of the panel. I am pleased that the Minister mentioned the work of the panel because we have tried to be extremely constructive in our scrutiny. This piece of law may not be perfect but it is a huge step forward for this Island, it is a huge step forward in response to what we saw in the Care Inquiry, and I would urge Members to support this piece of law and, if there are issues with it, then please be involved in the future if you are in this Assembly to support and build this piece of legislation. With that, I would urge Members to vote for the principle.

6.1.2 The Connétable of St. Peter:

I would like to say a few words in support of the Draft Children and Young People (Jersey) Law. Firstly, I am fully behind the principle in this draft law for providing early help for children and young people. The evidence shows that, where families can be supported, early problems or issues are more likely to be nipped in the bud with better outcomes for children. I believe this law will provide a consistent policy framework on which to build and improve practice. A good example of services that provide early help and support are our Parish youth projects. These are provided to all young people but now they provide targeted activities and support for children who have greater

levels of need. St. Peter has a long tradition of supporting its community, including the provision of a youth community centre and we have an active youth project. Having held a number of voluntary positions in the Parish before I was elected Constable, including 8 years as Chef de Police, I am also very aware of the many issues affecting our young people. A significant proportion of the children and young people coming through the Parish Hall system have experienced adverse circumstances in their lives and, sadly, I still see it today as a Constable and am aware of circumstances such as these in the Parish. I firmly believe that as well as responding to an initial reported offence, as a Government we also need to understand that it takes steps to respond supportively to children's underlying needs which may or may not be immediately apparent. This approach is reflected in the draft law which means, in practice, a probation officer's assessment of a child or care leaver carried out in connection with a Parish Hall Inquiry should be taken into account in a well-being assessment and will form the basis of services to work together around the child. We also know that, as an Island, we need to do more to support children and young people in care and leaving care more effectively. There is unfortunately a lot of evidence that shows that outcomes for children in care and care leavers are generally very poor when compared with the children in the general population. When a child or young person comes into the Minister's care, the Government becomes a corporate parent and this should continue as they leave care and transition into adulthood. The key elements to improve support for children in care and care leavers in the draft law is through the formal establishment of the corporate parenting responsibilities which will be applied to the corporate parent. I am pleased to see that Parishes have been included in the named list. This reflects the continued importance of this Parish in the social organisation and Government of Jersey. Going forward, training and guidance will assist corporate parents to fulfil their duties and assist us in translating the duties into real action and to make a real difference for young people and empower them to become an active and positive part of the community. The publication of the final report of the Independent Care Inquiry represented a wakeup call to elected Members to act differently in order to avoid recreating the failures of the past. I believe the draft law presented great opportunity to follow up on the Jersey Care Inquiry findings and recommendations and provide a robust legal basis to support children and young people in Jersey, particularly our most vulnerable, and I hope all Members will support it.

6.1.3 Senator S.Y. Mézec:

I am very pleased to be speaking in support of this draft law and I congratulate the Minister for Children and Education for bringing it to the Assembly. I echo the words that he spoke in support of those who have worked so hard to get us to this point and to have this draft law written and in front of us to make a decision on today. Many of those were people who I worked closely with in my time as Minister for Children and Education who I know first-hand how committed they are to seeing Jersey follow the journey it needs to following the publication of the Jersey Care Inquiry report, a journey which has been at times very difficult and has at times faced setbacks. But it is important that we do not forget why we are here and what it was in that Care Inquiry report that has led to us being here. While of course the great focus of that report, quite rightly, was on some of the horrific things which happened in Jersey's past and the legacy of which still exists to this day, there was much talk in that report about some of the cultural issues that Jersey suffered from particularly within our public administration where the rights of children were simply not considered in an appropriate way, in some instances there being over-objection to fulfilling children's rights and considering children a nuisance in some of these public services and some of that was underpinned by the laws which previously existed.

[12:30]

Jersey definitely does need a new Children and Young People Law. Just to use one example to illustrate the point I am making here, in the previous Children Law there is a reference in it to what they call "illegitimate children". I guess we kind of know what that phrase is alluding to but is it not a horrible phrase and does it not say a lot about attitudes to children, them, in some instances not

being considered legitimate, not being considered special and not being treated equally. Some of those cultural issues were enshrined in that old law and must be gotten rid of if we are to move forward. One of the things I am pleased to see in this draft law is a stronger framework for corporate parenting better than that which preceded it. It is important that that is included in this law and is strengthened because it will provide a better foundation than the old law does. But I think it is worth making the point though that there is still lot more to consider on corporate parenting than can ever be put in words on a piece of paper. It may well be the case that this law will provide for certain duties to certain office holders to safeguard the interests of children, but corporate parenting is more about what you feel in your heart rather than what a law tells you that you have to do. The point of corporate parenting is that those in positions of responsibility who encounter children as part of what they do ought to have the interests of children at the forefront of their minds and ought to treat those children with love and compassion and ask the question when services are being delivered for children, whether they would consider those services good enough for their own child, whether they would be happy for their children to be treated in that way and, if not, to strive to do better. To understand the importance of that, that cannot be legislated for but to have a better legislative framework underpinning it certainly makes that cultural change easier to achieve. I support what the chair of the Children, Education and Home Affairs Scrutiny Panel said about more to be done in the future and how we do need to consider this law in future, how it can be enhanced, what potential changes we may wish to see in the future. One of the other pieces of work that I think needs to be considered alongside this draft law as part of that wider journey to implement the recommendations from the Care Inquiry report is on children's rights and enshrining those properly in Jersey law. Though we have signed up to the U.N.C.R.C. (United Nations Convention on the Rights of the Child), we have not enshrined it properly in Jersey law. My understanding for the plans for that are that they will seek to indirectly incorporate the U.N.C.R.C. into Jersey law and I, for one, support that as a step in the right direction but I would prefer that we had a stated ambition to see the direct incorporation of the U.N.C.R.C. into Jersey law, as we have done with the European Convention on Human Rights. To do that would supplement what the Children and Young People draft law seeks to do in helping us improve our culture in public administration so that children's rights are considered properly. There are some good signs of those lessons being learnt in this law and the comments from the Scrutiny Panel and the Children's Commissioner as well do draw attention to that. That is something certainly to be positive about and so I simply wanted to frame the principles part of this debate on this draft law in the context of that wider journey we need to go on, learning the lessons from the Independent Jersey Care Inquiry. But this law is a thoroughly good piece of work that takes us in an important step forward and so I will be wholeheartedly supporting it.

6.1.4 Deputy T. Pointon of St. John:

As the Minister for Children and Education has said, and I agree, the Draft Children and Young People (Jersey) Law if passed will be a great step forward in the promotion and protection of children's well-being in the Island. Like many of you here in the Assembly today, I signed a pledge to put children first at the beginning of this term. Passing this law will allow this Assembly to continue to demonstrate a public commitment to honour this pledge and place support for children's well-being on the firm footing it deserves so that future generations are assured that we will continue to strive to give children the very best start in life and that this society will nurture and shepherd the young of our Island into adulthood. The key principle underpinning the draft law is an aspiration to support and improve the well-being of all children and young people in Jersey. This applies whatever their level of need might be in whatever setting they are in. I am particularly pleased to see an emphasis on early help, which will ensure that many issues can be prevented from escalating because the right help at the right time is made available. This commitment is made in children's and families' best interests and ultimately in the best interests of our whole society. The other factor I would like to draw attention to is the deliberately broad definition attributed to well-being that is embedded in the draft law. This broad definition allows for consideration of socioeconomic factors when

determining the needs of and working with children and their families to improve outcomes. The draft law acknowledges that children's emotional well-being is just as important as physical health and of course one impacts on the other. We are very much aware of the things that can help keep children and young people mentally well, including being in good physical health, eating a balanced diet and getting regular exercise, having time and freedom to play indoors and outdoors, being part of a family that gets along well most of the time, going to a school that looks after the well-being of all pupils and taking part in community activities. Other factors are also important, including feeling loved, trusted, understood and safe. Good mental health helps children develop the resilience to cope with whatever life throws at them and grow into well-rounded, healthy and productive adults. In summary, I believe that the Draft Children and Young People Law raises the foundations to deliver high-quality support and services to children and young people when they are needed. The intention of this draft law is to continue with the work done over this term to focus on children's mental health and well-being, as well as their physical health, and integrates service delivery as we move forward. I would like to take this opportunity as both Assistant Minister for Children and Education and Assistant Minister for Health and Social Services to state clearly that this draft law underpins all that has been achieved so far in the term and it constitutes a big step forward on the path towards modernising the legislative landscape for children and young people in Jersey.

6.1.5 Senator T.A. Vallois:

As others have stated, I am fully supportive of the legislation that is being brought forward before us today. I think it marks a really instrumental point in time as a first phase of the legislation around our children in Jersey considering what we have seen and experienced in the past. The Scrutiny Panel have produced comments, as the chair mentioned, and as they are comments there are not usually recommendations that go alongside the comments that we make on the legislation but there are 3 key points that I would like to make to the Minister and see whether he would consider committing to any of those points to bring forward. I think it is really important to emphasise the fact that we are now enshrining corporate parenting in legislation and corporate parenting is not just a commitment or duty of the said responsible Ministers under this legislation. Corporate parenting will be a responsibility for all who are required to make decisions and we welcome the P.P.C. comments. In particular, in that vein, I would ask the Minister to consider, and maybe in any Council of Ministers' legacy report if they do one, to ensure that there is a commitment or a written commitment made, such as P.P.C., but States Assembly to do so on behalf of the Government of Jersey by both the Council of Ministers and the senior management team around how they will be incorporating corporate parenting into their decision-making on a daily basis. Secondly, I would mention that the Appointed Day Act will not be forthcoming until 2023 and, as the Minister referred to, this is very much due to training that will be taking place. I would ask the Minister, considering what we have heard in Scrutiny hearings over the past year and through our briefings, there is concern that this lays a great legal duty upon the Minister in terms of absolutely right to put in place the provision and care that children who are in our care rightly need. Therefore, I would ask that the Minister and officers consider the consequential effect that this law will have on other legislation. If I just give an example, because this is one example that came out in one of our quarterly hearings, was with regards to the Income Support Law and how it is not sufficient in terms of support in the circumstances such as an experience that a student, a care leaver experienced with ourselves, going to university, and there was not sufficient discussion in place within the department. There were some concerns around how financial support may be provided and this is partly the reason why we referred the potential need for the Minister for Treasury and Resources maybe needing to be included as a responsible Minister. But we would also suggest that as the year moves on, as the next 2 years go forward, that consideration is given to the consequential effect of this legislation on other legislation, whether that is income tax, whether it is income support. I am sure there are many other pieces of legislation I can refer to but I would ask the Minister to consider that. Finally, in terms of statutory guidance that sits under this, what is important about the voice of the child is ensuring that any statutory guidance

that we put in place and the training that is provided to those who will be supporting our children and young people, are the voices at the centre of that statutory guidance and whether the Minister would consider our Jersey Youth Parliament or whether he would consider a group or a task force of students who may consider looking at and scrutinising the guidance in advance of the training commencing so that there is a shared language among our children and young people and the people that are providing the support so that we make sure the outcomes are the best that we can possibly provide for our children and our future public of Jersey. On that basis, I am very grateful to the Minister and the officers for bringing this legislation forward. I hope that the Scrutiny comments have been helpful to all Members and I would ask everybody to support this legislation moving forward.

The Bailiff:

Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the Assembly stands adjourned until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

[14:14]

The Bailiff:

Very well, we resume the debate on the principles of P.107, the Draft Children and Young People (Jersey) Law, and next listed to speak is Deputy Doublet.

[14:15]

6.1.6 Deputy L.M.C. Doublet:

I am pleased to follow the previous speakers and Senator Mézec, in particular, said something which resonated with me; he recalled the Care Inquiry. I do think it is important that we do recall that moment in time, especially when we are looking at legislation like this because we do need to remember the reasons behind some of these changes we are making and to keep that momentum going in terms of having that purpose behind what we are doing, especially as we are winding up this term. I think something that struck me in regards to corporate parenting, we were discussing this, the panel of which I am vice-chair, we had a hearing with the Children's Commissioner recently and she said several things that really struck a chord with me. One of the things that she said was that at the moment in the past, and unfortunately still, there are children on our Island who, having first been failed by their parents for various reasons, and then being removed from the care of their parents and being placed in the care of the States, the Government, those children are at times still being failed. I found that particularly poignant and I hope that this law can be a watershed moment and ensure that this stops and this does not continue to happen. I see that the intention is there from Government and I think across the Assembly that we all agree that this is incredibly important. What I wanted to add today is that I hope that that culture change can be sustained, not just in our Government and in our Assembly, but across our Island because Members will be aware of that phrase which is often quoted about taking a village to raise a child. I think we all need to have that sense of responsibility for all children collectively in our Island and treat all children, but especially the vulnerable ones, with the same care and compassion as we would our own. I suppose what I would like to ask the Minister is, when we have this law in place, and I am hoping this law will be approved, what work will be taken alongside it, alongside things like training, to make sure that this culture change is ingrained within Government and that that culture change has a wider impact across our Island? I would like to know how that culture change is going to be measured because I think it is important that we do try to

measure things like that so we can keep track of them and hold ourselves accountable. I think it was Deputy Ward who spoke about the voice of children, which of course was mentioned in our Scrutiny comments. I think when we have these big changes and we create new legislation, sometimes we feel like the job is done. What I would like to see, and again I would like to ask the Minister, is how will the impact of this legislation be measured, how will we know the impact that it is having on the lives of children and how will we know whether it is enough or not? So, I would like to know how children will be part of any work to review and measure the impact on this legislation. But I will be supporting it and I thank the Minister for bringing it forward today.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon the Minister to respond.

6.1.7 Deputy S.M. Wickenden:

Firstly, I would like to thank all speakers, especially my Assistant Ministers who gave some fantastic speeches, and I will try and respond to some of the questions by some of the speakers. Deputy Ward, let us say, highlighted the need to make sure that whoever is in the next Government ensures that the training and the funds and resources are able to make sure that the right level of training is put into place. I fully agree with Deputy Ward in that area, that it will be the responsibility of whoever is in power, in Government, after the elections to make sure that they carry on this work of the law to ensure that it is not just a law that sits dusty on the shelf but is enacted upon and that people know their responsibilities and how to get the best out of this law to make sure that the outcomes to children are the best in this Island. Deputy Ward also asked about whether the Minister for Treasury and Resources should be put in place as one of the responsible Ministers. I think another Minister for Children and Education might have a different view, or another Council of Ministers, but at the moment I feel that the Treasury sits at a level of checks and balances as well so the responsible Ministers will put forward applications through the Government Plan and through other means to request the right level of funding to support what is going on. The Minister for Treasury and Resources needs to be able to look at the public purse in a way that looks across the whole of the Island. Of course, it is making sure the funds are available to give the right level of services, something that I think everyone will be passionate about and it will take precedence over other things. So I do not think that is necessary but if next term when the new Assembly is in, they could look at that when we come back with the law or we will continue to speak to Scrutiny as we go through. Senator Mézec talked about the U.N.C.R.C. and embedding the U.N.C.R.C. within our laws. I will be lodging soon the due regard law, which will set out that every law amendment or new law, any changes will have to start with a Child Rights Impact Assessment. I am hoping that in this Assembly in future times the Child Rights Impact Assessment will become the normal for a debate in any changes in law about whether it went far enough or whether it was all considered properly. That is when I know that the due regard law will have the right impact because children's rights and the impact will start at the very beginning of what happens in the States Assembly to be discussed at a level that it has never seen before. Senator Vallois, of course I will consider the points raised about corporate parenting in everyday life. I will say about the voice of the child that has been raised by Deputy Doublet and Senator Vallois, we have the care leavers ambassadors that are joined in this part of our corporate parenting board and we do make sure we listen and hear their views about changes we make or how the service is being provided for children in care. The care leavers have set out a training package that they are starting to go around to train what it means to be a corporate parent from a child in care, and they are doing an amazing job in a lot of time and energy in making sure that their views are articulated in the best possible way and that people really understand what it means to be in care. Deputy Doublet talked about how do we gauge the impact. Well, within this law it sets out that all responsible Ministers and corporate parents need to set out a plan and publish it and be held account to what they are doing for looking after children in this Island. It is a statutory

part of this law so that will set out what the plan is and will be able to be scrutinised by the Assembly and be held to account for the delivery of those. So I would expect that the impact will be defined, what the impact should look like and be held to account through the Scrutiny process in this Assembly. I will leave it there and say that this really is a landmark day for Jersey in creating this law and I am so proud to be part of it. The Scrutiny Panel has outdone themselves here. It has been a marathon and they have looked at every part of this law, they have engaged with the public and stakeholders, they have held us to account in it. The Children’s Commissioner has met with me regularly and has looked at the papers and raised issues. It has been a real team effort to get where we are today and I am very proud to everyone for the hard work they have done, and the multi-agency work that really has happened. With that, I am going to propose the principles and ask for the appel.

The Bailiff:

I will ask the Greffier to place a voting link into the chat. The vote is on the principles of P.107. I open the voting and ask Members to vote in the normal way.

Male Speaker:

Can I vote pour, please? I am struggling getting on.

The Bailiff:

Yes, Connétable, you vote pour.

Connétable M. Troy of St. Clement:

Connétable Troy, myself pour, I cannot get on.

The Bailiff:

Thank you.

Deputy R.J. Ward:

I had some trouble getting on; I am in there so there might be a delay with the voting, I do not know.

The Bailiff:

Have you voted now?

Deputy R.J. Ward:

Yes, it is working now.

The Bailiff:

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: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well, Deputy Ward, does your Scrutiny Panel wish to call the matter in?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, thank you.

The Bailiff:

How do you wish to deal with the matters in Second Reading, Minister?

Deputy S.M. Wickenden:

I am going to propose the Articles *en bloc* seeing as no one has raised any particular issue on any of the Articles through the principles. I will speak to each Article - I am afraid, it is a long speech - and then we will vote them *en bloc*, if that is okay with you.

The Bailiff:

That is absolutely fine, you can take it that way if you would like to. Are you going to be proposing Article 5?

Deputy S.M. Wickenden:

Yes, I am going to propose Article 5 and then any changes that need to happen will be brought back when we bring it back later.

The Bailiff:

Very well, you will speak to Members about that then?

Deputy S.M. Wickenden:

Yes, Sir.

The Bailiff:

Thank you very much indeed. Yes, in which case, please do propose them in that way, Minister.

6.2 Deputy S.M. Wickenden:

I apologise for the lengthy speech that is about to happen but it is such an important law that has many aspects within the Articles that I feel it is necessary to get them on record. The draft law is to make provisions to promote safeguarding and support the well-being of children and young people. It is in 11 separate parts, including the schedule, and I am going to go through them now. Articles 1 and 2 provide a number of definitions that are used throughout the law. The draft law, except where specified, applies to all children up to the age of 18. Where young people are referred to it means young people who are aged 18 up to the age of 25 and are either care leavers or young people who have a disability. The draft law also provides a new definition of care leaver for the purpose of the law which means an individual aged 16 up to the age of 25, who has been looked after for a minimum period of 13 weeks, whether aggregated or consecutively from the age of 14 up to the age of 18.

[14:30]

We realise that there might be some other care experience of young people that it is right to support and the draft law does provide for exceptions or additions to the eligibility criteria by order to be made should the need arise. Any reference in the draft law to responsible Ministers means the Minister for Children and Education, the Minister for Health and Social Services, the Minister for Home Affairs and the Minister for Housing and Communities. Safeguarding partners are also defined and include the chief officers of the administrations of the States for which the responsible Ministers are each respectively assigned responsibility, the chief executive officer and the chief of police. In the draft law, health and development are defined in a holistic way with development in the context of children including behavioural, emotional, intellectual, mental, moral, physical, spiritual or social development and health meaning physical or mental health. The term “services for children or young people” in the law means any service or support which is provided exclusively or mainly to or for the benefit of children or young people. The term “related service” means any service or support which is not exclusively provided to or for the benefit of children or young people but which is capable of having a significant effect on their well-being. It was intended that the 4 key United Nations Convention on the Rights of the Child, the U.N.C.R.C., general principles should be embedded in the draft law to reflect our commitment to continue to implement the convention following its extension to Jersey in 2014. This has been provided for in respect of an overriding objective in the draft law to promote and support the well-being and safeguard the welfare of children and young people. When carrying out functions under the law, the responsible Ministers and the other corporate parents, safeguarding partners and relevant providers must have regard to their overriding objectives and to principles founded in the 4 general U.N.C.R.C. principles which are: to take all appropriate measures to ensure that children and young people are protected against all forms of unlawful discrimination, have the best interests of children and young people as a primary consideration, have regard to the views of children and young people in all matters affecting them with due allowance being made for age and maturity, and promote the health and development of

children and young people. In Articles 3 to 6, the central repeating theme of the draft law is the promotion of well-being of children and young people in Jersey and to safeguard their welfare. This part describes a model of well-being and the assessment of well-being based on the established principles of a continuum of needs. Most children will thrive with the love and support of their family and family networks. However, for some children varying levels of support may be required to successfully address the child's identified needs. Where more intensive support or protection is required, the provisions of this draft law are intended to work with the existing child protection provisions under part 4 and part 5 of the existing Children (Jersey) Law 2002. Wherever there is an assessment carried out under the law, it requires consideration of 8 indicators for well-being and explore to what extent the child or young person is safe, healthy, achieving, nurtured, active, responsible, respected and included. In order to assess children's well-being needs effectively and deliver services to meet children's needs in a timely way, strong joint working between service providers is essential. The draft law introduces 2 areas of co-operation to underpin joint working. Firstly, there is a duty placed on me and other responsible Ministers to make arrangements to promote co-operation between themselves and other providers of services to children to promote the well-being of children and young people. This must be done with regard to the importance of the role of parents and other people caring for the children and young people in promoting their well-being. Ministers may also issue guidance under the provision of this part to give further clarity on what co-operation should entail. Secondly, this part formalises, updates and consolidates child safeguarding arrangements and joint agency work that has already been established in Jersey in respect of children which, for the last 7 years, have been through the non-statutory Safeguarding Partnership Board. The Safeguarding Partnership Board currently has responsibility for promoting, understanding and safeguarding, helping agencies to work together to safeguard children and monitoring how effectively agencies are working together to keep children safe in Jersey. This is overseen by an independent chair. Under the draft law, the safeguarding partners identified in this part must make arrangements for ensuring that their functions and those of other relevant providers are carried out with regard to the need to safeguard and promote the welfare of children and young people. They must also work together when safeguarding and promoting the welfare of children and young people. Independent scrutiny of the effectiveness of the arrangements is also provided for under the draft provisions. The draft law also allows the Minister for Children and Education to issue guidance that will provide further detail for the safeguarding partners and other relevant providers on what this means in practice and also puts in place a framework for annual reporting. Lastly, the draft law makes provision for the statutory review and analysis of child deaths. Regarding Articles 7 to 12, one of the key findings of the Independent Jersey Care Inquiry Panel was that there was no common overarching plan for children which took an outcomes-based focus. These series of Articles in the draft law set out a framework for strategic planning for children and young people in Jersey following the publication of the Care Inquiry's final report. A children's strategic plan was produced and published. The draft law has drawn on experiences of producing and implementing the plan. Under the provision in this part, the Minister for Children and Education and the other responsible Ministers, and in consultation with others, will prepare and publish a children and young people strategic plan for each 4-year period. They must also then report to the Assembly on the extent to which the plan has achieved the aims. The aims of the strategic plan are framed around the provision of integrated and efficient services for children and young people that best safeguards, supports and promotes their well-being and that are based as far as possible on prevention. To deliver the aims, the Minister for Children and Education and responsible Ministers and other providers will need to co-operate with each other to provide services for children and young people. Guidance produced under this part will be designed to make this clear. The approach is also supported by the duty to co-operate introduced in part 2 of the draft law. Lastly, the draft law makes clear that children and young people and families need to know about the services provided. The Minister for Children and Education and other responsible Ministers and the providers will publish details on services which will be reviewed at least annually. Articles 13 to 15, the draft law makes provision for the small number of children

and young people who require targeted support to help meet their health and development needs by placing a duty on the Minister for Children and Education to carry out or arrange assessment of those needs. A child with health or development needs is described in the law in a discrete category of need, which is designed to distinguish the more specialist types of assessment and services that may be required for some children and young people who are living with their families but have more complex levels of needs. This complexity may arise if earlier interventions are not having the intended effect or may be present from the outset for some children. This health or development need concept is a well-established concept in U.K. law and children's social work as children in need. A duty to cater for this vulnerable group of children has been absent up to this point in Jersey and the draft law rights this situation. However, the definition in this draft law is broader than the one in the U.K. law and accounts for a range of children and young people who locally do or may require more targeted support to maintain or achieve a reasonable level of health or development. These include children with a disability, children affected with the disability of someone in the family, children who are receiving specialist in-patient mental health provision and children who are involved in the youth justice system. It is important to note that under both part 4 and part 5 there is a presumption that assessment well-being plans, any support being offered to children and their families, is an opt-in basis and that any service provision and data sharing will be based on informed consent from the children and families who work with practitioners to achieve improvements to their child's well-being. The Minister for Children and Education will have a general duty to this group of children to provide a range and level of services appropriate to meet their assessed needs. The law enables the Minister to make arrangements with other providers in order to do this. Additionally, measures specifically address the provision of services for children affected by disability, including a requirement to provide assistance to people who are caring for children with disabilities commonly known as the "provision of short breaks". Part 5 is the well-being assessment plan. This sees Articles 16 to 23 and makes provision for the assessment of children with well-being needs and a well-being plan for individual children where there is an assessed well-being need on an assessed health or development need. Articles 16 and 18 provide for variations in respect of well-being plans depending on the type and extent of the need as set out above under paragraph 4, that is to say whether the child is assessed at the present time as having a well-being need or if they are considered to be in a smaller group of children assessed to have a health or development need. Equivalent measures for looked-after children and for care leavers are contained in part 7. These individual well-being plans are designed to formalise the planning and review cycle in respect of targeted interventions that are put in place to meet individual children's needs. A well-being plan will be put in place where it is agreed by the family, the child and the Minister or the appropriate practitioner in C.Y.P.E.S. that it would be beneficial that the family support and universal services available to the child will be augmented by a plan specifying the additional targeted support required to meet the assessed needs. The plan will also provide a record of progress against the well-being and/or health and development goals. Articles 19 to 22 in this part provide additional detail in respect of the content of the plan, the preparation of the plan, the delivery of the plan and the management and review of the plan. Article 23 of this part provides for the Minister for Children and Education to issue further guidance on well-being plans and this guidance will form an important support to practitioners. I am going to cut into my speech there, as it is part 5 that we were talking about. It has been identified just today by the Solicitor General that there is a law drafting issue with the wording within these Articles and we plan to, when bringing it back to the Assembly for the next part of this law, to amend that so we will deal with the law drafting part at a later date. Is that sufficient?

The Bailiff:

Yes, it possibly is. Minister, you are therefore still proposing that part of the law to be passed in this form but informing Members that you are going to be bringing forward an amendment in due course, is that what you are saying?

Deputy S.M. Wickenden:

Yes, that is correct.

The Bailiff:

In which case, that is a matter for Members to raise during the course of the debate of course.

Deputy S.M. Wickenden:

I will let Members know, I was only made aware of this over the lunch period today so it is very new to me as well. Part 6 is the part on corporate parenting and sees Articles 24 through to 34. Articles 24 to 34 are about corporate parenting and applies to looked-after children and care leavers. When a child or young person comes into care, the Government becomes their corporate parent. Here corporate parenting duties and responsibilities are defined and are proportionate to the corporate parent's likely role and involvement with children in care and care leavers. The named corporate parents are in the schedule which can be modified by order subject to consultation with those affected. The named corporate parents have been selected to reflect the central role of the public authority as a corporate parent, along with early years in educational settings and a small number of arm's-length or funded bodies that will together provide a well-rounded and broad perspective across the key domains of well-being.

[14:45]

Part 6 sets out a framework for collaboration between the named corporate parents in respect of planning, reviewing and reporting to ensure that the process offers opportunities for learning and improvement as well as accountability. This monitoring and review will be driven by the formation in law of a corporate parenting board whose principal function is to monitor and review the discharge of corporate parenting responsibilities and other functions of corporate parents under this part. A key part of improving outcomes for this vulnerable group of children and young people is to take this more strategic and joined-up approach to these children and young people's needs. A requirement for corporate parents to publish information about any services it offers, if any, to this group of children and young people will form part of the local offer referred to as such in 2020 in conjunction with the services provided to children in care and care leavers by the Minister in part 7 of this law. A provision in the draft law will also allow for guidance for corporate parents to be issued by the corporate parenting board and this will, in practice, be supported by training corporate parents, which has already been successfully modelled in Scotland. Articles 35 to 40 impose duties on the Minister for Children and Education in respect of looked-after children and care leavers. As with the support delivered to children in parts 4 and 5, the support for children in care and care leavers in part 7 is to be delivered by applying the same principles of well-being assessment, planning and review which it sets out in Article 36. It is intended that the provisions here are to be supported in practice by statutory guidance and the Minister for Children and Education has additional duties to publish statutory guidance under this part. In order to promote the health and development of children in care and care leavers, Article 36 places a duty on the Minister for Children and Education to carry out or arrange a well-being assessment of each looked-after child and care leaver. This assessment should determine their well-being needs which include their health or development needs. This is to be set out in a well-being plan. A statement of the young person's needs and targeted interventions required will be detailed in the well-being plan, along with how they are to be provided, by whom and the outcome each targeted intervention is intended to affect. Timescales for review are also to be contained in the plan and also the arrangements for taking account of the child or care leaver's views within the plan. It is intended that these provisions are augmented through the guidance provisions in Article 37. The Minister will have a duty to issue guidance which will aid implementation of the law, interpreting the law into operational practice. Guidance may include the management form, process and arrangements in respect of the well-being plan, guidance as to the content of the plan, guidance on assessing progress against the outcomes and reviewing and recording the plan. Article 38 also places a general duty on the Minister for Children and Education to provide

a range and level of services appropriate to meet the assessed well-being needs of looked-after children and care leavers up to the age of 25. Articles 39 and 40 require the assessment of a personal adviser for each child transitioning out of care up to the age of 25 and imposes a duty on the Minister to maintain a “staying-put” arrangement for any eligible care leaver up to the age of 22. This is intended to allow a gradual transition from being looked after into independent living. Nearly there. Articles 41 to 43, here further requirements on the Minister for Children and Education are introduced in respect of looked-after children. Firstly, the Minister must appoint a person to promote the educational achievements of looked-after children which will formalise the role known as the “virtual school head”. Secondly, a requirement to appoint an independent reviewing officer for each looked-after child is introduced, along with measures relating to their role, appointment and qualifications. Thirdly, a duty to review the case of each looked-after child is imposed which must be in accordance with a published policy in respect of this review process. Articles 44 to 46 in part 9 of the draft law gives a power to the States to make regulations to require the Minister for Children and Education to make reasonable arrangements to make provision for independent advocacy. This is to act on behalf of children who have their health or development needs, children who are looked after and for care leavers. This may be extended to other groups of people if they are later identified in regulations. I have already instructed officers to begin scoping this work with a view to developing drafting instructions later this year. The draft provisions also set out a range of elements. The regulations on independent advocacy might include such things as the appointment of advocates and their role, the conduct and powers. Further provisions may include matters relating to the help to be given to children and care leavers. We will be consulting on the detail of the arrangements for advocacy as we want to make sure that children’s voices and experiences are essential to this area of policy and practice. Under this part, the Minister must also establish and publish a written procedure for considering representations and complaints made about the discharge of functions in respect of children and young people under parts 4, 5 and 7 of the draft law and also provide scope for including aspects of the Children (Jersey) Law 2002 and the Adoption (Jersey) Law 1961. Article 44(1) and (2) refers to the legal term “may” and not “shall” or “must”. This is because any definitive wording of the law in this Article would undermine the sovereignty of this Assembly, instruct the Assembly and forcing the outcome and removing the right of the Assembly to make a decision. Part 10, closing provisions, the final Articles 47 to 49, this part makes provision for transitional, consequential, incidental, supplementary or saving provisions for amendments to the Children (Jersey) Law 2002 and for citation and commencement. With that all said, I propose the Articles from 1 to 49 and ask for the appel.

The Bailiff:

Well, we are not quite ready for the appel, Minister, we have to debate the schedule first. Before I ask for that to be seconded, Deputy Ward has indicated he would like a point of clarification relating to the nature of the drafting error to which you made reference. If I could simply ask, because the information I have been provided is not that the drafting error related to part 5, but that it related to Article 5 and specifically Article 5(4), but it could be that that information is not correct. So I wonder if you would feel able to explain or alternatively perhaps the Solicitor General, if you would wish to call upon him, but that is entirely a matter for you.

Deputy R.J. Ward:

This is just about a clarification because obviously we have done an enormous amount of work on this and this is news to us. It may just be a small error but I think it is important that the Assembly understands what it is. That is all, thank you.

The Bailiff:

Are you able to help, Minister, or will we wait for it to be seconded and then ask the Solicitor General?

Deputy S.M. Wickenden:

I think I will have to ask the Solicitor General. I will correct that it is Article 5 and not part 5, and I made that error there. It all very much happened at the very last minute. Could I ask the Solicitor General to clarify what was the perceived error, please?

The Bailiff:

Yes, Mr. Solicitor, are you able to assist the Assembly?

Mr. M. Jowitt, H.M. Solicitor General:

Yes, I can. If the Assembly have open Articles 4 and 5, I will explain what is a fairly limited error. Article 4 is concerned with the responsible Ministers as among themselves and between themselves and relevant providers to promote well-being. Article 4(4) effectively, in simple terms, requires them to talk to each other and to share information that is relevant to promoting well-being. The same principle that people should be talking to each other was plainly intended for Article 5, which concerns safeguarding partners and relevant people similarly talking to each other to promote the welfare of children. If the Assembly looks down to Article 5(3)(e): "Safeguarding partners are required to have arrangements in place to disclose information between safeguarding partners and relevant providers." Then dropping down to subparagraph (4): "Arrangements under paragraph (3)(e) must not permit the disclosure of information that relates to information obtained." In other words, it mirrors a provision for people to talk to each other in 4(4) but turns it on its head by forbidding them to talk to each other. The "not" in paragraph (4), arrangements under paragraph (3), "he must not", the "not" is plainly in error and it should not be there. There are one or 2 minor changes that follow, the word "or" at the end of (i) and the word "or" at the end of (ii) both need to change to read "and". I hope that is clear.

Deputy R.J. Ward:

Can I ask the Solicitor General what the implication would be of passing these Articles today as written would be and how quickly that amendment would need to come forward? Just the implications of where we are at the moment really.

The Solicitor General:

I think the answer to that is unless and until this proposition is adopted and receives the Royal Assent it has no practical effect. As to how long it would take for it to be amended, I think that is not a matter for me to advise on. It would seem to me more a matter for either the Minister or Presiding Officer.

The Bailiff:

I would need to consider the provisions of Standing Order 75(4) of the Standing Orders of the States of Jersey which says: "An amendment to the draft may not be proposed during the debate [and this is talking about Third Reading] although a clerical error or oversight in it may, with the permission of the Presiding Officer, be corrected." So I would have to give some little consideration as to whether that amounts to a clerical error or oversight requiring 3 changes, but that mechanism could be possible. Reverting to you, Minister, obviously you have proposed, we have not yet got seconding for the Articles, but it seems to me that the way that it is possible to go forward is either having adopted the Articles to defer the rest of the debate and bringing back an amendment to correct that point, or for me to give consideration as to whether it can be corrected under that rule to which I have just made reference. Do you wish to say anything more before we call upon this to be seconded, Minister?

Deputy S.M. Wickenden:

I think I would like to continue with this debate and ask for the Articles to be approved and for you to consider the options for a change in Third Reading. If not we will bring forward an amendment as soon as practically possible.

The Bailiff:

Very well, I will give some consideration. Although it is for me to interpret Standing Orders, if any Member clearly has concern that these changes should not be made under the rule then I would be grateful to hear from them simply so that I am able to test the mood of the Assembly although, as I say, it is entirely a matter for me and interpreting Standing Orders as to whether or not that amendment can be made. Very well, are the Articles seconded? **[Seconded]** Would any Member like to speak on the Articles in Second Reading? If no one wishes to speak on the Articles in Second Reading then I close the debate and ask the Greffier to place a vote into the link.

Deputy R.J. Ward:

Sorry, for clarification, apologies; so we are voting for all of the Articles and then we will come back to see whether ...

The Bailiff:

Yes. No one has asked for Article 5 to be taken separately, therefore, we are voting on all of them and they will be all passed or voted against, as the case may be, and then in Third Reading I will need to consider what the consequences of that may be and either - as the Minister has indicated - there will need to be amendment at a later date or it can be changed under that slip rule. I ask the Greffier to open the voting and Members to vote.

[15:00]

Deputy H.C. Raymond of St. Trinity:

Sir, I am having problems with my computer. Can I vote pour verbally?

The Bailiff:

You can indeed, Deputy. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

POUR: 43		CONTRE: 0		ABSTAIN: 2
Senator L.J. Farnham				Senator T.A. Vallois
Senator S.C. Ferguson				Connétable of Grouville
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				

Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those abstaining in the link are: Senator Vallois and the Connétable of Grouville.

The Bailiff:

If Members would bear with me for a moment. It seems to me that the normal way in which this Standing Order is used, 75(4) is to deal with things that are clearly clerical amendments, clearly things which have been mistyped or misplaced or renumbered or needed to be changed and it would, in my view, create a dangerous precedent were I to permit a substantive alteration to the meaning of an Article to take place in Third Reading. Accordingly, I am not prepared to exercise and grant my permission to amend under Standing Order 75(4). I am conscious - and this is by the by - that it is not intended that this law is brought into effect before 2023 in any event where there is an Appointed Day Act and there is ample opportunity for the drafting to be corrected by an amendment before it comes into effect. Accordingly, in dealing in Third Reading we will be dealing with the Articles as adopted in Second Reading. Minister, do you propose the matter in Third Reading?

6.3 Deputy S.M. Wickenden:

Yes, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

6.3.1 The Connétable of St. John:

Sir, are we able to take the Articles separately and keep that one Article ...

The Bailiff:

I am afraid not, Connétable. That could have happened in Second Reading but in Third Reading it is simply do the Members adopt the law as it has been approved in Second Reading. If no other Member wishes to speak in Third Reading I close the debate. In theory, Minister, I ask you to respond because there has been an intervention.

6.3.2 Deputy S.M. Wickenden:

I thank the Constable for highlighting that. Firstly I apologise; when we are dealing with large laws, even the level of scrutiny of this has been through sometimes little things do slip up, and I do apologise for that. We will endeavour to get this amendment brought forward as soon as possible seeing as it is just a small amount of words that just needs a swap around and put the word “and” in, so I will endeavour to get that done as fast as possible. This Children and Young People (Jersey) Law is a significant advance in the promotion and protection of children’s well-being in Jersey. It allows this Assembly to complete its public commitment to learn the lessons from the Care Inquiry and continue to strive to put children first. I would like to thank again Scrutiny, the Law Officers’ Department and everyone. This has been a really big group effort to get where we are and it changes the landscape of how we do things in Jersey for the better. We are all somebody’s child and with that I would like to be very proud that this law is getting passed today as it is my mother’s birthday - I believe it is 21 again - on this momentous day. To close I would also like to thank my fellow Council of Ministers and Scrutiny colleagues for their support in bringing it forward, the Children’s Commissioner, the Care Commission and many more. I want to thank my officers that have worked tirelessly to get this where it is today, and with that I propose the Articles in Third Reading.

The Bailiff:

I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The law has been adopted in Third Reading.

POUR: 41		CONTRE: 0		ABSTAIN: 2
Senator L.J. Farnham				Senator T.A. Vallois
Senator S.W. Pallett				Connétable of Grouville
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Trinity				
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Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

7. Draft Companies (Amendment No. 8) (Jersey) Regulations 202- (P.108/2021)

The Bailiff:

The next item is the Draft Companies (Amendment No. 8) (Jersey) Regulations, P.108, lodged by the Minister for External Relations and Financial Services, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Companies (Amendment No. 8) (Jersey) Regulations 202-. The States make these Regulations under Article 194A of the Companies (Jersey) Law 1991.

7.1 Connétable R.A. Buchanan of St. Ouen (Assistant Minister for External Relations and Financial Services - *rapporteur*):

The Minister is unfortunately not available today and has asked me to take this as *rapporteur* and the next item as well. Draft Companies (Amendment No. 8) (Jersey) Regulations seek to add the potential remedies available to a creditor of an insolvent Jersey company by permitting a creditor to apply to the Royal Court for the company to be wound up and a liquidator appointed. The regulations amend the Companies (Jersey) Law 1991. The procedure seeks to adopt 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 will be widely understood. As noted, it adds to the existing provisions such as *en désastre*, which will of course remain available to creditors. In considering that the reform will support Jersey's reputation as a leading finance centre which recognises the interests of creditors, while also providing appropriate protections for the debtor company, it is to be noted that these provisions affect Jersey companies only and not individuals. They are introduced after public consultation with industry bodies, the Viscount, and the Jersey Financial Services Commission. The regulations will be supported by an accompanying order which amends the qualifications required of a liquidator, widening the categories to include licensed insolvency practitioners alongside qualified accountants, and to impose additional experience requirements. This is to ensure that only suitably qualified persons with the requisite experience are appointed. Additionally the order establishes a register of approved liquidators to be administered

by the Viscount for an annual fee. The Viscount will also have a role in relation to the receipt of any complaints in the conduct of any particular winding up. The regulations introduce the concept of a statutory demand which is currently found in other jurisdictions, and assists in formalising evidence of the insolvency of a debtor. The regulations also permit the court to appoint a provisional liquidator who will be able to take steps to preserve assets where there is a concern the assets will be dissipated or the affairs of the company will not be properly conducted between the application to court and the making of a winding up order. No additional resources will be required as a result of these regulations, however, it is right to note that this is an alternative process to *en désastre* and the potential effect is there may be less remunerative *désastre* to be administered by the Viscount, which could have a consequential effect on the income of the Viscount to start with coming from this area. However, we do not believe it will be significant. It is expected that it will be limited and may be partially offset at least in part by the anticipated income from liquidator's registration fees. The Viscount has indicated that despite any such effect she supports the introduction of this process. As I have said, these amendments have been consulted on widely and were broadly supported. In conclusion, the amendments do not remove any remedies available to those owed money by a Jersey company, they simply add a further option and one that is well-recognised in other jurisdictions. If adopted, this change will make Jersey companies more attractive to the banking community as a sound lending proposition. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**]

7.1.1 Deputy D. Johnson of St. Mary:

I hope Members will have the opportunity of considering the comments paper issued by the Economic and International Affairs Scrutiny Panel towards the end of last week. We there referred to the fact that we had a briefing from the Assistant Minister and his officers when they went through not only the proposed law but also the consultation process. That consultation process supported the idea that there was a general consensus of the need for these provisions but it also identified a divergence of opinions on certain matters. Given that the consultees were largely members of the legal profession or accountancy or insolvency practitioners, the panel obviously took serious consideration of these and we are grateful to the Minister and Assistant Minister for allowing us extra time for our review. After that initial briefing we did have a further briefing when the officers went through very comprehensively the concerns where there was divergence. Again, if Members refer to our comments paper you will note that there are 3 particular items, which were the deemed commencement date for the winding up, the statutory demand and the need or otherwise for a provisional liquidator. As regards the need for a provisional liquidator and the date of commencement for winding up it is the case, as we understand it, that the draft law was amended during the course of the consultation period and there is the option by the court to decide which date is preferable. As far as the reservations concerning the statutory demand are concerned, we were provided with quite extensive information of what appeared in documents in the U.K., in particular, which would ensure that a demand made under these provisions would not somehow jeopardise the debtor in others.

[15:15]

Again we have been suitably assured on that front that the final version, if I can call it that, does represent a fair balance of the views. In our comments paper we do conclude by 2 paragraphs issued by the Minister which refer to that very point and ends: "Where there was a continuing divergence of views the matters were very carefully considered and the position adopted which was considered would optimise the operation of the process and on the basis of the strong support for the proposals from certain respondents in counterbalance to the opposition of others." We conclude therefore as a

panel that the proposition as lodged does take account of both sides of the argument in respect of those areas where there was divergence and we are minded therefore to support the proposition as is.

The Bailiff:

Thank you very much indeed, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Connétable of St. Ouen to respond.

7.1.2 The Connétable of St. Ouen:

I thank the Deputy of St. Mary and his panel for their hard work on this proposition and indeed we had some extensive discussions with them which have been ultimately very fruitful and resulted in the final version of this proposition. Also I think we all felt that a number of concerns and issues raised by industry were thoroughly aired and the end proposition has resulted in a fair and balanced proposition, which I think keeps the vast majority of people involved happy. For my part, I believe, as an ex-lending banker, this is an excellent addition to Jersey’s range of options and I think it makes local companies more attractive to U.K. and overseas lenders because it adds a number of provisions that are used elsewhere in the world to our laws, in addition to the unusual and disaster provisions we already have. As such, I recommend this proposal to the Assembly and ask for the appel.

The Bailiff:

Thank you very much indeed, Connétable. I ask the Greffier to place a voting link in the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

I take it, Deputy of St. Mary, your panel does not want to call the matter in?

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir, we do not.

The Bailiff:

Connétable, how do you wish to deal with the matter in Second Reading?

7.2 The Connétable of St. Ouen:

With the indulgence of the Assembly, I would like to take the regulations *en bloc* with just a brief overview beforehand. The regulations amend the Companies (Jersey) Law 1991 to enable the proposal to be implemented and, as such, there are quite a lot of them but none of them are of any great significance. They simply implement what we have already just voted on and so I would like to propose them *en bloc*.

The Bailiff:

Are they seconded in Second Reading? [**Seconded**] Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading, then I close the debate and ask the Greffier to place a link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				

Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the regulations in Third Reading?

7.3 The Connétable of St. Ouen:

Yes, I do. If I could just say a few words as well. I would firstly like to thank the Deputy of St. Mary and his Scrutiny Panel for engaging on this matter, which has been very useful, and I appreciate the work they have put in to get us to this stage. I would also very much like to thank my officers who have worked incredibly hard as well to get us to this stage. With that, in the interest of brevity, I would like to propose the matter in Third Reading.

The Bailiff:

Is the matter seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and ask the Greffier

to place a vote into the link or a link into the chat. I open the voting and ask Members to vote. If 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
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8. Draft Financial Services (Amendment of Law No. 6) (Investment Business) (Jersey) Regulations 202- (P.112/2021)

The Bailiff:

The next item of public business is the Draft Financial Services (Amendment of Law No. 6) (Investment Business) (Jersey) Regulations, P.112, proposed by the same Minister, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Financial Services (Amendment of Law No. 6) (Investment Business) (Jersey) Regulations 202-. The States make these Regulations under Article 4(2) Financial Services (Jersey) Law 1998.

8.1 The Connétable of St. Ouen (Assistant Minister for External Relations and Financial Services - *rapporteur*):

The Draft Financial Services (Amendment of Law No. 6) together with the Draft Financial Services (Amendment of Schedule No. 3) which has been lodged with the amendment law as an attachment to it, operates as a legislative package to bring into regulation those providers who are giving investment type advice to consumers about their Jersey pension products or private employer pension arrangements in Jersey's retail pension business. The amendment law, together with the draft order, will play an important role in ensuring that there is better protection for consumers in respect of the sales advice they receive when looking to take out a pension product or exercise their rights to deal with their pension benefits by converting them to lump sums, transferring to other pension arrangements, into a new policy or making decisions about how to invest their pension pot or defer taking it or taking it earlier as a member or a policyholder of their Jersey pension arrangements. It closes a gap in the regulation for such advice which was partially closed in 2018 when advice and retention in relation to the transfer of defined benefit pension rights was brought into regulation and into the scope of Jersey's investment business regime. It does not seek to address advice given by employers to employees or other types of advice, which is more in the nature of information rather than real advice as to the merits or demerits of a product or maybe a policyholder exercising their rights. The effect of the amendment law and draft order on those providers who are not already licensed to give investment advice will be that their regulatory status is altered. They will need to apply for a licence to carry on this activity and if they were not already a regulated business they will find this is a change of their regulatory status which will alter their tax status, so their tax at 10 per cent. It is understood that most providers who would have been affected in this manner were caught by the previous change to the investment business regime in 2018 when advice on defined benefit arrangements were brought into regulation. No providers were forthcoming when the amendment law and the draft order were consulted on in September last year, despite the consultation specifically seeking their views and engagement and the consultation being shared with relative industry associations. Those providers who were brought into regulation by the amendment law were required to comply with the investment business codes' business and would need to provide suitability letters providing this type of pension investment advice, and their activities will fall under the supervision of the Jersey Financial Services Commission. The Government has consulted extensively with industry in preparation of this amendment law and the associated draft order. I will summarise briefly the changes made to the amendment and how it works alongside the changes made in the draft order. The amendment law introduces a definition of subscription, this widens the definition of this term, which is used in its ordinary sense throughout the law, to expand it to include investment business activity who advise individuals as an investor or a potential investor when they are looking to take out a pension policy or join a scheme. This definition does not capture the advice given to an employer who is looking to set up a pension scheme and its wider scope is limited only for the specific activity in respect of Jersey approved pension scheme arrangements. The draft order amends the investment business schedules firstly by adding a Jersey tax approved pension arrangement to the list

of investments which are within the investment business regime. This substituted a previous inclusion of a defined benefit scheme alone. Secondly, by making it clear the scope of this regulation for a pension scheme as investment is limited to advice only. Lastly, by removing the investment business exemptions that previously existed in defined benefit schemes and the advice given to members of an occupational pension scheme to avoid confusion of whether as an investment business manager or adviser appointed to act in relation to such pension schemes they need to be licensed and this activity will be regulated. The amendment law and draft order will give immediate effect as the changes have been long rehearsed and awaited by industry and the Commission is ready to enable them immediately. The amendment law does not introduce any new penalties. For the first time all investment-type advice given to consumers in the local retail space of pensions will be afforded the same protection as advice given to other types of retail investments, with greater clarity on cost and the risk attached to the investment decisions being made by the individual. This should be of significant benefit to our domestic community and will improve the behaviours and standard of advice given by providers. The amendment law will ensure that advice given in the retail market to our consumers about their pension products is regulated. I propose the principles and commend this to the Assembly.

The Bailiff:

Thank you very much indeed. Are the principles seconded? [**Seconded**]

8.1.1 The Deputy of St. Mary:

This proposition is somewhat simpler than the previous one. Again, we have had a full briefing from the Assistant Minister and his officers and we are satisfied that this is a necessary and worthwhile step so the panel does support the proposition.

The Bailiff:

Does any other Member wish to speak on the principles?

[15:30]

If no other Member wishes to speak in Third Reading, then I close the debate and call upon the Connétable to respond.

8.1.2 The Connétable of St. Ouen:

As with the previous projet, I would like to express my sincere thanks to the Deputy of St. Mary and his panel who once again provided us with very thoughtful and engaging discussions about this particular change to the legislation. I would also just like to make the point that something I personally believe brings me much closer to bringing this piece of legislation to the Assembly. I started work on this on the first day I joined as a new Member and I am delighted to be able to present this to the Assembly today. I make the proposal.

The Bailiff:

I ask the Greffier to place a vote into the link. The vote is on the principles for P.112. I open the voting and I ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				

Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy of St. Mary, I take it your panel does not wish to call this in.

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you, it does not.

The Bailiff:

Thank you very much. How do you wish to deal with the matter in the Second Reading, Connétable?

8.2 The Connétable of St. Ouen:

There are only 2 Articles, as I outlined in my initial speech, and I would like to take both of them together if I could.

The Bailiff:

Of course.

The Connétable of St. Ouen:

I make that proposition, Sir.

The Bailiff:

Thank you very much. Is it seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, I close the debate and ask the Greffier to place the vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the regulations in Third Reading?

8.3 The Connétable of St. Ouen:

Yes, Sir. As with the last proposition, I would like to make a few quick comments before I do so. Firstly, I would like to thank the Deputy of St. Mary and his panel for their engagement and hard work on this. Secondly, on a personal note, this is something that I feel particularly pleased the Assembly has supported so far. However, I would just like to point out to the Assembly that this is the start of regulating pensions in Jersey; something which, in my view, should have happened a while ago. More regulations will be coming to the Assembly, but it will not be during my term. I thank Members for their support so far and I would like to make the proposition in the Third Reading.

The Bailiff:

Thank you very much. Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, I close the debate and ask the Greffier to post a link into the chat. I open the voting and ask Members to vote. If 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: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

9. Radiotherapy Unit Jersey (P.113/2021) - as amended (P.113/2021 Amd.)

The Bailiff:

The next item of Public Business is the Radiotherapy Unit Jersey, P.113, lodged by Deputy Tadier. There is an amendment lodged by the Minister for Health and Social Services. Deputy Tadier, do you accept the Minister's amendment?

Deputy M. Tadier:

I do, Sir.

The Bailiff:

Are Members content to take the proposition then as amended? If anyone would indicate in the chat only if they are not content. Very well, I will take that as approval and 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) that, subject to the outcomes of parts (b) and (c) below, and considering first and foremost the best outcomes for patients, Jersey should have its own Radiotherapy Unit for the treatment of cancer patients; (b) to request the Minister for Health and Social Services to explore options for delivering a Radiotherapy Unit in Jersey, and for improving the experience and health outcomes for cancer patients; and (c) to request the Minister for Health and Social Services to present the option appraisal and recommendations to the States Assembly no later than April 2022.

9.1 Deputy M. Tadier:

First of all, if I could start by thanking the Minister for his and his officers' engagement on this, what I think is a very important subject for those whom it affects. I know the Minister and his staff have been under a great deal of pressure recently and a great deal of scrutiny from Members in the Assembly. I pass no comment on that, but to say that I recognise that he has a lot in his workstream and that I value his personal commitment as well as his professional commitment to seeing if what we are asking today can be done. I do want to try and keep it relatively brief, but at the same time bring in some direct experience from some of the patients and the users of the service, so that we can better understand. I say this quite humbly because I know that other Members will also have direct experience. I recognise that there is always a balance to be struck when we bring something in principle. I have been told in the past that politics is the art of the possible. It should be for us to be able to have debates on principles about what we want to do as an Assembly, as a community, and as an Island and what kind of facilities and services we would like to provide, albeit within the realm of the possible. This is what the proposition does. It recognises the fact that as a small Island we often have to make tough choices about what we can deliver and about how services are best delivered. At the same time, I would always be aware of the fact that we are not just a typical small community; we are a close-knit small community which also has trillions of dollars, euros and pounds passing through it every day. I am not sure how much of that stays here.

The Bailiff:

You are having some difficulties, Deputy, we have stopped hearing you. Deputy, you are fading in and out. We just got past the point where you were going to discuss some personal experiences, relayed to you, but then you faded out. I do not know if you can hear me, but we cannot hear you at the moment. I propose that we stand adjourned for just a couple of minutes to see if we can get Deputy Tadier rebooted or whatever it is that needs to happen to him in order to continue.

Deputy M. Tadier:

Hello. Does that work? Can Members hear me?

The Bailiff:

Right, if we could come to order again. Sorry, I did not announce my arrival. I moved under the radar a little bit. Very well, Deputy. Do you want to make your proposition again, as amended?

[15:45]

Deputy M. Tadier:

I am sorry about that. I do not know what happened.

The Bailiff:

We are ready to resume. People both have sound and, for their sins, vision. If you could then continue with your proposition, thank you.

Deputy M. Tadier:

I am sorry to Members for that. I understand that nobody heard me starting to make the comments about the personal remarks. Just to preface this, it is clear to say that different people will have different experiences. Before I got cut off I said that Members of this Assembly will have personal experiences and experiences with their families and loved ones and they are all different. I am aware of that. I am also aware of the fact that people, when they are feeling vulnerable, have been very grateful for the care that they have received, whether it is on-Island or, when it comes to radiotherapy, off-Island. They recognise that. Similarly, we have to realise that it is often very stressful for people to go away. It is not just stressful, but it can be sometimes more than that. There will a section of the Jersey community who decide against travelling away exactly because it is too traumatic for them.

We do not necessarily know about those people and we do not know what the outcome might have been if they had decided to have treatment or, indeed, if we were able to provide treatment on-Island. With that in mind, I would just refer to 2 individuals. I have spoken about people in my proposition and I know Members will have had a chance to read that. I have been given permission to share verbally these 2 stories. I will try and abridge them somewhat. The first person we will call Catherine. She is happy to be known as Catherine; that is her name. She said: "I was diagnosed with breast cancer in April 2021. After I received the news I was told I would have surgery and I would go to Southampton as soon as the wound from surgery had healed. I was in shock. To be honest, I did not question the element where I would have to go off-Island for treatment. I just accepted this as the treatment plan. The appointment was with a specialist in mid-May in Jersey and I was told I would receive radiotherapy in Southampton in about 6 weeks' time. I calculated this to be around mid-July. It transpired that my appointment was not going to be until August. My husband and I were having a blessing ceremony on 22nd August for our marriage, which we had had during the lockdown. I had a stressful time trying to bring the appointment forward for radiotherapy, as I felt that the aftereffects would clash with our blessing. I had been warned that it was likely that I would be extremely tired after the treatment and may possibly hit a wall around 9 days post-treatment. I was able to bring the treatment forward by one week by attending the radiotherapy treatment at Basingstoke Hospital, which is part of the same trust as Southampton." She goes on to say: "My initial C.T. (computerised tomography) scan was at Southampton on 13th July. I could fly from Jersey at 7.00 a.m. for a 10.00 a.m. appointment at Southampton Hospital. The only flight available back to Jersey was after 8.00 p.m. This was delayed. It was an extremely long, tiring day and I did not get home until 10.30 p.m. I eventually commenced radiotherapy on 2nd August at Basingstoke. I stayed with some family in Wiltshire. The travelling to and from turned out to be very tiring. I was lucky enough to only need 5 days of treatment. However, I was so exhausted by the time I came back that I needed special assistance at Southampton Airport." There are 4 points that she makes. She says: "Firstly, I class myself as being in relatively good health, but I was exhausted after the C.T. planning meeting and from the 5 days of treatment. How on earth do patients cope who are in poor health after enduring chemotherapy? Secondly, the waiting lists are very long for treatment in Southampton; partly down to COVID-19 and partly down to the fact that Southampton services are a large catchment area and treat a large range of cancers. I believe that if radiotherapy could be provided on-Island, waiting times would not be so long. Thirdly, I am self-employed. I already had to cancel commitments to photograph weddings last year. I had to turn down an assignment while I was having radiotherapy. Had I had the treatment in Jersey I would have been able to continue working. Lastly, I feel so strongly about the impact of patients having to go off-Island for radiotherapy that I had contacted the media." Indeed, on that point, I would like to thank Catherine, because she was the first person that contacted me about this issue and has been raising media awareness of the issues faced by patients who travel. She concludes by saying: "How do patients cope who have a young family, have elderly parents who are dependent on them, or simply too ill to travel? No one can put a price on the devastating impact of having to leave one's home and loved ones for treatment just at a time when you need to be in the comfort of your own home, surrounded by those closest to you." The second one is not that long, if Members will indulge me. This is from somebody, coincidentally also called Catherine, Mrs Goode. She does not mind me giving her name. She said: "My sister was diagnosed with breast cancer in 2012. She travelled to Southampton several times for radiotherapy treatment. She was given the all clear in 2013. Sadly, in 2015 she was diagnosed again. This time the cancer was more aggressive. Again, she had to travel to Southampton several times for treatment. I travelled with her for the first round of radiotherapy. While the staff at Southampton were fantastic, as were the staff at the hotel where we stayed, it had quite a detrimental effect on her as the week went on, being in a hotel rather than in her own home. It was very upsetting for her. There was nowhere for us to sit together and be quiet to cook a meal and have some privacy. For a cancer patient to have every meal in a restaurant is unrealistic. My sister could often not face going down to the restaurant and so would not eat. The return journey home was,

needless to say, very difficult. Luckily I was with her to lend a hand with luggage and travel to the airport, comforting her while we sat waiting for a flight. On the flight itself she was thoroughly exhausted and in quite a lot of discomfort from the treatment. I do not know how she would have managed if she had not had someone to accompany her. Further trips were undertaken. She was accompanied by her partner, who had to take 6 weeks off work to stay with her, as by then she was really quite unwell. Fortunately, my sister's partner was self-employed and so had flexibility." I will leave that one there. What I would say is that those 2 accounts that I have read out really do reflect some commonalities with all of the various cases that I know of, who have been in contact with me, who have had those kinds of experiences. What I would say in this, is that of course this debate should not be about whether or not we have to choose between having good and effective treatment or doing it on-Island. Again, this is really a scoping request that I am putting forward, which is already in train it has to be said, and which I think it would be helpful to give a steer to the Minister over. I do not think it is a fair dichotomy to say we can either have good provision, which is cheaper and provided off-Island, or we can have an on-Island facility which might be more expensive and which is not going to provide quality service. It is worth us looking into and aspiring to having a Radiotherapy Unit on-Island which can treat potentially up to 80 per cent of cancer patients. I do understand, having spoken to the Minister and the specialists, that there will always be people who, for whatever reason, for complex and specialist treatments, need to go to the U.K. for particular treatment. That is indeed the case across the piece for other physical treatments and operations that cannot be performed in Jersey. As a rule, we do not require people to travel for most treatments. I would ask Members how they would feel if, for example, it was routine that we required people to go to the U.K. for hip operations. There are a lot of people who end up getting hips and knees replaced. We know that sometimes there are long waiting lists for that, but it is done locally on-Island. I am not saying the 2 are comparable. Clearly there is a lot of technical and expensive equipment that goes into radiotherapy, not to mention the staff needed to operate those systems. However, there should always be the presumption in an Island which is both wealthy and prides itself on a high level of autonomy to provide as many services to the population on-Island as it can. Indeed, many people have asked me this, and this is not meant as a criticism, but if we are building an all-singing, all-dancing hospital with a price tag of £800 million, why on earth do we not have a Radiotherapy Unit built into that already for that price? That is the question which I am sure the Minister can ask and I get asked by people, and I have been while preparing this proposition. I would simply conclude here, I know other Members will want to speak, and I look forward to what they have to say, by saying that there is definitely a human cost in this which cannot be underestimated. Also there is an economic cost, as we have heard. People do like to have the comfort of having their friends, family and their physical home around them while they are undergoing treatment. If you live in Southampton or in the immediate area, you can travel there during the day, probably at a comfortable time, and go back to your own home. You can often, depending on your level of health, keep on working at the same time, as we have heard from the first Catherine, who was a photographer. She obviously had to take time off. I have heard of people having to take 5 or 6 weeks off, whereas if they had been in Jersey all that time they could have been doing part-time work. They could have popped into the office when they felt well enough. If they were self-employed they could have arranged their time. That has, of course, an economic impact on them and on the economy. It is also part of their esteem, a part of them trying to keep a normal life going on while they are about it. In concluding, I also need to mention the petition that was launched by Rose Shepherd. She is the main person on the petition. She has a very similar past experience of raising a young family, finding out that she had cancer, and having to go off-Island on a couple of different occasions for lengthy periods. She talked about her own journey in the proposition and in the petition. I want to recognise the work that she has been doing now in that petition in bringing together some of these other statements that I have read out today, albeit while she is still receiving treatment and trying to fight for other people to have a better system in the future, so that they can receive the treatment in Jersey with all the added benefits to it. I am sure it will be a good-natured debate. I would invite Members to give their

thoughts on how we might do this, albeit subject to the Minister's feasibility study. I do maintain the proposition and ask for a seconder.

The Bailiff:

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]**

9.1.1 The Deputy of St. Martin:

It is not going to be an easy debate for some of us. I do not have to look to constituents or other Members of Jersey for submissions, because I have my own experiences of travelling off-Island for cancer treatment with my late wife; be that for chemotherapy, radiotherapy, other treatments or indeed major operations. To say that these types of journeys can be challenging when you are going away for treatment in many cases is a massive understatement, especially when you have to travel through the larger London airports.

[16:00]

Things that able-bodied people take for granted, that they do not even notice they are doing, become major obstacles. Who wants to endure these issues like security and check-in and the long walk to the gate when you feel so desperately unwell? You may well be in a wheelchair or in a trolley. We would all want to be closer to home, to have the comfort of family, in the surroundings we know so well, and to have access to treatment here in Jersey. While it might be nice not to have to endure a plane ride or to endure the pressure of transiting through airports, while it might be ideal to be closer to home, in my view and in the main, that is where the niceties stop. From a purely practical point of view, how many machines would we need? There are many different types of machines and different types of radiotherapy. You clearly cannot have only one machine because once you start treatment you cannot stop and if a machine needs to be serviced, replaced or is broken, you would need to have at least one replacement. On a slightly less practical issue, how many staff would we need? Where would they come from? We know the challenges around nursing staff and recruiting at the moment. Far by most important, the question you need to ask is: do you want the best care? Do you want the best surgeons, the best consultants? Do you want the best cancer hospitals? Do you want those who are working with this awful disease on a daily basis? We have access to literally world-class treatment in the world's top cancer hospital and the very top consultants who see people who travel from Jersey. While the Deputy's proposition seems like a wonderful idea on paper, for me it is not the answer. I accept that he is not saying that all treatment would happen in Jersey; it would still be a mix. However, as difficult and awful as travelling when you feel so desperately ill is, as awful as it is to be separated from your family when you feel so down, surely we want our Islanders to have the very best treatment at the very best hospitals with the very best consultants? I am very sorry, but I will not be able to support this today.

9.1.2 The Connétable of St. Peter:

My late wife was treated at the Radiotherapy Unit in Southampton and received an excellent level of care and I only have praise for the staff that work there. The treatment lasted approximately 5 weeks and we stayed in an apartment provided by Jersey Hospital. I was lucky to be able to support my wife throughout the treatment. However, we often thought of those people who were attending on their own, separated from family and friends. As the treatment progressed my wife became weaker throughout the 5-week period. In her case, I was able to assist her to get from the apartment to the car and get in and out of the vehicle itself. Had she been on her own, all the tasks would have been far more difficult and would have added to what was already a stressful situation. It is not just the physical issues arising from the treatment, we cannot forget the emotional support that someone undertaking this treatment needs. There are constant concerns about whether the treatment will be successful or not. As the patient becomes weaker, the smallest issues are magnified and take on far more significance than they deserve. Again, I could support my wife, but those patients who attended

on their own do not have that level of support. It is simply not the same to talk to someone over the phone, by text or email. It is not just getting people off-Island for curative radiotherapy. There are those who are already ill and in pain and those receiving palliative radiotherapy, who are receiving treatment to alleviate symptoms of cancer that cannot be cured. At present, access to radiotherapy for these patients is poor, because it is difficult to give transport to and care for them at Southampton and it brings many more problems compared to those of the able-bodied. Do not all these groups deserve access to an on-Island Radiotherapy Unit, alleviating the emotional and physical issues associated with having to travel to the U.K. for treatment? U.K. waiting times can be long and yet the earlier treatment is undertaken the better chance of survival the patient has. COVID-19 certainly had an impact. I know my wife's treatment was delayed by some months, reducing the chance of successful treatment. We should not just consider the costings, but should consider all the other benefits, some of which I have covered, when considering whether we should have our own Radiotherapy Unit. Remember not giving people early access to radiotherapy when they need it is not a cost saving. I would ask Members to support this proposition, which would benefit those who need radiotherapy treatment for whatever reason and will increase their chances of a successful outcome.

9.1.3 Senator S.C. Ferguson:

I appreciate the Deputy's enthusiasm for keeping Jersey in the forefront of treatment, but as the Deputy of St. Martin was saying, there are a number of things we should keep in mind. According to some of the research I have seen, we would need some 80 or 90 support staff for such a unit. Given that we are short some 300 or so of skilled staff, has Deputy Tadier considered how to fill these roles? Mind you, if we reduce the number of managers back down to 12 from the 88, we might be able to afford a few more nurses. However, we are also able to utilise the facilities of the centre of excellence by using Southampton. I had a similar set up when I had my stents fitted and I was flown to Oxford in about 2012. Yes, it was not much fun to be away from home, but did I want a top surgeon to fit a stent or did I want somebody who only does 2 in a year perhaps or in a month to do it? No, I would rather have the best, thank you. Given the current state of play in H.C.S., with consultants resigning over the bullying and generally toxic regime, and the fact that staff are afraid to raise matters of concern, is H.C.S. really in a position to bring in new techniques and procedures? They have not even got a good rehabilitation unit for heaven's sake. This is a fantastic idea, but it must go on the backburner for now. Maybe when we have a few things better sorted we can start looking at it again.

9.1.3 The Deputy of St. Ouen:

I will be supporting this proposition as amended because, as Deputy Tadier has indicated, it would support investigations that we are currently carrying out in H.C.S. to examine the feasibility of providing radiotherapy services in the Island. There are no firm decisions taken one way or another. It is something that we acknowledge many Islanders would wish to have because since I became Minister for Health and Social Services I have received emails from patients who have struggled, and I well understand the struggles, with the arrangements made for their support in U.K. centres and the travel difficulties. We all acknowledge it would be desirable if we could avoid all of those. However, as the amendment says, we must put patient outcomes first and foremost and that is what we are looking to. It is a complex piece of work because we have to examine those human needs and, at the same time, we have to examine clinical safety issues and practical issues, such as the location of this if it was to happen in Jersey and the financing of it. All that work is being undertaken. It began last year. Subsequently the petition was launched and I was pleased to respond to that, and subsequently we have Deputy Tadier's proposition. We recognise that this arises because there are negative impacts of delivering care off-Island, especially when people are coming to terms with their diagnosis and feeling ill. It is often the case they cannot travel with their relatives. It can be a very lonely time for some and certainly affects their well-being. Some patients choose not to travel. It is just too much to bear and they endure their illness without radiotherapy treatment. There are palliative care

patients in the Island who would benefit from radiotherapy, but because of their advance stage of illness they are unable to travel so we cannot assist them with the therapy that we would like to offer. All of those effects and impacts are well-known and I thank those who have already spoken for clearly identifying and sharing with us the trauma that patients and families go through. As Deputy Tadier mentioned, there are also wider family and economic costs. Very often people have to deal with childcare. How do they look after children while treatment is taking place? He also mentioned the costs of travel and accommodation. Deputy Tadier mentioned that patients are not earning when they spend long periods off-Island. Sometimes they could still be earning, so that income is lost to them and the benefit to the Island. However, we also have to recognise that radiotherapy is a very specialist service, which would not normally be available to a population of just over 100,000 people. The centres we use provide excellent care and treatment with very good outcomes. H.C.S. and, through us, the Island, has a good relationship with those centres. It is the case that even if radiotherapy was to be provided in the Island there would be some patients, we estimate approximately 20 per cent of patients, mostly with head and neck cancers, who would still need treatment off-Island, because that is a specialism within a specialism and we could not provide that on the Island. I am very clear, everyone working on this is very clear, that if we take this further we must ensure that clinical safety and the clinical outcomes that are able to be produced as a result of providing this on-Island must be as good as anywhere else; as good, if not better. We must have that high quality service which Islanders presently enjoy. All of that will be investigated. We will also be investigating the workforce implications, the availability of staff and the skills that are needed.

[16:15]

We will look at the resilience of the unit and the backup. We will need, I understand, at least 2 machines in case one ceases to function. We need to be assured of the quality and assured of the treatment safety. All those things are being taken into account, together with considering location. Could it be up at Overdale, could it be elsewhere on the Island? It needs a very special type of power supply. We have also got to consider the demand and capacity, the capital costs and the ongoing revenue costs because this would be expensive but, nevertheless, may well be desirable. I am keen to complete the investigation that is going on, the work formulating a business case. I know there are clinicians in H.C.S. that are also keen to investigate this and would really wish to bring this to the Island if it were clinically safe and we could ensure those good outcomes. We are also working closely with the cancer charities who wish to improve the experience of Islanders. In time, if a full business case is supported it would go through the internal processes with the Treasury and would come to senior leaders and Ministers and, if taken forward, could be incorporated into a future Government Plan but that is not yet; that will be for the months to come. It will not be for this Assembly, it will be for the next Council of Ministers and the next Assembly. But as the proposition requests, I will be in a position to set out an options appraisal and present that to the Assembly by April as a report. I can say among the options what is being requested is that we will include an option of improved off-Island treatment as an alternative to an on-Island treatment, with the aim of improving the experiences and the outcomes for patients. If it was not possible to deliver this on-Island we would want also to look at how we could better the difficult circumstances that patients and their families endure and ensure that we can offer them the very best that we can. I look forward to that work being undertaken and I look forward to presenting that options appraisal by April. I thank the Deputy for highlighting this issue and I will be supporting the proposition on the basis I have outlined.

9.1.4 Deputy M.R. Higgins:

I would remind Members what the proposition is about. It is saying that in principle Jersey should have its own Radiotherapy Unit for the treatment of cancer patients and then it is requesting the Minister to explore the options, which he has just outlined and is supportive of, and to present those options and recommendations to the States Assembly. It is an information-gathering exercise. I

think in principle there would be no one who would object to having a radiotherapy centre in the Island. I think, again, until we have the full information we will not know whether it is a sound investment and a project to embark on. I have travelled to the U.K. for radiotherapy treatment for cancer. In the past I spent 5 weeks at Addenbrooke's Hospital in Cambridgeshire and I must say that the treatment I received there was absolutely fantastic, the staff were excellent. But I can see some of the problems associated with people being away. I was fortunate, I was basically with another Jersey man, the first 2 people who went to Addenbrooke's for treatment under the contract that had been established. I was fortunate to have, in a sense, a travelling companion, someone who was going for the same treatment, was going to be there for the same period of time. Under the facilities that we had at Addenbrooke's the States had leased an apartment that had 2 bedrooms with en-suite facilities, as well as a kitchen and a lounge area. Because we were both there having the same treatment, we got on exceptionally well, although it is not something we all desired it was a pleasant experience. But had I been travelling alone it might have been a different one, as it would have been for the other gentleman that I was with. Because on one particular occasion I had a call from him and I went to see him. He was unwell and he could not go across to the main hospital for his treatment and I had to call 999 and arrange for an ambulance to collect him and he was admitted to the main hospital for a number of days. A person on their own may not have got a quick response as the gentleman did who I was sharing the apartment with. I must mention the treatment itself. We all talk about the honeymoon period, the first week or so of radiotherapy is fine and in fact I know I personally felt like a fraud. However, as the treatment goes on you get progressively weaker and you have various other problems. It is useful to be able to have people nearby who will support you or can assist. I can see the advantages of having the facility here in the Island and I can see some of the disadvantages of going away. Again, I can see the advantages of going away and getting the treatment we had with excellent staff and equipment. But I would hope that the investigation when it goes forward will go slightly further. We tend to look at these things in terms of our own needs. If Jersey did have this facility, and I am not saying this is the usual thing, we can offer it to the likes of Guernsey, so instead of them going to the U.K. they could come and use the Jersey facilities. We talk about health tourism. Perhaps it could be that if we have excellent facilities and we do get excellent surgeons to go along with it and can offer treatments here in the Island, any spare capacity can be used for treating people from abroad, which would again bring money into the Island. I am not being mercenary in that sense, I am just stating it is something to be looked at. Essentially, we could have radiotherapy facilities for the patients so they get quick treatment, which could prevent their death. As far as I am concerned this is a no-brainer. Deputy Tadier is asking for an investigation and the information will come back to the States. It is at that point we can decide whether it is an excellent idea which should be funded and we should go ahead with or it may come across that it is simply impractical and what we have at the present time is the best. But I shall be supporting this proposition and I urge all Members to support it as well. Let us get the facts and then make the decision.

9.1.5 The Connétable of St. John:

I thank the previous speaker and previous speakers to him for showing their experiences. I am sure all of us have been touched by this dreadful disease over the years. Local patients have had excellent care at Southampton for decades and, as we have just heard, from Addenbrooke's. As someone who used to travel to Southampton on a weekly basis for work, I can tell you I have seen many, many patients travelling to and from Southampton in all kinds of conditions. If we can reduce that prospect I think that would be great. I am surprised that the amendment did not ask for more time because I am concerned that we have got a department that appears to be under a lot of pressure, and I share Senator Ferguson's concerns. There are 353 vacancies in the last number we have had from H.C.S. I am surprised we did not ask for more time because back in October 2019 the *J.E.P. (Jersey Evening Post)* reported that more radiotherapy could be done locally and here we are going to have a business case within a matter of days put forward. I just hope that it is a full business case and I hope that it

is going to be considering all those options, including those described by Deputy Higgins. Only today I have been communicating with a parishioner who is having treatment in the U.K. and this person had put off treatment for around 5 years. Part of the reason for putting off the treatment was because they did not want to travel to the U.K. to receive it. If we are able to overcome the many practical issues and it is affordable, then we should seriously consider this. I agree with the Minister, the safety, the clinical safety has got to be correct and the outcomes need to be monitored. But if we can do it let us see the appraisal and the recommendations and I would urge Members to support the proposition.

The Bailiff:

Point of clarification, the Deputy of St. John. Would you give way for a point of clarification?

The Connétable of St. John:

Yes, Sir.

The Deputy of St. Ouen:

Could the Connétable confirm that he understands the proposition is asking me to present an options appraisal? When I spoke about the business case I hope I made clear that that was a different and larger piece work which would go through the process required by business cases and be a matter for the next Assembly.

The Connétable of St. John:

Yes, my apologies. It is a full options appraisal and recommendations, thank you.

9.1.6 Deputy R.E. Huelin of St. Peter:

Like many people in the Assembly we have all had friends and family who have had to undergo radiotherapy in the U.K. When I was honoured to be on the Hospital Political Oversight Group, those that are on the group will know that I banged the drum for radiotherapy at almost every single meeting. I am now not so sure. It is a very complex subject. I will not bore you with what I have learnt because that will come out. However, I really do welcome this initiative in order to truly understand the options that are available to us so we can make an informed-based decision. What I really want to talk about is, regardless of the outcome, 20 per cent of people will have to travel abroad or to the U.K. for treatment. What I witnessed in those people, and it has been covered - and I am doing a little bit of repetition - is there is so much more we can do to make that experience not as unbearable, if that is not an awful way of putting it, be it helping with travel, being allowed with partners to travel, improving the accommodation that the people can stay in, flying them back at weekends. I know we have got trouble with fog and they will not be able to get back for the next treatment on the Monday. But of all these things we could do, that is where we could help, I think, in the most. I would just urge the Minister and those people who are doing this options appraisal to look at that most seriously and see how well we can help those people who have to undergo treatment in the U.K. It is quite clear it is outcomes-based and the experts that are at our disposal, one of the people I was referring to was at the Marsden Hospital, which has not been mentioned yet. I know we tap into every source of expertise we can in the U.K. to ensure we get the best outcomes for people; that must continue, regardless of whether it is locally or in England. But look at the travel, look at the accommodation, look at the way we can just make it more palatable for those people who have to undertake the treatment.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon Deputy Tadier to respond.

9.1.7 Deputy M. Tadier:

I thank the Members who have spoken. I think it is probably a shorter debate than I anticipated but I think we covered a lot of ground nonetheless. The first speaker was the Deputy of St. Martin and I respect his point of view. I have to say I think what I am proposing here or what is being asked for from the 3,000-plus petitioners who have signed, and I think also what the Minister himself agrees, is the position he would like to be in, subject to the feasibility and options paper that he is working on, is that this is much more than a nice to have. This is about people's lives and it is about, I think, also not just those who currently travel. It is easy to say, okay, they might have to get up a bit early, they might be taking a few weeks off work and away from their family for a few days or a few weeks in some cases but they should just put up with that if it is saving their lives, and I think that is one thing that I would say.

[16:30]

But there are also a great number of people that we do not know about who simply do not travel and, therefore, do not receive the treatment for whatever reason because we do not have an on-Island facility. It is those people that I am also thinking about. Like other Members in the Assembly, I know what it is like to have loved ones taken away from me because of cancer. I lost both of my parents to cancer. In those cases it was fairly late diagnoses and there was no chance of treatment. That is always a double-edged sword and I know that that is probably the way they would have wanted to go. But I can only think about if this had been caught earlier and the many people who do have earlier diagnoses, even a bit earlier, they are given the option. In fact, I do remember 5 or 6 years ago when we were having conversations with my father and he said: "No, I do not want to receive any treatment" and I know that there will be other people who might be more marginal than that. They might be caught slightly earlier and they might say: "Well, no, I am not prepared to go and travel. I am not prepared to have all that upheaval, to roll the dice about potentially saving and extending my life. If these facilities were available on-Island, I would quite happily do that, but I am not going to go through weeks of upset and trauma for my family for something that I do not fully know the outcome of." Something I forgot to mention in the opening, but which relates to that point, is that in terms of palliative care there is not any option for radiotherapy for palliative care on-Island and it is not offered to patients who have palliative needs. Of course, as we know, palliative does not automatically mean it is your end of life, it just might mean that it is not curable. There are lots of people in that situation - even young people - across the spectrum who are in that palliative context who are unable to travel. It is also those people who I am thinking of in that number. So while we talk about the 20 per cent who will still need to travel, we are talking potentially about another 20 per cent or however many on-Island that there is a latent need for them and that they would use this facility. We did not hear from the other Progress Party Member, and I am not sure if this is a party position, but I would ask the Member to reconsider perhaps how he votes because I think this is really asking for the work to be done to look at options for delivering this. Similarly, the proposition does not say that Jersey should have a substandard Radiotherapy Unit and if we are to have one - I do not quite get these arguments - the radiotherapy equipment will either work or it will not work. It is not as if we are going to set up an expensive unit, buy 2 pieces of equipment and not calibrate them properly. So whatever they use, the radiotherapy which will be targeting certain key areas of the body, of course they will be calibrated. To talk about staff implications, this of course will be looked at in the study by the Minister but I would say 2 things: that there is an option nowadays for specialists, perhaps in part at least, to operate equipment remotely; that is what I have been told from officers. I cannot remember if Senator Ferguson talked about 85 staff needed to operate this, or 65 staff; I think those figures are probably fantastical. But I would also say that staff at the hospital tend to be polyvalent, they do not necessarily just specialise in one area, that they often will work in different areas, so that will all come out in part (b) of the proposition. There is also the work that the charities do in Jersey that needs to be taken into account when the Minister talks about what I might term as opportunity costs, about the blue-sky thinking and about what might happen in terms of the positives. So, if we had an on-Island provision, we would want that to be excellent and we would

want that to be responsive and to be used and possibly shared with the sister Island. I do not think though that this should be predicated on Guernsey buying into this. I really think it is a case of build it and they will join us because it makes more sense for Guernsey to fly patients to Jersey, that small distance across the sea, rather than to rely on scheduled flights to Southampton, but that is a discussion for another day. So, I do thank the Minister for his amendment and for his support, I think he is open-minded. To address the Constable of St. John, I did also ask the Minister quite explicitly when I met him last week: “Are you sure this is enough time to do this? If you want to, you can have more time.” I am aware that the Minister wants to report back to this Assembly before the end of this term and that we only have sittings until the end of April. So, the Minister believes, and his officers believe, that they can report back something meaningful and present an options paper for Members to consider. I did say to the Minister that I hope it is a proper open-minded consideration and it is not just simply a case of: “The computer says no. We have looked at the options, it is too expensive, it is not feasible.” I think it is important that we do consider all of the costs, both the human costs, the savings and what future spending we might need. Cancer is not going to go away; I genuinely hope that it will and that we might find a cure for it someday as technology and medication progresses. Of course, we all hope that, but we also know that it seems for the time being, and this is what the specialists have told me when I speak to them, is that it is here to stay, certainly unless something really good happens, and that we need to start thinking about how we best cater for people on-Island. I believe firmly that this should be part of the new care model, it should be something that we look to provide for on-Island for the vast majority of our patients. I do ask Members for their support to allow the Minister and give him a signal that this is something we would like unless there are very compelling reasons for it not to be achievable. The Minister still has that wiggle room and he will be reporting back to this Assembly and it is something that will be watched, I think, very closely by members of our community who this either currently affects or will affect in the future. I will be asking for it to be taken together. I think all 3 parts are contingent and I maintain the proposition.

The Bailiff:

I will ask the Greffier to place a vote into the link. The vote is on P.113. I open the voting and ask 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: 40		CONTRE: 2		ABSTAIN: 2
Senator L.J. Farnham		Senator S.C. Ferguson		Connétable of St. Clement
Senator T.A. Vallois		Senator S.W. Pallett		Deputy of St. Martin
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

The Deputy of St. Martin and the Connétable of St. Clement abstained and Senator Pallett voted contre.

10. Draft Official Controls (Animals, Food, Feed and Plant Health, et cetera) (Jersey) Regulations 202- (P.114/2021)

The Bailiff:

The next item is the Draft Official Controls (Animals, Food, Feed and Plant Health, et cetera) (Jersey) Regulations, P.114, lodged by the Minister for the Environment, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Official Controls (Animals, Food, Feed and Plant Health, et cetera) (Jersey) Regulations 202-. The States make these Regulations under Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014.

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

If Deputy Guida could be *rapporteur*, please.

The Bailiff:

Certainly, yes.

10.1 Deputy G.C. Guida (Assistant Minister for the Environment - *rapporteur*):

These regulations form part of our continued response to a post-Brexit world to ensure that the Island has the necessary frameworks in place as an importer and, where necessary, as an exporter of goods. I would like to start this by thanking all the officers who have helped put this together. This has been compared to solving a Rubik's cube where coloured labels have been replaced by disco lights. It was not straightforward. In a practical sense, these changes are intended to mirror those brought into U.K. legislation to accommodate the border changes borne from Brexit. These regulations, if adopted, would repeal and replace the E.U. Legislation (Official Controls) (Jersey) Regulations 2020 and the Animal Health and Welfare (Temporary Continuance of Effect of European Union Legislation) (Jersey) Order 2019. The main change that will arise from these regulations would be to allow the Minister as a competent authority to treat goods entering Jersey from the rest of the world differently to goods entering Jersey from the U.K. It would also provide for the Minister to determine how controls are applied, including via the use of possible Border Control Posts to S.P.S. (Sanitary and Phytosanitary) goods entering Jersey from the E.U. There are 6 other regulatory changes which are identified in full in the report accompanying the proposition. In summary, these cover food safety, genetically-modified organisms, maximum residue levels of pesticides, contaminants and pharmacologically-active substances and microbiological criteria. The Environment, Housing and Infrastructure Scrutiny Panel presented a comprehensive set of comments on the proposition which included, among others, 2 important recommendations which we will be happy to implement. As the panel recommends, we will ensure that clear and multilingual guidance is made available and we will provide documentation to aid traders' understanding of any new requirement placed upon them both as soon as practically possible. Returning to the panel's comments more generally, the panel noted that these regulations are a necessary requirement but that they are mindful there is uncertainty as to the potential impact the post-Brexit regime will have on industry. I can confirm that Government recognises this too and will, with the assistance of Scrutiny, continue to liaise with key stakeholders to ensure that they understand and are able to meet their legal requirements. Furthermore, together we will ensure that assistance, where possible, is made available to them. I trust that the Assembly will share the view of both the Government and Scrutiny that these regulations are necessary and that they form part of the Island's ongoing response to Brexit. I would like to open the debate to the Chamber and trust that I will be in a position to answer Members' questions.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

[16:45]

10.1.1 The Connétable of St. Brelade:

The Minister has wrapped up pretty well what my panel submitted in its comments and I would refer Members to those comments. It is a complex process, as the Minister outlined. We have been pleased to work with the Minister and his officers to try and understand the process which will need to be taking place as a result of Brexit and continuing trade with the U.K. and indeed the E.U. We thank the Minister for accepting our recommendations and we will be supporting the proposition.

10.1.2 Deputy R.J. Ward:

This is really a question for the Minister, and if I am off the mark here then please politely tell me that because, you are right, it is absolutely complex. I have always had a concern since day one when I was on the Brexit panel and we looked at so much, that one of the issues that we will face is that as the U.K. has more treaties independently with different jurisdictions around the world - the classic one is, for example, with the U.S. (United States) where perhaps food and regulations are less stringent, in fact they have other things in their food chain that perhaps we would not want - and we move closer to the U.K., what is here to sort of give controls for Jersey that perhaps will not be in the U.K.? If the U.K. starts to import food and products, and particularly genetically engineered products - of which I do not necessarily have a problem with because that is a much wider field - does Jersey

still have that control over what it imports, or will we inevitably have to accept imports because we are so close with the U.K.? The U.K. could move further away from Europe depending on what happens in the coming years with the implications of Brexit. I know there is not a simple answer to that, and I am not expecting the Minister to go into detail in that way, but I just wanted some reassurance that we do have that ability to take consideration over those things because that does concern me, the removal of regulations of food, plants, et cetera, as we go forward. I hope that makes sense to the Minister.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles I close the debate and call upon Deputy Guida to respond.

10.1.3 Deputy G.C. Guida:

I would like to thank the Constable of St. Brelade for his support and the support of his panel. To Deputy Ward, these are perfectly valid concerns and they are a difficulty for Jersey. However, we have tried to build as much flexibility in our controls as possible so we can diverge a little bit from the U.K. but of course we have a free trade agreement with them and we also have to abide to the World Trade Organization rules. One way that we can help with this is by requiring food labelling that would allow people to make their choices. We do have some flexibility but it is indeed quite difficult to diverge too far from what the U.K. wants to do with other countries. One thing - and that is more of an external relation issue - but every time that the U.K. looks to have a trade agreement with a third party we are asked in which way we want to participate, and we do have this option in the Assembly on how we want to follow the U.K. every single time. I do not think there was anything else so I commend the proposition to the Assembly for the appeal.

The Bailiff:

I ask the Greffier please to post a voting link into the chat. I open the voting and ask Members to vote. 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: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Connétable of St. Brelade, I take it your panel is not calling the matter in?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

No, thank you, sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Deputy Guida?

10.2 Deputy G.C. Guida:

I would prefer to take all the Articles *en bloc*. I do not think any of them can be separated and still have a functional regulation.

The Bailiff:

Do you want to just propose them or are you speaking to them?

Deputy G.C. Guida:

I will propose them but of course if any Members wish to ask a question about a specific Article I am happy to respond.

The Bailiff:

Very well. Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the Articles or any of them in Second Reading?

10.2.1 Deputy R.J. Ward:

I am not sure this is anything I recognise because our hands are somewhat tied with these with Brexit. In Article 12, the power to make provision by order in part 1, it says the Minister may by order make such provision as is necessary to give effect to that empowering provision in Jersey in any regulation

that requires the Commission of the European Union; so is that our way of adopting European Union regulations that make movement of goods from Europe smoother? That is the question really. It is just understanding that power to make provision by order and whether that would enable us to have that bit more flexibility that the Minister spoke about.

The Bailiff:

Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading then I close the debate and call upon the Minister to respond.

10.2.2 Deputy G.C. Guida:

Yes, this is quite interesting. From the beginning the whole Assembly decided that we would try to stick to E.U. regulations as much as possible, as well as U.K. regulations. We will see what happens if they start diverging but of course the main goal was to remain compatible with the E.U. Of course the E.U. may change their own regulations at any time and this allows the Minister to follow them if this is what Jersey wants to do.

The Bailiff:

I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The regulations have been adopted in Second Reading.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the regulations in Third Reading?

Deputy G.C. Guida:

Yes, please.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. If 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: 40		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

11. Common Population Policy (P.116/2021)

The Bailiff:

The next item is the Common Population Policy, P.116, lodged by the Council of Ministers and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to adopt the inaugural Common Population Policy for Jersey as set out in the accompanying report; and (b) to request that the Council of Ministers should include its policy on population in future Government Plans from 2023 onwards.

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

The Deputy of St. Peter is the *rapporteur* for this one.

11.1 The Deputy of St. Peter (Assistant Chief Minister - *rapporteur*):

I think we are all in agreement that Jersey needs a population policy but there is little consensus regarding what that policy should look like. Over the last few months I have repeatedly used a simple Venn diagram to illustrate the essence of the population policy as I see it. The Venn diagram shows 3 overlapping circles representing the economy, the community and the environment. Population sits at the intersection of those 3 circles. A successful population policy will balance the needs of the economy, the needs of the community and the needs of the environment. As our written report explains, this is no easy task and we have no easy answers. During our extensive consultation last year I listened to and read news of hundreds of Islanders. Business owners are worried about staff shortages and want the policy to guarantee them access to more staff.

[17:00]

Environmental organisations are worried about damage to the environment and the loss of green spaces and want the policy to restrict inward migration. Community groups are less worried about

the level of migration but want the policy to provide an inclusive and welcoming community for migrants to be part of. Many people who have lived in Jersey for a long time yearn for the good old days and quite simply think we should not allow any further population growth. This report makes it very clear that to maintain the balance between economy, community and environment we all need to act together and we need to plan carefully to protect all 3 areas as we work together to bring down migration levels. Upfront I want to address the issues of delay. I am not interested in hanging around just talking. Under my direction the new I.T. (information technology) system to manage and improve migration controls has been designed and developed. A complete review of the Control of Housing and Work Law has been completed and extensive amendments lodged for debate next month. Without a functioning I.T. system, without a flexible law, any attempt to set population policy will not be worth the paper it is written on. COVID means we are behind where we would like to be but significant actions have already been taken. There has been criticism in some quarters that this policy puts off decision-making for 4 years. This criticism is completely unfounded. This policy lists 44 tangible actions identified for 2022 and a wide range of proposed areas for the next Council of Ministers to take forward. We are already taking action and must continue to do so this year, next year and every year. Members need to be very clear that any actions we might take with the aim of reducing net migration are going to have consequences for the Island. Putting it bluntly, if we do not take steps to create the robust framework that we need, if we do not encourage the growth of a sustainable workforce and we do not have the controls in place to respond flexibly to current challenges, we will upset the balance between the economy, the community and the environment. That is a risk we cannot afford to take. I will give Members an example. Many people advised me to impose strict migration controls immediately with businesses only able to recruit new or replacement staff from overseas under very tight controls. This kind of strong action from the Government would be welcomed by some of the strident voices we hear in the local media but business confidence would plummet. There would be very real risk of long-lasting damage to our economy in the dropping of Government revenues that would lead to declining health and education provision. We have also seen the opposite argument in the press over the weekend. A shroud waving statement from the Chamber of Commerce that unless the Government continues to allow businesses to bring in more migrants the Island faces disaster. I do not need to spell out the consequences of inward migration continuing at recent levels but pressures on housing and the environment will continue to grow and will only get worse in future years. So what to do. I firmly believe that the plan we have set out will move us towards the balance that is so important for the future of Jersey. Change will take time and sudden changes in policy are likely to be counterproductive. Change will only happen if individual people, businesses and the Government all work together. Change must be sustained over the long term and needs firm foundations to build on. The actions set out today are grouped into 3 key areas where change is needed, proactively creating a sustainable local economy built on a well-trained and engaged local workforce, implementing flexible and responsive migration controls to manage the flow of migrants, basing decisions on detailed and relevant local and international information. I will look at each briefly. To control the population and maintain a vibrant economy, we must take planned and proactive steps to become more self-reliant as a community. We need to improve our skills training, make the most of the workers already in the labour force, improve our education system to prepare our children for fulfilling work in years to come, improve the productivity of our local industries to provide a good living to individuals and a good services for the community. Improve labour market participation and tell everybody to play their part in Jersey's prosperity. This first Common Population Policy identifies the actions that we are already taking and are planning to take in all these areas. I am grateful for the Minister for Children and Education, the Minister for Economic Development, Tourism, Sport and Culture and the Minister for Social Security for the initiatives they are leading in their portfolios. While we improve the ability of the local population to take on well-paid and sustainable jobs, we must also improve the way that migration controls are exercised. I will not dwell in detail on that aspect today because Members will be aware that the Chief Minister has lodged extensive amendments to the Control of Housing and Work Law,

which we will debate next month. At this point I would just remind Members that the Assembly has already agreed to remove the concept of automatic graduation from the existing migration controls and to create short, medium and long-term permissions which will allow the Government to exercise more responsive controls on the flow of migrants in and out of the Island. Members will also be aware of the impact of Brexit on the recruitment of staff from outside the Common Travel Area. It will take some time for the new U.K. immigration laws to settle down to the new situation and I am grateful to the Minister for Home Affairs and to the Chief Minister and their teams for their work in this area, to ensure that we have close alignment between future immigration and migration systems. If any of your staff are running a sweepstake on how long it would take me to mention the importance of I.T. systems and data, I am over 1,000 words in but finally here it is. Today the Government would struggle to implement migration controls that were significantly tighter than those currently in force. This is because we do not have the information to fully understand the drivers behind the economy, the numbers of specialist staff that need to be employed to maintain our vital public services. The impact of skills training on vacancy levels, the pipeline of young local apprentices moving into the workforce, et cetera, et cetera. Crucially the Government does not have enough data to include any meaningful numeric target or cap in this first Common Population Policy, and I have been criticised for failing to include a number limit in this proposition. So what number would you have me choose? Today I do not believe anybody knows how fast or how far we can reduce net migration. If any Member would like to put forward a number and show me the evidence to back it up, I would be very interested. I have been involved with migration issues for nearly 3 years and have not yet seen any credible analysis that supports a particular target. Previously Governments have fallen into this trap several times before, set an arbitrary limit which is then impossible to meet. Confidence in the policy is then lost and migration continues at pace. If, as an Island, we want to get to a position where a meaningful target can be set we must collect more data more often. The public will then be able to hold Ministers to account for the decisions they take and the limits they set. There is much good work being done in this area but also much more to do. This first population policy sets out in some detail the new systems we are in the process of introducing to improve the basis on which we make important decisions in future. Deputy Perchard's proposition P.120 from 2020 also emphasised the need for robust data to deliver a common population policy. The Deputy's proposition requested detailed data across the infrastructure, education, health, environment and social needs of the population looking forward several decades into the future. Members will know that not all these datasets are included in the draft Common Population Policy that they are being asked to approve today for the simple reason we do not have the information needed to make meaningful forecasts in these areas. Better data will come onstream over the next couple of years and this will inform the long-term planning that will be an essential part of any successful population policy. In this area I am grateful for the support from the Ministers for the Environment, Infrastructure, Health and Housing, who also have a keen interest in planning forwards over many years. Since the Chief Minister asked me to lead population work in late 2020 I have consistently maintained that a common population policy must not be a document that once adopted was then consigned to a shelf and never referred to again. That is why in September last year we brought forward P.77/2021, an amendment to the States of Jersey Law 2005, which means it is now a statutory obligation for each Council of Ministers to agree a common policy position on population on a regular basis and at least once a year. This first Common Population Policy adds a further obligation to that introduced in the States of Jersey Law amendment and proposes that the Common Population Policy should form part of the Government Plan process beginning when the next Council of Ministers agree its common strategies followed by the 2023 Government Plan later this year. This will ensure that population continues, quite rightly, to be front and centre in Government strategic thinking and the development of future policy. Before I close, I would like to thank the Migration and Population Review Panel for their detailed work on the population and migration policies to date. Their latest report was published last week and contains much useful information and analysis. While almost all of their reasoning is clear and well-evidenced, there is one area I believe where I believe they might not have

fully understood the thrust of the draft policy, so it may be helpful for me to address this misconception now. The policy has an overarching aim of progressively reducing Jersey's reliance on inward migration in order to achieve population stability. On page 10 of the report the policy acknowledges that challenges may arise which force Governments to pause this strategy in the short term and this has been interpreted, incorrectly in my view, to mean that future Governments can choose to ignore the primary objective of reducing reliance on net inward migration in the long term. I need to reassure Members that this is simply not the case. If we have learnt anything in the last 2 years, it is that we need to be agile, take tough decisions and change course if necessary, but the primary aim to reduce reliance on inward migration must remain. This is why a regularly updated population policy, if Members support this proposition, will become a fundamental part in every Government Plan. I have maintained throughout that there is no easy solution to managing Jersey's population but manage it we must. The important difference today is that we have taken the time to research these issues, consult with businesses and other interested Islanders and propose an informed course of action that is, by necessity, the first step towards achieving a stable population we all know is right for Jersey. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

11.1.1 The Connétable of St. Brelade:

I think it is incumbent on us to comment on the significant amount of work that has been produced. Clearly this is a matter which forms much discussion on the street and I am pleased that there is a proposition that will achieve to some measure what people are wanting. It is probably a little bit looser than most would like but within the realms of possibility it is probably all we can sensibly achieve at the moment. I would really, in summary, just thank the Deputy of St. Peter, and particularly the team supporting him, for producing this. It has taken a long time, I think we need it and I look forward to it being developed in future years.

11.1.2 Deputy R.J. Ward:

I was going to speak later. I am interested to see what other Members have to say before I put my ten-penn'orth in, but here we go. I am afraid I have to start on a negative but I will be looking for positive elements in this proposition because we do need to address population. There is no denying that. The negative is simple. This is really not a population policy. It is a collection of phrases, graphics and something referred to as data and generic ideas that has no actual real notion of implementation behind it. We are being asked to adopt a policy as set out in a report. I cannot help thinking that this should not have had a P number before it. It should be an R number.

[17:15]

This is a report and I am really struggling to get my head round what it is that we are going to adopt as policy. We are being asked to adopt the policy as set out in the report and to request the Council of Ministers to adopt this report approach from 2023, whatever that approach is. We have a combination of vague and uncommitted language and a 120-page report that is what it calls clear principles. I would like to quote from the report to try to explain the difficulty I have with what a clear principle is, and this is one of the paragraphs: "Within the long-term aim of reducing reliance on continued inward migration, the Government will always face new challenges and there may be situations in which the long-term aim of reducing the need for net inward migration will need to be paused or even reversed in order to address specific challenges from time to time. Notwithstanding any such temporary challenges, the underlying principle and vision remains a long-term reduction in reliance on net inward migration." There is no timescale and the aim can be dropped at any time and it can be completely the reverse of what the aim is if we want it to be. That is not a policy. That is just a "whatever happens happens" and I am struggling to know what we are voting for given that

circumstance. It seems that the current Government have principles but if they do not work we can just find another set of principles. To me, principles are not interchangeable in that way. There has to be a principle behind it. Call me a principled individual if you want and I would be very proud to be called that, but then they want us to endorse this reversal of principles at whatever will by this entire Assembly, and I am struggling with that, I have got to say. I am not clear, and I think other Members are unsure, as to what we are voting for as actual policy. There is this; it says: "However, while a target for population growth does not form part of this first common policy, much government activity requires forward planning and estimates of future population levels are often used by Government and included in this planning." That is remarkable. There is no target for population growth but we will use data that we will estimate of population growth in order to make future population level decisions about population growth. We are getting into circularity that is really quite remarkable and I think what we have got here - and I hope this is parliamentary - is a word salad, a huge word salad of astronomical proportions, and there is more. I have to say this first bit with a straight face, let us do this properly: "However, assuming successful adoption of planned I.T. systems and subsequent collection and analysis of data, the Government should be in a position to forecast the date on which the Island will be able to reach a stable population position, towards the end of the next electoral cycle." That is in the report. That is what we are voting for, we should at some time in the future be able to forecast at some point towards the next electoral cycle a stable population position, and that is a policy that we are voting on today. Let us get this clear. The Government in the last 4 years have achieved nothing in understanding the population of this Island and indeed they have failed to come up with income distribution surveys to absolutely understand the reality of people's lives on this Island, but with an election coming up they must give some impression of doing something about population. Within this rather poor document is a plan to do the same thing in the next Assembly with a forecast for a stable position towards the end of that time. So not only is this doing nothing now but it is also doing nothing in the next term, and I think we need to look at this as a proposition. This is a proposition that is coming to this Assembly for us to act. Where are the actions? The actions are to wait until the end of the next Assembly. Sorry, it does not work. Therefore, the aim of balancing the intersection of the Venn diagram, which is I do not think the way Venn diagrams work, to be honest, is both a long way off and has no clarity in how it will happen. To be quite frank, this is a document that Samuel Beckett would be proud of. I think the French is *en attente d'une politique de population*, or waiting for a population policy, nothing to be done. Voting for this is a green light for generic phrases, straplines and, I have to say, a support for inaction. This is not what we need right now. We need some clear guidelines on where we are going, some clear understanding of the challenges that face us now in the next 2 years, in the next 4 years, and over the next 10 years. I do not know where the 64 actions are. There is a lot of talk about things that are happening such as the education reform programme, which we still do not know what is going to happen with that. We do not have the spending review, we do not have the inclusion review, we do not have a strategy on training. There was a plan for a 6th form college but that has gone out the window, so I do not know where we are with that. What we have is this melange of nothingness, which we are being asked to vote on and, forgive me, but I am afraid I cannot and I do not believe this is useful for us as an Assembly, as an Island, or getting anything done and worse than that, and this is the worst thing, that it will give the semblance of something happening, the semblance of something being addressed when we are not as we enter into an election campaign; the most important one for many, many years where clarity and honesty about what we are going to actually do is so vital. I am sorry, I am afraid I have a huge problem with this as a policy and I will struggle to vote for this because, to be quite frank, there is nothing to vote for. So I ask Members to consider this themselves in the same way and I am not going to say to you vote for it or do not, because I do not know what you are voting for. I would suggest this to finish: consider what it is that you are voting for and if you can tell me what that is I will be very pleased. Pop me an email. I will finish there.

11.1.3 Deputy G.C. Guida:

It is quite interesting because when Deputy Huelin presented this to the Council of Ministers I took him aside and I said: "This is not good, it is a big report, tons of stuff in it, but are you sure you cannot put a number on it, a nice proposition number and good date and say by 2025, 2027 we will have 115,000 people on the Island and that is it and we can do that?" He said: "Yes, that is good idea, that will look so much better on the paper." Then he came back and said: "No, I am sorry, that is not what our research has shown. What our research has shown is that it is a massively complex problem. It will take everything that the Government does to stabilise the population. We do not know either which figures to aim for reasonably or when we can achieve it." I must say I was a little bit upset that he had the courage to just say: "Sorry, I do not know, I cannot know and I am going to say it" instead of picking a figure out of his head and just saying: "Well, that will do." Yes, this is not the document that people would have liked to see but this is a document that we can produce, a document that is true today.

11.1.4 Senator S.W. Pallett:

I will try not to take too long. Where do I start? I hope people have had the opportunity to read the Scrutiny report. I have to say we have had a good relationship with Deputy Huelin and the officers all the way through the review, and also doing the review with the migration consultant. We currently have a good relationship with the officers in regard to Control of Housing and Work (Jersey) Law amendments, which have yet to come to the Assembly, but we have worked hard to try to accommodate the Deputy and his officers and understand what they are trying to achieve. So it is important to realise that we have not come to this with a negative mindset. We very much come to it in terms of trying to be positive, as people have said, and try to understand what the Government are trying to achieve. Deputy Guida says it is a massively complex area, problem, and that is true, but I think with any massively complex area Government needed to focus on it and needed to focus on it early. I think one of the criticisms we have had is it maybe has not had the focus it needs to be able to provide something that Deputy Ward, I think, would want to see at this late stage of a political term. I think there has been a general acceptance that forecasts should be informed by robust data but the Common Population Policy does not tackle really the challenge and the issues we have to face. It leaves difficult decision-making and any commitment to action to future Governments and no Government can commit a future Government to doing anything. It can suggest and provide potential ways forward but we have to realise that this policy very much pushes the decision-making into not just the next Government but potentially the Government after that. The view that we have taken is that this policy does not constitute a policy. It is aspirational but it does not provide the action expected by the community or, I suspect, by many of the people in this Assembly. Submissions made to the Migration and Population Review Panel, which are on the website, expressed disappointment and frustration with the lack of action taken and what is being proposed. It does not fulfil the commitments made by the States Assembly and it does not provide forecasts of population planning and it does not provide certainty for the community. I know Deputy Guida said he asked why the number was not put in this but there are assumptions within this policy that have been used for other government policies such as the Island Plan. So there was an opportunity to potentially use some of those assumptions in putting together a policy that provided a figure or a number for the Island to work towards and to give certainty to business and Islanders that we were trying to achieve to reduce our reliance on inward migration. It was mentioned by Deputy Huelin around the misconception that apparently the panel made in regards to certain of the principles that are in the report. Again, it is very much around how you view what those words mean, but I think any opportunity that will allow a future Government to pause or even reverse a policy has to be taken with caution. I think that is the view that the review panel has taken and that is why it has made the recommendations that it has within the report, that it does give a get-out clause for future Governments and I do not think that should be there. If we have targets they should be met and there should not be opportunities to shy away and back away from that. In fact, the second principle of the

Common Population Policy we believe needs to be reconsidered and that is one of the recommendations. I think what is clear from this, and Deputy Huelin mentioned it, is P.120 from Deputy Perchard ... the population policy in our view does not meet the commitments that were made as a result of the States of Jersey's approval of P.120. P.120 demonstrated the importance that the States Assembly attach to consistent and robust planning decisions that would underpin decision-making and provision of services.

[17:30]

The panel recommended that the principles of that proposition are revisited so that the commitments approved by the States Assembly are in the production of a common population policy. This Common Population Policy does not draw conclusions from the issues raised during the in-committee debate on 24th March 2021 and in our view does not advance the debate on population issues. Again, it has been mentioned around the new I.T. and the lack of robust data. As much as that may be true, and that is up to Members to make their own decisions about whether that is a necessary flaw in this policy, there is the fact that this Government have known there has been a lack of robust data for some considerable time. The Chamber of Commerce made them aware of it, yet we still have not got an I.T. system in place. It is still being implemented by the Government to provide them with the information that they need not just for providing information for the population policy but also for migration control. So it is a disappointment that it has been delayed yet again. Again, it leaves the next Government in a quandary because they are the ones that are going to have to pick up not just on the introduction of an I.T. system but also in looking at that data and deciding how they are going to implement not just the Common Population Policy but any future migration control. I am almost tempted to stop there. I am sure Members have read the report and I think the views of the panel have been quite clear. The policy was very much around stating that the Government wanted to act now. There is nothing in this policy that allows them to act now. There is a lot around providing data, providing information around how training and education should be provided in future, but what it does not do, it does not give any certainty to how we are going to control migration moving forward, and that is something that future Governments are going to have to pick up. I have not personally made a choice about whether I can support this today. I very much wanted to hear what other Members have got to say about the proposition. I think my own fellow panel members probably feel the same. But before I finish I want to thank my panel members because we have had to work in an extremely short timeframe to put together the Scrutiny report, so I want to thank them and I want to thank the officers for their really conscientious work in a very short timeframe to be able to put what we believe is a report that gives the Assembly a flavour of what we believe is within this Common Population Policy. Finally, it would be wrong for me not to thank Deputy Huelin because as much as we had our differences on issues, we did respect each other and we have tried to work together on this and we will continue to work together on migration control. It has been difficult and, like I say, we have not agreed on everything but I think Members do need to carefully consider whether this fits the bill, this really is providing the Island with a policy that will really get to grips with an issue that has been probably the one issue that has been at the height of public concern for a decade or more. It is one that will need to be addressed because we do have limited resources in the Island and we are going to have to consider how we use those resources and whether we are comfortable carrying on in the vein that we have over the last 10 years by increasing the population by 1,000 a year. Most people I believe on the Island find that unacceptable and if that is to be the case and we want to listen to the public, something we are not very good at at times, then I think we are going to have to really consider how we get to grips with reducing the number that come to live in the Island. I think I will stop there because I think the report says a lot of what I really wanted to say and I will let Members decide how they want to vote for this policy today, but I thank everybody for listening.

The Bailiff:

Is the adjournment proposed? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:36]