

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 29th JUNE 2021

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[9:30]

**The Roll was called and the Dean led the Assembly in Prayer.**

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Welcome to Mr. Stephen Twigg, Secretary General of the Commonwealth Parliamentary Association**

Before moving down the Order Paper, I would very much like, for those of you who do not already know, draw Members' attention to the fact in the gallery watching today's proceedings that we have Mr. Stephen Twigg, the Secretary General of the Commonwealth Parliamentary Association and on behalf of Members I would like to welcome him to the meeting.

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Selection of the Minister for Children and Education**

**The Bailiff:**

We now come on to part F and that is the election of Ministers. The first is the selection of a Minister for Children and Education. Members will have received notice of the Chief Minister's nomination. Chief Minister, would you wish to make your nomination?

**Senator J.A.N. Le Fondré:**

Yes, and, as I did last time, can I spend 25 seconds just to elaborate on that fractionally. Nominating Deputy Wickenden, I would just like to say I have been struck by his passion for the portfolio. He does bring a good level of political experience from across a number of areas and, importantly, he is already familiar and works well with the rest of the Council of Ministers as part of the team. He is analytical and his work ethic is significant which, given the many and late hours we all do at present, that is a factor. Most critically, given the few remaining months of this electoral cycle, he will ensure a balance of stability and commitment to be maintained in what has been a difficult few months for the teams in the department. Concluding there, I wish to nominate Deputy Wickenden as Minister for Children and Education. Thank you.

**The Bailiff:**

Is that nomination seconded? **[Seconded]** Are there other nominations?

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

Yes, I would like to nominate Deputy Rob Ward as Minister for Children and Education.

**The Bailiff:**

Is that nomination seconded? **[Seconded]** Are there any other nominations?

**The Connétable of St. Martin:**

Sorry, Sir, would I be allowed to say something about Deputy Ward as the Chief Minister has?

**The Bailiff:**

Yes, you fooled me by your pause, Connétable, please do.

**The Connétable of St. Martin:**

I am delighted to nominate Deputy Ward for this post. He is an outstanding candidate, having spent all his working life in education before being elected to this Assembly. I have spoken frequently with him over the last 3 years and have come to know his passion for education and the well-being of our youth. He is extremely capable and his dedication to education is unquestionable. If you

know anything about Deputy Ward, first and foremost you would know that he is an advocate of good education and wants the best for the young of our Island. Deputy Ward has had a long and successful career as a teacher of chemistry and was head of department. He looks at problems analytically, he researches and he finds solutions. Yes, Deputy Ward is a member of Reform, but that will not be a hindrance to him becoming a very effective Minister. As Minister for Children and Education, he can put aside tribal politics for the good of our children and young people. I say this for the sake of our Island and especially for the sake of those in education: teachers, students, support staff and parents. We simply cannot allow this appointment to be seen as an interim or holding position until the election next year. We all deserve to have someone with the talent, intellect, vision and drive to guide this department. We need a person who knows that a good, all-round education is paramount. We need to elect the best candidate for this role. We need to elect Deputy Rob Ward as the new Minister for Children and Education. I urge you all, whatever your political leanings, to vote for the best candidate for this role; please support Deputy Rob Ward. Thank you.

**The Bailiff:**

That has already been seconded. Are there any other nominations?

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

I would like to nominate Deputy Louise Doublet for the role, please. In my 3 years, and I know it stretches before then, I have known no other States Member to show such an unrelenting passion and commitment to the issue of children's education. No other Deputy, no other Senator, no other Connétable has been so single-minded in their determination to ensure that children and education are at the top of the agenda. There is no question that with Deputy Doublet's commitment to the job that she is a team player who would be very keen and very clear about her desire to work with anyone and everyone as long as it is in the furtherance and the improvement of facilities and the education of children and young people. So, I also can think of no one who would be better placed to do this job because no one has shown as much commitment to this job as Deputy Doublet, so I would like to propose her. Thank you.

**The Bailiff:**

Is that proposal seconded? [**Seconded**] Are there any other nominations?

[9:45]

Very well, in accordance with Standing Order 117(6), I will invite the candidates to speak and answer questions in the order in which they were nominated starting therefore with Deputy Wickenden. Candidates will be able to speak for up to 10 minutes and then Members will have up to 20 minutes to ask them questions. The Greffier will ring a bell to signal when the time is up for the 10-minute speech but similarly the Greffier will ring a bell when we reach the 20-minute limit. When all candidates have made speeches and answered questions, we will take a recorded vote and the candidate who receives more than half of the votes cast will be appointed to the post. When one candidate is speaking and answering questions, all other candidates will withdraw from the meeting. Staff from the States Greffe will escort candidates to a quiet room and stay with them until it is their turn. Accordingly, in accordance with that process, I would ask Deputy Ward and Deputy Doublet now to leave the Chamber. We will just pause for a short period to enable the candidates who have left the Chamber to reach their semi-final destination. Deputy Wickenden, you have 10 minutes.

**2.1 Deputy S.M. Wickenden of St. Helier:**

I would like to thank the Chief Minister for proposing me for the position of Minister for Children and Education. I took on the role as Assistant Minister for Children and Education 113 days ago on 9th March this year and I have been managing the portfolio now for 96 days. Firstly, I would like to reassure Members that if I were to be appointed today, this will trigger my resignation from various other roles that I currently hold. I want this to be my primary focus. I care about this role which is

so vital for the future of the Island. With just under a year until the next election, what the C.Y.P.E.S. (Children, Young People, Education and Skills) Department needs is to see stability in its leadership to better support and progress the important strategic change programme that it has undertaken. I have already spent the last 100 days getting up to speed with all the various workstreams C.Y.P.E.S. are undertaking, which means I will be able to seamlessly continue leading the department. I would suggest that to bring new leadership at this stage will cause unnecessary disruption and slow down the progress we are making which would be harmful to the education and support services C.Y.P.E.S. are providing to the Island's children at this most difficult of times. The C.Y.P.E.S. Department is going through a complex and necessary programme of change. Let me detail some of the important work in education we are undertaking such as the inclusion review, which is looking to ensure that all children have equal opportunities to educational outcomes, which is surely one of our paramount goals in this Assembly. There is the retraining strategy, which looks to ensure that life-long learning opportunities are in place, which is an area that has been neglected for years and we all know that post-COVID retraining opportunities will be essential to support our economy. We have the school funding review that will ensure that resourcing will be improved across education and will also help to address the inequalities in the system. We have the higher education funding with the ambition of making sure that all students who wish to attend university can afford to, no matter their family's income. Of course, we have the education reform programme, which is addressing the funding deficit of Pupil Premium, special educational needs, English as an additional language and low prior attainment to name just a few. Some of the work we are undertaking in the children's portfolio is to soon lodge the due regard law which will make it so that after the next election, and once the next Assembly is in place, it will be a legal requirement to undertake a child impact rights assessment before any changes or new laws get lodged. This is putting awareness of the impacted children at the very heart of what we do in this Assembly. We will be lodging the Children and Young People (Jersey) Law which will replace the Children (Jersey) Law 2002. This law will set out the legal framework and series of new arrangements to promote the well-being and safeguarding the welfare of all children in Jersey. We have set up the Intensive Fostering Service that will provide family-based placements in Jersey as a direct alternative to placing children and young people in residential homes or in special facilities off-Island. Its aim is to keep Jersey's children in the Island if this is in their best interest. We are setting up the therapeutic care home to stop putting children in secure facilities. This new facility is about restorative care, not punitive. This has been a priority I have championed since taking on this role. We are also setting up an independent advocacy and support for birth family service, which will offer a free and confidential telephone and digital advice service providing accountable, legal and practical advice to families independent of children's social care services. You can see there is a considerable amount of work going on and I am only giving Members a broad outline. I have also made it a priority over the last 100 days to visit as many schools as I could. These visits are easily the best part of having this position. It was amazing to speak directly to teachers and pupils and see how they learn and hear first-hand what their needs are. For example, when I spoke to the students at La Sente Primary School and asked what I could do for them to make their school better they said they wanted a softer floor in their playground, so I am arranging a 3G pitch to be installed. I am also arranging for Rouge Bouillon School to have a parking space and a fire service car park, saving them thousands of pounds in private parking that can then be used for better educational outcomes for the children at that school. I hope this demonstrates that I am directly speaking to schools and pupils to hear their needs and working with C.Y.P.E.S. and other departments to find the solutions to the problems they face. As part of my duties as an Assistant Minister, I have had the pleasure of chairing the Children's Strategic Partnership Board. In this important multiagency meeting there are 2 clear areas of concern: children's dentistry and children in domestic abuse households. To find a solution to the children's dentistry problem that seems to have always been in the "too difficult to solve" tray, I set up an evening meeting of key staff from Health, Social Security and C.Y.P.E.S. along with the Minister for Social Security and Minister for Health and Social Services. The key aim of the meeting was to come up with a plan to get a baseline of the

health of the Island children's team to create an educational programme for children around prevention and to get the waiting list at the hospital to manageable levels. The key message I gave in this meeting was: be bold. I am happy to inform the Assembly that in that meeting we did come up with a plan which will achieve all of the objectives set. We will arrange for a programme of screening in schools to get a baseline of children from reception to 7 post-COVID. We will also commit extra funding to set up an educational programme for all children aged zero to 12 years. We will expand the dental division in the hospital to help reduce the waiting list and we will contract with primary care dentists with funding to provide fluoride varnish and simple treatments to allow the hospital to concentrate on critical treatment. I am also working with the Children's Commissioner and the Director of Children's Safeguarding and Care on a scheme to help victims and children get out of domestic abuse households so they can live independently. If today the Assembly votes for me, I have asked Deputy Pointon to continue as my Assistant Minister with delegated responsibilities to manage the C.A.M.H.S. (Child and Adolescent Mental Health Service) portfolio of which he is already doing a brilliant job. I have also asked the Constable of St. Peter to be my Assistant Minister. With the enormous amount of change that C.Y.P.E.S. Department is going through, I and the Chief Minister feel that the Constable's extensive experience in management and change management will be a real asset to the leadership and oversight of the department. I am also considering setting up a political oversight group. As I have laid out, there is a large portfolio of change happening and I feel that there are other Members that have skills that can contribute. I have already invited Deputy Doublet and Deputy Perchard to consider joining such a group. There has been much said about me not ever being a teacher or if I am as suitable for the role as other candidates. I hope from my speech Members will see there is a lot more to this portfolio than teaching. The department is also responsible for social workers, foster carers, adoptions, safeguarding, care homes, to name but a few. Being a Minister is not about being a former social worker or teacher. It is about setting policy and direction, it is about listening to the staff, reading the papers and questioning before giving your clear direction to the officers. As Members will know, I have extensive experience working as a Back-Bench Member on Scrutiny and as an Assistant Minister in 2 very different Governments. I have proven that I am able to work collaboratively with other Members and Ministers and I have held many roles over the last 7 years giving me a breadth of experience to enable me to undertake this important role. I would also like to thank Senator Vallois, Deputy Maçon and Senator Mézec for their hard work and tenacity when they were Ministers for C.Y.P.E.S. None of the great work that is happening could be possible without their vision and their fight for the funding in the Government Plan. As I have said, I have been responsible for the Minister for Children and Education portfolio for 100 days so far and in that time I would like to tell Members how much I have fallen in love with the role and how passionately I feel about the portfolio. From meeting teachers, pupils, social workers and care workers, to name just a few, it is clear to me that all the staff of C.Y.P.E.S. are passionate and committed to making a better life for all the children in Jersey. I am passionate about delivering the very best educational programme we can in Jersey and making sure that all children and families get the best services in school they need and deserve. I hope Members will see from my speech that I have given absolute commitment to the C.Y.P.E.S. Department and I have taken my role as their leader very seriously. I hope Members will support me in continuing this very important work leading this very important department. Thank you.

### **The Bailiff:**

There is now a period of 20 minutes of questions to Deputy Wickenden.

#### **2.1.1 Connétable A.S. Crowcroft of St. Helier:**

The candidate will appreciate that this role is about caring for all of the Island schools and not those in St. Helier but I wonder if he would also agree with me that St. Helier schools, and particularly the primaries, have lost out in recent years in terms of investment and ensuring they have as good facilities as primary schools in the more leafy Parishes. How is he going to address the lack of

funding in town primary schools, in particular the problems that Rouge Bouillon School has been faced and which his predecessor tried hard but unsuccessfully to resolve?

**Deputy S.M. Wickenden:**

Thank you, Connétable, for the question. You are absolutely right about the St. Helier schools and certainly the primary schools. We are doing the school funding review, which is looking at how we better fund or how we completely fund schools in a way that gives the best outcomes for education. We are doing the school estate review right now. We need to know where the need for the future of St. Helier is for where they need to have their schools: is it a 2-form entry or a 3-form entry? That work is going on as a priority right now so that we can find a place to put a school in St. Helier to support the children that live there for the best schools that we can provide them. I am committed to carrying on both of those pieces of work and making sure that all children in St. Helier and the Island are funded correctly and they have the right facilities.

**2.1.2 Deputy J.A. Martin of St. Helier:**

The candidate said in his speech that he has been visiting schools. Can I ask if the Deputy has been to see the team at Children's Services to hear what they think going forward?

**Deputy S.M. Wickenden:**

I thank the Deputy for her question. Yes, I have. I have been to see the Children's Services and I went and did a tour and met with as many staff as I could around that department. One question I asked them when I went there is: what can I do to make your job better? Is there anything that you need changing?

[10:00]

I have got a list of certain things; there are areas like in the fostering services they want to make sure that when there is extra money given to foster carers that it is not taxed. I will be working to try and see if I can remove that problem and a burden from there. I have also set up a senior leadership team so I can speak directly to the senior leaders of that team so they can speak to me directly and tell me what their issues are, what they are doing. I think it is important to make sure that my job as their Minister is to make sure that I knock down barriers and make things better so they can provide the best service with the least trouble.

**2.1.3 Deputy J.A. Martin:**

Was there any comment made or would the Deputy like to comment on that over children's education there is one director general and does he and their team feel this works better than 2 Ministers pulling at the same time, in different ways sometimes?

**Deputy S.M. Wickenden:**

There are so many synergies across the education and the children's portfolio. A lot of time they interlink with the same children. Having one Minister and one director general helps see a holistic view across those children to give the services the interlink and join-up. So it is about if there is a child in care that they are also getting the right education that they need, that we are not putting children in care that should not be there but also identifying when there is an issue in schools that we can then look at them at a holistic level to make sure that we are giving the right support and the right services.

**2.1.4 Senator S.Y. Mézec:**

The same question I will try to ask all the candidates. Could this candidate explain what his definition of the term "corporate parenting" is and explain how he would proceed in implementing the Care Inquiry recommendation on introducing corporate parenting legislation?

**Deputy S.M. Wickenden:**

I thank the Senator for his question. Corporate parenting is about, in this context for me, all of the services that have a responsibility over services and care for children; that is from politicians to the courts to the Parishes to care services. What is happening at the moment is we are bringing in the new child law, it will be brought in this year, the new children's law, and in that it sets out a lot of areas like the U.N.C.R.C. (United Nations Convention on the Rights of the Child) rights of corporate parenting that statutorily sets out which bodies are corporate parents, how they have to work together to make sure that they are delivering the best services for children as a corporate parent. So that is what I will be carrying on to do.

**2.1.5 Senator S.Y. Mézec:**

The candidate referenced the U.N.C.R.C. in his answer then. If he was elected Minister, would he be encouraging government departments, even before it becomes a legislative requirement, to be producing children's rights impact assessments with all of the proposals that they bring forward?

**Deputy S.M. Wickenden:**

Yes, I absolutely would agree to that and a lot of that work is already happening. Later this year I will be lodging the due regard law which will also, as I said, set out that the children's rights impact assessments have to be delivered in any changes to law or any new laws. So all departments that are doing policy work or changing to laws will, by a legal requirement, be required to do a child's rights impact assessment and we will be setting up a digital programme that will allow it to happen seamlessly. Hopefully we will be leaders in the world in this area.

**2.1.6 Deputy M.R. Le Hegarat of St. Helier:**

What has the Deputy done personally during his time in the Assembly to improve the lives of children and young people?

**Deputy S.M. Wickenden:**

So, I guess, in a lot of ways there is a lot of digital work that has been going on to make sure that they can school from home during COVID. I have been going around and looking at areas in schools and in the department to try and break down barriers so that we can do more. The therapeutic foster care service is something that we are setting up now that I have been absolutely championing. I disagree with putting children in what would be a locked cell; I would rather put them in a place of restorative care to help them. I think that is the best future for the children who have the most troubling needs.

**2.1.7 Deputy L.B.E. Ash of St. Clement:**

Recently I had the privilege of attending a debate of primary school children from St. Clement's School in the Assembly. It was fantastic and they were very, very keen. Their debate was on: should we have school dinners, school lunches? They were very keen to see them implemented. What does the candidate think of that suggestion?

**Deputy S.M. Wickenden:**

I thank the Deputy for the question. There is a piece of work going on right now which is looking at putting serveries in all our primary schools. In fact, when I went to the Parish Assembly for the Les Landes School where they are looking to put a planning application in, I saw that they had not put a servery in. I asked the head teacher to make sure that that servery was put into the school if they were going to do a planning application. I have been talking to other schools about where they could put a servery, what are the barriers to do it? I think that we need to get those serveries in place as fast as possible, we need to find the funding to make sure that they can afford to put them in the

schools and then we need to deliver nutritious school meals in our primary schools within an educational programme about what nutritious food is all about.

**2.1.8 Deputy L.B.E. Ash:**

What sort of timescale would the candidate put on that work?

**Deputy S.M. Wickenden:**

I would love to put a timescale of tomorrow, Deputy, but the work has to go on. We have to get the planning applications in, we have to make sure that we get the funding and the services in. There is already a piece of work being done with Caring Cooks who are doing an amazing job of putting in some schools the meals. We need to go faster, we need to go better, and that is certainly the message that I have sent out.

**2.1.9 Deputy C.F. Labey of Grouville:**

What are your plans for reducing the waiting list for children's mental health?

**Deputy S.M. Wickenden:**

I thank the Deputy for her question. So, the waiting list has been an issue going on and COVID has not helped us in employing social workers or health workers or mental health workers into the department. I can inform the Assembly that we have managed to now recruit a number of health care workers and mental health workers into the department. We are seeing that children now are seeing the same mental health worker consistently across the problems. There are still a lot on the waiting list but we have started to manage to recruit, we need to recruit a few more that will get our waiting list. Now that we are away from most of the problems of COVID, I expect that to take a real forward step.

**2.1.10 Deputy J.M. Maçon of St. Saviour:**

The candidate in his opening speech spoke about the retraining strategy. I wonder if he could elaborate on what his vision for that area is and what he would like to see achieved?

**Deputy S.M. Wickenden:**

I thank the Deputy for his question. The retraining strategy is about making sure that the Island has education for all Islanders, it is about life-long learning. I want to make sure that people who want to learn in later life have educational opportunities and there are programmes in place for them to go and get different qualifications. I want to make sure the retraining strategy is about people. If we lose certain sectors of our economy because they are overtaken by digital or other means or no longer necessary that the people have opportunities that work there to retrain and go into other areas that might interest them. So, it is absolutely desperate that we have something in place. Working with Highlands to make sure that the right courses are in place, the right funding is in place is what the retraining strategy is all about.

**2.1.11 Deputy J.M. Maçon:**

Is the candidate able to identify any issues with the social security system and does the candidate have any experience with the social security system that would also contribute to the retraining strategy?

**Deputy S.M. Wickenden:**

I think there is one area, which is some of the courses that will be set up will have a cost associated to them. People on income support will not be able to afford those costs, so we either have to increase a level of funding through social security to help them be able to have a learning opportunity or we have to remove the cost associated for certain people for those courses. We have seen already with Digital Jersey there was a course that was being run that had a £300 cost to it and the uptake was fair



but low. Under the fiscal stimulus package we put in some money to remove that cost and fully fund it and we could probably do the course 4 times over with the amount of interest due to removing that one barrier to a digital course.

**2.1.12 Connétable A. Jehan of St. John:**

What will the candidate do to convince fellow Ministers to change isolation rules for under-18s?

**Deputy S.M. Wickenden:**

I have already started that piece of work; we met with competent authorities last night. It is not in my power to say what the decision was but there has been movement about mitigating and stopping the isolation of children in schools from direct contacts. That news will come out shortly, Connétable.

**2.1.13 Senator K.L. Moore:**

The candidate talked about his visit to officers in the Children's Department; however, could the candidate describe how he would propose to improve the trust and confidence that users of the service have?

**Deputy S.M. Wickenden:**

I think there is a large piece of work going on right now, Senator, which is about improving services, it is about increasing the number of staff so the caseloads are down, there is more work around that area. We have got an inclusion officer that looks at a lot of these things. Our plan for children's social care services sets out many objectives about improving confidence, improving frameworks, improving rules, improving on how people can complain about whether they have got the right services. So, I believe in continuing with the plan that was set out on our plan but there is plenty of work going on about creating a better service, a better framework and a better reporting.

**2.1.14 Deputy S.M. Ahier of St. Helier:**

The candidate mentioned in his speech that he wants to ensure everyone can afford to go to university. How does he intend to fund the ever-increasing cost of higher education?

**Deputy S.M. Wickenden:**

Well, there is a piece of work going on right now that I started with Deputy Maçon, which is looking at the higher education funding, it is looking about how we make sure that the funding is set up so that the people on the lowest incomes can have funding. Of course, the funding will have to come from somewhere, you are absolutely right, but I think that if we look at how we spend money, we need to make sure that there is a priority done on that. The piece of work that is going on right now is looking at possible funding mechanisms, it is looking at thresholds. Of course, funding is not the only barrier to people from low-income families from going to university. We also have to make sure that within the education reform programme and the work that we are doing that we help them get the exam results they need so they can get the places in university at the same time.

**2.1.15 Senator S.C. Ferguson:**

Does the Deputy really think that it is appropriate to try and encourage every child to go to university?

**Deputy S.M. Wickenden:**

No, I think it is appropriate that every child that wishes to go to university has the best possible options to go to university. That could be out-of-Island or at our very good campus of Highlands doing university degrees locally, which I think we should be doing more of.

**2.1.16 Senator S.C. Ferguson:**

Just because a child wishes to go to university, should they not consider a practical ... is what they wish to do totally appropriate to give them a career in the future? Is there no practicality applied to this? What will the applicant ...

**The Bailiff:**

Could you please put your question succinctly?

**Senator S.C. Ferguson:**

No, I will leave it, I am speechless. Thank you.

**Deputy S.M. Wickenden:**

I could answer.

**The Bailiff:**

Well if you have defined the question, please do answer it.

**Deputy S.M. Wickenden:**

I do not think it is in my right to tell any child whether it is right for them to go to university or point them in a direction of going to an apprenticeship scheme or just going and getting a job. It is up to that child and their wishes of what they want to have in later life. It is up to their parents to work with them, and the schools to work with them, to decide what is their best path that will make them happy and give them the best opportunities.

[10:15]

**2.1.17 Deputy G.P. Southern of St. Helier:**

I ask the same question for all candidates. What pedagogy approach would the candidate like to see developed in Jersey schools in the future?

**Deputy S.M. Wickenden:**

I missed the first question.

**Deputy G.P. Southern:**

It is only one question: what pedagogy approach would the candidate like to see developed in Jersey schools?

**Deputy S.M. Wickenden:**

I have no idea what the question means. Could he elaborate?

**The Bailiff:**

Pedagogic approach, it is the style of teaching, the form of teaching.

**Deputy S.M. Wickenden:**

All children learn differently in schools. They either learn from practicality or they learn from reading or they learn from writing. I think that schools have a responsibility to understand how each child learns best and make sure that that is put in place. Only the teachers working with children directly will be able to understand that, so I think that our education system should be made sure that the teachers are aware of how a child best learns and make sure that is put into practice for that child. It should not be done as one way of learning and the child has to learn that way, it should be done in multiple ways to get the best outcomes.

**2.1.18 Deputy I. Gardiner of St. Helier:**

We all probably remember the long debate in December if to close all schools or to keep them open. As COVID cases rise, we might face the same dilemma in the near future. I would like to know the views of the candidate on this issue.

**Deputy S.M. Wickenden:**

I thank the Deputy for her question. I think that we need to make sure schools are open as long as possible in the safest possible way. We know that currently under COVID we have a much lower risk profile due to double vaccinations, there is a much lower risk to harm of being in hospital for younger people. So, for me, my priority will be to keep schools open as safely as possible and make sure as many children can attend that school so that our rules are not too stringent. I do not want to see massive cases or clusters of COVID within schools. I want to make sure that our children are safe, that their educational outcomes are extremely important. I absolutely have been fighting to make sure that we have as many children in school learning as possible or at home, making sure that there is still education happening at home if they have to be there because of COVID.

**The Bailiff:**

Very well, that brings the time, Greffier, I think I am right in saying, to a conclusion that is available for questions to this candidate. Deputy Wickenden, may I ask you now to withdraw from the Chamber and could Deputy Ward be invited to enter the Chamber, please? Do you need a moment, Deputy? I will give you a few seconds. Deputy Ward, you have 10 minutes, please start.

**2.2 Deputy R.J. Ward of St. Helier:**

I thank Members for their consideration today. We are at a crucial point for the future of children and education in Jersey. We have both the opportunity and the risk of emerging from the pandemic with either an education system, a children's service and mental health care which are ready for the challenges of the future or we risk that a large amount of spend will be misdirected or even wasted without the change and development that we need as we move forward plus the danger that the support we offer has not reached those who need it. This is a significant time because we have several reviews that are either reporting back or completed which will have an impact long term into the future. We have a change to the positioning of mental health provision for young people into C.Y.P.E.S. that is huge and important. Now is the time for someone to take on the ministerial role who knows, understands and has experience of education and has spent their career putting children first in all of their roles. I offer these qualities and this experience from 25 years of teaching, 20 years of which are in Jersey schools. This included the pastoral role of form tutor throughout my time. For my leadership of a department within a school and experience of senior leadership in school, I have been responsible for the delivery of the science and psychology curriculum to thousands of young people on this Island, always within very limited financial constraints. I have worked to support and train teachers starting out in the profession and I have supported numerous young people at times of challenge in their lives with dedication and care. I demonstrated my leadership in the teachers' union as elected president of the Jersey branch of National Education Union. This required both excellent organisation and a wide understanding of the issues facing the profession and subsequently the young people teachers work with every day. I have experience of working for the O.C.R. (Oxford, Cambridge and RSA) exam board as a senior marker and team leader, thus giving me a clear view of the issues around examinations and the challenges that have been faced by students in the last 2 years in particular. I also took the role of work experience co-ordinator in school. This enabled me to gain an excellent understanding of the skills needs of our economy and to support young people who may be experiencing a world of work for the first time, again organising a team of staff to visit each student individually to ensure their well-being and that they gained a maximum from no experience of work. I have been lived experience to the role of Minister for Children and Education. I would have been classified as a "looked-after" child when I was 17 and I left home. I have experienced the uncertainty that comes with this. I worked and attended evening classes to gain A levels required for

university and became the first member of my family to obtain a degree. This certainly demonstrates my determination to succeed and break down the barriers to success. So why stand now? There are some very important areas of work that need to be led by the Minister. In the children's remit: the changes to the children's law and incorporation of the U.N.C.R.C., the United Nations Convention of the Rights of the Child, need to be led and brought to the Assembly. The outcomes of the school funding review and Big Education Conversation need to be acted upon and we have 2 very key reviews ongoing: those are interschool inclusion and the education reform programme. All of these areas need oversight and drive from the Minister to see them through and get the best outcomes for children and families. I have the drive, the skills, the determination to do this; I believe I have demonstrated this through my work in this Assembly since day one of my election. I have worked with Members from across the Assembly on Scrutiny and with propositions that I have brought. I believe I am known as a very hard-working States Member who constantly displays a professional and inclusive approach to my work. I would bring this to a ministerial role. I have also taken the time to use the education opportunities offered to us by the Commonwealth Parliamentary Association undertaking and graduating from a Certificate of Parliamentary Governance course with McGill University in Canada in the last year, practising what I preach in terms of life-long education and developing my knowledge and leadership skills accordingly. We need a specialist in the role, someone who has the well-being and the future of our children at the heart of their decision-making. This has been the basis of my career in education in all the roles I have detailed. The primary concern of all those who work with children should be the children's well-being and how we can enable them to develop their full potential. We also need someone I would characterise as emergency actions, for example, delays to decisions regarding the education estate risks leaving some of our children in inadequate facilities. What message does this send them about how we value them? We must send a clear message to these young people that they matter to us, cut through the red tape and slow decision-making process and get on with the actions needed. I have front line experience of the education of our children. I have done the work that as Minister I would be expecting others to do. This gives me a clear insight into the challenges and where we can build upon successes. I understand the challenges faced by the Children's Service post-Care Inquiry and currently from my work on Scrutiny. There is a real wish to make improvement but there needs to be a Minister that is both supportive of this change and ready to make the challenges necessary and indeed have the difficult conversations that will be necessary. I have the character and experience to do this. Families should not be in fear of Children's Service, children should not be at the whim of bureaucratic decision-making processes nor should everyone working with children need to be a hero because they are fighting against a system that is inadequate. We need a Minister that will support the building of a team of dedicated professionals and hold them to account while being held to account by this Assembly. I have the experience of building a team to work together as a head of department with highly-qualified and dedicated staff, all of whom held professional qualifications and had many years of experience in their field. As an elected leader of a union and a representative of a professional body, I worked to develop positive work of the organisation and supported campaigns that directly improved children's experience of school. Within my work in this Assembly I have worked across political viewpoints and been approachable and professional in all of my actions. I have been respectful to this Assembly and our democracy. I have also worked hard to change your view of Reform Jersey. I am pleased to see so many are now considering party politics and I look forward to future alliances being declared. Education is the key to unlock the futures of not just young people but the futures of this Island and its place in the world. So much has been said about population but let us be sure about one thing, any approach to population will fail if we do not address the education, training and skilling of our workforce in our current population. From cradle to grave, education must be a life-long process otherwise the resource of experience is lost and we do not address the changing skills needed in our society. We must address the false dichotomy between academic and vocational education. It simply does not fit the modern world and the needs for this Island into the future. Modern productive and effective economies are breaking this divide. Even the U.K. (United

Kingdom), which I do not see as the best model for education, is trying to do this with the development of T levels as one example. The post-16 report from our Scrutiny Panel addressed this issue and that there was a need of greater co-operation between post-16 providers not to lose the identity of these providers but to have a system based on educational needs and ambitions of our children and young people rather than what can be provided within the boundaries of institutions. This needs to be handled intelligently and with consideration of how we future-proof our structures; therefore, the education reform programme is crucial and cannot be merely a H.R. (Human Resources) exercise which rearranges the seats while the ship is bringing on water. It must not be a mini-target operating model for education. The Minister should understand the context of education in the wider world, understand how pedagogy impacts upon learning. Pedagogy refers to the method and practice of teaching, especially as an academic subject or theoretical concept. Put simply: do we have students with the skills to learn and develop or are we simply creating vessels of facts that limit creativity, enjoyment and genuine life-long learning capability? Throughout my professional career I have worked to help children develop the skills, abilities and life chances. To do this, you have to be an advocate of children, families and the education profession. I bring this vital quality to this role. It is time to bring stability to this ministerial role and ensure there is a genuine advocacy for children and education at the table of the Council of Ministers, to bring the qualities that I brought to my profession to the role of Minister.

[10:30]

I ask Members for their vote today and to support me in my role as Minister for Children and Education. Thank you.

**The Bailiff:**

There is now a period of 20 minutes for questions to Deputy Ward.

**2.2.1 Deputy M.R. Le Hegarat:**

What has the Deputy done personally during his time in the Assembly to improve the lives of children and young people?

**Deputy R.J. Ward:**

So the first thing I did in this Assembly was to bring an amendment to the Common Strategic Policy to try and increase headroom funding in schools. That is the money left after teachers were paid and that is where money is spent directly on children. It was rejected by the Assembly but ironically 2 years later in the funding review, we were told that what we need to do is increase headroom funding and increase funding for schools and I am pleased to see that happening. I have chaired an Education Scrutiny Panel, we have brought amendments to the Children's Commissioner Law which gave many more powers for the Children's Commissioner that were necessary and needed. We have brought amendments to increase Pupil Premium to protect monies for schools. Personally, I have tried to bring a number of things that I still feel are positive for children. I do not see how charging our children to go to school and then not giving them food while they are there is really putting children first. So these are a few of the things that I have tried to do. I have also been an advocate for children from the panel. We have met with many groups that deal with children, the citizens' panel, for example, in order to understand the context of the issues that are going on and I would continue that dialogue. Dialogue is the key to all of these things.

**2.2.2 Deputy S.M. Ahier:**

How would the candidate address the problem of the ageing stock of town schools such as Janvrin School and Rouge Bouillon School and would he propose the building of a new primary school on a different site in St. Helier?

**Deputy R.J. Ward:**

I thank the Deputy from St. Helier and I understand his concerns. Yes, the reality is we do need a new primary school in the centre of St. Helier as we increase population and I will come back to that at the end because there are other issues that are important there. But that is not going to happen very quickly, that is not going to be built within 6 months, so what we do need, and I referred to emergency situations in my speech, is to address the needs of those schools. I can give you a specific example from a visit that I had to Rouge Bouillon School. They need, I think it is a figure of £30,000 which in terms of Government spend is absolute peanuts, so that they can landscape and develop an area outside one of their year groups so that the children in that school have a decent area to play and be outside. They do not have that at the moment and during this pandemic it is essential that they have it. I would push for emergency funding for some of those projects, which are so clearly needed, so that we can improve the lives of the children now. We cannot wait until the next election. We cannot just wait long term for new plans and schools to be looked at. We need to take some actions now. There are some wonderful school buildings on this Island but some of the school buildings in the centre of town are inadequate and so we need to address that issue urgently.

### **2.2.3 Senator S.Y. Mézec:**

The same question that I asked the previous candidate: could this candidate explain what his definition of the term “corporate parenting” is and could he explain how he would proceed in implementing the Care Inquiry recommendation on introducing corporate parenting legislation?

### **Deputy R.J. Ward:**

This needs to be put in a context and I have thought about this really carefully when we talked about corporate parenting. I am a parent. Before my children were born I would wake up every morning and I would think: “What am I going to do today? What am I going to eat? What am I going to wear? How many hours have I got to work? What am I going to do after work?” After my children were born immediately my first thought when I woke up was: “What are my children going to eat? What are they going to wear? Am I going to have an argument with my daughter over putting her shoes on as we leave the house? Who is going to pick them up?” What happened was that they were first and foremost in my thinking. What a corporate parent to me is that the States Assembly and all government organisations have that consideration when we look to the future of our young people. Corporate parenting is about us taking a responsibility as elected representatives to say that we will take that type of attitude of thinking about children and their well-being first in all the decision-making processes. However, I do not think that what we have done as an Assembly is sit down as an Assembly to talk about what that means to everybody. Because I think what I would have spoken about there would be a common ground to every single parent in this Assembly; that is what happens when you are a parent. We need to find a common ground of understanding what is meant by corporate parenting. There is not, I think, an automatic attitude of that is just a token gesture. It really is not and it is something that we need to sit down and address.

### **2.2.4 Senator S.Y. Mézec:**

I have referred in the first question to the Care Inquiry recommendation on introducing corporate parenting legislation, would he continue to see that as a priority to be introduced? I guess more widely, does he still feel that the Care Inquiry recommendations need to form part of setting the agenda for the work that the Minister for Children and Education will do in the future?

### **Deputy R.J. Ward:**

Yes, and I apologise for not answering that part of the question. Yes, I do believe corporate parenting needs to come to the Assembly formally but it needs to be understood by the Assembly as well as to what that corporate parenting means, so the 2 things go hand in hand. It needs to be bought into by the Assembly but also led by the Minister and the Council of Ministers and the Chief Minister is important. Yes, the Care Inquiry recommendations are vital. A huge amount of money was spent

on the Care Inquiry. Many people gave evidence, which was incredibly difficult for them to give. Many people relive their experiences. If we do not take account of that we are failing as an Assembly, not just those people but the future of this Island. Yes, absolutely we need to take account of that.

#### **2.2.5 Deputy L.B.E. Ash:**

In the 3 years that we have been in this Assembly the Reform Party have had 3 Ministers or Assistant Ministers. They have all walked away from office. Why then should we trust a candidate, as a member of that party, with our children's education and run the risk that he will do the same?

#### **Deputy R.J. Ward:**

I thank the Deputy for that question. Leadership is difficult, it means difficult decisions and the movement away from Government from both Reform members and non-Reform members was around a particular issue around the C.E.O. (chief executive officer), or whatever his title is now. This situation I consider to be an emergency situation. We have had instability in the role of the Minister for Children and Education that cannot be allowed to continue. When you lead you have to do 2 things: firstly, you have to step up to the plate at the right time and take responsibility and, secondly, you have to leave tribal loyalties behind and look forward. What we have done in Reform is learned that, we have moved forward so much in our 3 or 4 years here; that is why we keep being spoken. I will give my dedication to this role, just as I would have as a teacher to my role, as an educator in general. I spoke in my speech about the necessity of a specialist to be in this role. If we do not have that with somebody who brings the skills like I do, then we risk making the wrong decisions at the wrong time for the wrong people. That is why I am standing for this and that is why I put my dedication into this role.

#### **2.2.6 Deputy L.B.E. Ash:**

Does he concede - I take on board what he said - that his party recently set themselves up as an opposition party and they declared that they would oppose this Government? How does he reconcile that with now wishing to work with this Government?

#### **Deputy R.J. Ward:**

That is a really important point about our governance. We do not have party politics in Government at the moment. If there was a party, a declared party running Government, yes, it would be very difficult for me to do this. What I believe that we need in this Assembly is a move forward so that we understand that governance consists of Government and Opposition and Scrutiny; 3 parts of a triangle that gives stability and strength to governance. We do not have that. Therefore, we are left with a very difficult decision, do we just let it run and have people who are not specialists taking on roles which are so vital at the moment or do we step up to take on those roles? We made a decision, both as a party and me as an individual and with support from across the Assembly, as we have seen, that I will step up to that role and I will give it my dedication and I will be an advocate for children and education throughout my time there. There are common themes that the Government agrees with on reducing income inequality and the Common Strategic Policy of putting children first; that has got to be more than just a slogan.

#### **2.2.7 Connétable M.K. Jackson of St. Brelade:**

Schools in the Island have not generally worked closely with some of their respective Parishes, what are the candidate's views on political and local community issues being part of the education curriculum, apart from, of course, the visit to this Chamber organised by our esteemed Greffe?

#### **Deputy R.J. Ward:**

Thank you for the question, it is a really interesting one. There are 2 things: whenever we try and put anything into the curriculum we need to know what is going to be put in there and that is a real genuine question for all schools. There will be schools that will be going: "Please, do not put

anything more in the curriculum.” However, I think the link with Parishes is vital for schools and we see it all of the time. I think an understanding of Parish politics and Island politics in schools is essential. It does happen often in the P.S.H.E. (Personal, Social and Health Education) curriculum. Indeed, I can say to the Constable I taught it myself and had a phenomenal lesson. If you ask children to make their own manifestos up, by the way, you get some very, very interesting ideas; were quite scary at the time but really insightful. I think it does happen but, yes, I would encourage that. It needs to happen because we need to engage young people in our electoral process. We need to remember one thing: people can vote here at the age of 16. The voting age in Jersey is 16, one of the most progressive steps of any jurisdiction in the world. If we are going to give that voting age at 16, I think we owe it to children to have an understanding of our processes, of Parish and this Assembly. I would reiterate your point about what they run in the Assembly, what the Greffe runs, and I will honestly say that I think one of my most useful pieces of learning about this Assembly was coming to watch that. I learnt more about the process of the Assembly than I think I learned anywhere else.

### **2.2.8 The Connétable of St. Brelade:**

To add to the Deputy’s response, can I ask him how he would encourage first-time voters, in addition to what he has already mentioned?

### **Deputy R.J. Ward:**

The first thing we need to do is have relevance to the voting public, they need to understand the systems and we need to enable those systems to be accessible to all. I have talked about lifelong education as well and education does not stop at the age of 18 when students go off to university and do their education elsewhere or go to the university up at Highlands. It has got to be lifelong and I think an important part of the education process is saying to people you are part of a democratic process. I would go as far to say you have a duty to understand and participate because it is a privilege. There are so many places around the world that do not have that; we do. If you want to influence, if you do not like something that your Constable is doing, get involved and do something about it. I think the issue of social media is a problem because people feel that social media comments are political involvement, often they are not because it is very easy to do it behind the screen but to go out there and stand and talk about what you believe to be happening in the future is not an easy thing to do. The reason I can work across the Assembly, one of the simple reasons is I understand that everybody in this Assembly has put themselves forward. I may not agree with people politically some of the time but I do understand that we all had the courage to step up to the plate and say: “Look, I am going to be that face in the Assembly.” Sorry, that last bit may not be entirely relevant but I thought I would put it in there.

### **2.2.9 Deputy K.F. Morel:**

Had there been time I would have asked the same question of the previous candidate. I would like to ask Deputy Ward, culture and arts are often seen as the second cousin to S.T.E.M. (Science, Technology, Engineering and Mathematics) subjects, what importance do you place on culture and the arts and what will you do to ensure that they maintain a standing within the education system?

### **Deputy R.J. Ward:**

I thank the Deputy for his question because he hits on a really important point about education. Another example of forced dichotomies that I mentioned between vocational and academic education is this forced split between arts and sciences. If you look at some of the great scientists they were also artists, for example; that is the simplest way to put it. Everybody has a creative streak that needs to be used. In schools what we have done - and my opinion is very simple - we have moved ourselves down a line of U.K. education systems that has put an emphasis on treating children as a commodity. When you do that you have to have something that you can quantify. The easiest things to quantify are maths, science and, well, they say English but I do not know how you quantify English. What



has happened in that process of trying to measure is the loss of the creative subjects, such as art, music, dance, drama, which are so important for our children to develop. I am a musician myself, although many will say: “You are not a musician, you are a drummer” but I deny that, I object to that comment and it is one of the most pleasurable things that I do.

[10:45]

My degree was in science and I taught science for many years; they must not be in competition with each other. However, what we need to do is we need to deal with the curriculum appropriately. It is not about making subjects compulsory, it is about enabling them to happen. One example is: what are we going to do with language teaching on the Island? It was lost from the curriculum and I think that was a huge mistake. I think every child should have access to a language because it develops the mind, it develops you culturally and it opens what you are doing. We cannot just bombard our children with maths, English and science, although I think they are obviously important. There is the ability for a balance to be had there and that is what needs to be found. Put simply, I would say to the Deputy, let us move away from the U.K. system and look a little bit wider.

**2.2.10 Deputy K.F. Morel:**

Linked to the culture and arts is, of course, heritage and the Island’s heritage: what value do you place on the teaching of history on Jersey’s heritage and how would you incorporate it into the curriculum?

**Deputy R.J. Ward:**

Again, a very good point. This Island has a phenomenal amount of heritage and history that we need to learn about because what it does it gives you a context about where you are and your surroundings; that does need to be addressed. I do believe that primary schools deal with this very well and, what has happened again, it seems to be lost in secondary schools as the overwhelming amount of curriculum content is thrown in there because we have an exam system based upon knowledge-based rather than anything else. There needs to be a space for our young people to understand their standing in the world. To go back to the previous question from the Constable of St. Brelade, that is where we get an understanding of our processes, our history and our processes means that people are more likely to engage in our political system and in our Island in general. People do engage in our Island but they tend to do it through charity groups and through all these volunteer organisations. There is a resource out there and I agree with the Deputy that it is not being used to its fullest extent.

**2.2.11 Deputy J.A. Martin:**

Since declaring your candidacy for Education and Children’s Services, have you been to visit the Children’s Services team to hear directly from the team and their worries or concerns for what is happening down in that department?

**Deputy R.J. Ward:**

No. Since last week when I declared my candidacy I have not been able to do that. However, I will remind the Deputy I chair the Children, Education and Home Affairs Scrutiny Panel and we have regular meetings with the children’s team. I attend the Corporate Parenting Board, although that has not sat for some time due to the problems with the ministerial role and where that was going. We have had regular briefings from them on children’s law and U.N.C.R.C., on the role of the Children’s Commissioner, on the mental health review and the repositioning of C.A.M.H.S. What other areas are there off the top of my head? I think I have named quite a few there. I think the advantage I have got is I know the people involved. We have a good relationship in Scrutiny with them, which is open, honest and inquisitive. I think it is not a large step for me to take that on further and I certainly would be up to speed on the issues that they face.

**2.2.12 Deputy J.A. Martin:**

Can I ask the candidate his feeling that there is one D.G. (director general) for C.Y.P.E.S., which is both Education and Children's Services? Does he agree that that is a very good position; one D.G. answering to one Minister and not 2?

**Deputy R.J. Ward:**

I am not entirely sure. The reason I am not entirely sure is what we have created there is a very large department with one person who has got huge amounts of responsibility to one Minister. In terms of the splitting in the Children's and the Education's remit, I think that is an issue that does need to be looked at and addressed again. There is one simple reason, the Minister for Children and Education needs to be the political accountability of what we are doing for children all of the time. That role, to some extent and to put simply, needs to be a pain in the neck for every other Minister in terms of what they are doing for children in their roles, to put it simply. The structure we have at the moment we can work with and we can work with because it is, to some extent, a clear defining of roles and accountability, which is good and I take that on board. I think what you need to do is with any new structure you need to review whether it is working, as we believe it should. In terms of the Director Generals in general - if you will excuse the pun - we need to review very soon whether the roles that they have taken are too large, whether they are working in terms of accountability with Ministers and how they work. That is one of the things I think we need to do in the next few months and then report back to this Assembly and make a decision as to whether there is going to be a change. It is clear as to what the Chief Minister wants to do and that is why I am applying today for the role of the Minister for Children and Education. I know they are big roles but I believe that I can certainly perform them.

**2.2.13 The Deputy of Grouville:**

What are your plans for reducing the waiting list for children's mental health?

**Deputy R.J. Ward:**

Thank you, Deputy, and it is one I had mentioned in my speech. I know that Deputy Pointon has been doing an enormous amount of work on that. We have had briefings on Scrutiny Panels ...

**The Bailiff:**

Sorry, you have to stop, Deputy. Thank you very much, Deputy. Very well. Deputy Ward, I would now ask you to withdraw from the Chamber and I would ask that Deputy Doublet is invited to enter the Chamber. Would you like a moment just to gather your breath and thoughts, Deputy? Yes, Deputy Doublet, you have 10 minutes, please start.

**2.3 Deputy L.M.C. Doublet of St. Saviour:**

What I think is most important is that we have a Minister for Children and Education who is absolutely passionate about listening to children and young people, hearing what they have to say and acting selflessly at all times in their best interests, which, ultimately, are the interests of the Island as a whole. We were all children once and we all carry our childhood with us. What I promise is that if Members entrust me with this role they could do exactly that, trust me to be a stable, steady hand, overseeing the well-being of our Island's children and young people. My aim would be to ensure that initiatives started by previous Ministers are seen through, that head teachers have what they need to care for and educate the children in their schools and parents and agencies have what they need to help children thrive and, ultimately, become good Jersey citizens. I would continue to put children at the heart of everything I do. I have some overarching principles which would inform the way I make decisions in this role. Children and young people of all ages deserve to be safe, respected and listened to. Secondly, children's right must be upheld, they must be taught about these and their accompanying responsibilities. Thirdly, children have different developmental needs at different times of their life. We must understand what these needs are and provide an environment and a society which gives them what they need to thrive at each stage. I have many aims and aspirations for specific things I would like to see within the Children, Young People, Education and

Skills remit. I have a vision for society where every baby that is born into every family, no matter what their background, receives care, education and support from the very start that allows them to achieve not just in an academic or vocational sense but to become decent human beings who care for each other, who care for their families and older members of society, to look after this planet we all live on together and who contribute to making it a better place and who, ultimately, enjoy a connected and fulfilled life in the time that they have. However, my 3 key achievable objectives for the next few months are, firstly, progressing the education reform programme. I am committed to maintaining the work streams for this project and the main areas I will have a rigorous focus on are the uplift to Jersey Premium, improving teacher professional development and improving the mental health and well-being of our children and young people. Senator Vallois should be absolutely applauded for the work she has initiated in these areas and I am committed to providing continuity here. Secondly, I will publish the report of the Early Years Policy Development Board and work towards achieving the policy proposals within that report. I stand by my commitments to the 1,001 Days initiative and will explore ways we can sustainably support children and families from much earlier than the current nursery funding at 3 years old. Thirdly, I am committed to progressing work which prioritises children's rights, including lodging renewed Children and Young People's Law. It is critical that a requirement for a children and young people's strategic plan is put in place and I am also committed to work which will improve corporate parenting arrangements. In regards to the dual-ministerial role that we are discussing today, I do think that there should have been 2 distinct remits. Even though these roles have not been separated, as I believe they should have been, I would be dedicated to both aspects of the portfolio. I will not let the Minister for Children's role fade away. I will continue to make children's rights an areas of priority. I have a good and constructive relationship with the Children's Commissioner and many of the professionals and agencies involved in the care and education of children on the Island and, of course, many families and children themselves. It was my own in-principle proposition in the wake of the Care Inquiry which called for the U.N.C.R.C. to be incorporated into our legislation, for States employees to receive training and for Ministers to add careers to propositions they bring to the Assembly. I remain committed to these principles and aims and would be well placed to see them through as a Member of the Government. Having scrutinised the Ministers for Children and Education for the last 6½ years, as chair and member of the relevant panels, I am prepared to hit the ground running on the ministerial side. In the 7 to 8 years before being elected to this Assembly I had extensive experience working as a qualified teacher specialising in early years. I was also lucky to have the opportunity to work in around half of our 30-plus primary schools during my time as a supply teacher. This gave me the opportunity to interact with children, head teachers, teachers, staff, parents and other people who make up the communities of our schools from the east to the west of the Island. I was also a member of the Jersey branch of the National Union for Teachers.

[11:00]

I served on the committee as secretary, a role which I held alongside my full-time teaching duties, which in themselves often spanned 60 to 70 hours per week. Working with the N.U.T. (National Union for Teachers) allowed me to gain additional insight into the needs of secondary school students and teachers. It also gave me my first look behind the scenes at Government during the regular meetings between the Minister at the time and union reps. I fully intend to hold such meetings myself if I am appointed to this role. I understand that good teachers are the most powerful tool we have to improve life for our children and thus we must respect them, listen to them and give them autonomy. In terms of my own educational background, as well as my P.G.C.E. (Postgraduate Certificate in Education), I have a degree in psychology and sociology from the University of Exeter and it is this background in psychology that informs both my deep understanding of children from conception to early adulthood and my absolute commitment to taking an evidence-based approach to everything that I bring to this Assembly. I hope Members will give me the opportunity to progress the 3 key areas I have set out today - education reform, early years and children's rights - and allow me a

chance to help shape tone and culture of Government in an area that I have an unwavering passion for and commitment to. Finally, I want to end by speaking directly to the children of our Island: I am here for you, I will listen to you, I will act in your interests.

**The Bailiff:**

Thank you very much, Deputy. There is now a period of 20 minutes of questions to Deputy Doublet.

**2.3.1 The Connétable of St. Brelade:**

Schools in the Island have not generally worked closely with some of their respective Parishes, what is the candidate's views on political and local community issues being part of the education curriculum, apart from the visits to the States Chamber here organised by the Greffe?

**Deputy L.M.C. Doublet:**

Thank you for the question. This is something that when I was a teacher I was part of the first school to install the Rights Respecting Schools initiative at Grouville School and I led the steering group for that. I remember the Deputy of Grouville, I invited her in and we invited members of the Parish municipality into the school to speak directly with the children. It was me, as the teacher, but it was the children speaking to representatives from the Parish. That was a light bulb moment for me because I had not been aware of some of the community aspects outside the school until then, so from that moment I have seen the value of that. I think we have to remember that, yes, children are not adults and they need our care and they need our protection but they are also citizens in their own right and they deserve to be part of our communities, just as much as the adults do. Yes, I would encourage that within all schools and I think the fact that our Rights Respecting Schools programme is spreading across more and more of our schools, with the support of the Children's Commissioner, and that concept of community is embedded within that programme and it is something that I think will only grow as the Rights Respecting Schools approach grows across the schools.

**2.3.2 The Connétable of St. Brelade:**

How would the candidate encourage first-time voters?

**Deputy L.M.C. Doublet:**

That is an interesting one. I think sometimes teachers have been scared to talk about politics and I think, as Minister for Education, I would send a clear message to teachers that you need to encourage your students to vote because 16 year-olds are in schools and they have these rights that we have given them. I want 16 year-olds to be as passionate about politics as I am. First of all, I would show them that passion myself and I would try and transmit that passion to the head teachers and the teachers. I think they need permission to speak to the students about it and I would make that explicit and encourage them to do that but also kind of give them good guidelines and a structure within which to do that. I am part of the Political Engagement Group, which Deputy Alves chairs, as part of P.P.C. (Privileges and Procedures Committee). Hopefully, there would be some actual resources that we can give to the teachers so that they perhaps feel more comfortable in talking about politics. Because I think that is where the real conversations can happen that can spark interest in children to go and exercise those rights; they are so valuable and so important that we have given them.

**2.3.3 Deputy M.R. Le Hegarat:**

What has the Deputy done personally during her time in the Assembly to improve the lives of children and young people?

**Deputy L.M.C. Doublet:**

I think when I entered the Assembly I did not have specific things that I started on initially. The first thing that came up was me reacting to a Minister's proposition and it was the Discrimination Law. I looked through that draft law, I remember being in the briefing and then, as now, I looked for how is

this affecting children? That is something that has been a principle that I have had as a teacher and I got that from strong leadership from the head teachers I worked with. We were taught every single initiative or lesson that you have you think, how can this help the children in my care? I looked through that Discrimination Law and I noted some areas that were not quite ... I suppose upholding the rights of children, although I did not frame it in that language at the time. It was the breastfeeding rights for mothers to breastfeed their children. In the draft law it was only for babies up to 6 months of age. Again, as I always do, I went and did my research, I looked at the World Health Organization to see what they said about breastfeeding and I brought that to the Chamber. Within my first year of being a States Member, I think the first few months, I was able to directly amend legislation to give children more rights in an area that I now know is so, so important. I have since become a passionate advocate for breastfeeding and that is one of the things that I am proudest of. But being chair of the Scrutiny Panel last term and being a member of the Scrutiny Panel this term as well is something that I see as being really valuable. If I was Minister I would like to maintain that because I know the value of good scrutiny. We cannot make effective decisions without that check and balance. Yes, I think my work on Scrutiny, especially some of the challenges that I have brought from Scrutiny in terms of gaining extra funding for education, general funding, the Nursery Education Fund, there was a lot of debate around that a couple of years ago and, again, with evidence and research and showing what children need and what the science says about what children need and what we should be providing them, was able to help overturn the cutbacks there.

#### **2.3.4 Senator S.Y. Mézec:**

Could the candidate explain what her definition of the term “corporate parenting” is and explain how she would proceed in implementing the Care Inquiry recommendation on introducing corporate parenting legislation?

#### **Deputy L.M.C. Doublet:**

I thank the Member for the question. This is something that I was reading up about recently because I understand that our legislation in this area needs updating. Personally, when the Care Inquiry was published, which I read as much of it as I could and was very moved by it and obviously brought my proposition in the days after the publication of the Care Inquiry, one of the things that really moved me was when States Members were addressed directly as corporate parents and we were told you have responsibilities as a corporate parent and you have to improve what you are doing for children. I have felt somewhat lost as a non-Executive Member and not being a Minister and not having any actual power to do anything for the children that are, effectively, in our care. I would relish the chance to chair the Corporate Parenting Board as it is and to see through the legislation that is currently in draft form. Because I know that the aim of that board is to ask: will this be good enough for my child? That has been my approach to everything that I do so far. I would relish the opportunity to see that through.

#### **2.3.5 Senator S.Y. Mézec:**

Following on from that answer, would she see it as important alongside providing for improved legislation and restarting the Corporate Parenting Board to look at providing wider corporate parenting training and opportunities for people in public service to understand what the term means and how they need to apply it in practice?

#### **Deputy L.M.C. Doublet:**

Yes, I would definitely agree with that. I know we have discussed training for States Members; I think that is something that we all need to be committed to. But certainly the workforce as well and all of this language that we have, Corporate Parenting Board and the abbreviations, it is about love. We can love our own children but we can also love citizens that we represent and we can act with that love and compassion; that was always the way that I taught my class. They were little humans

that I cared about and I carry that through in my work. I try to bring that to my work as a States Member. I think every child needs to have love and support. I think, as a Government, we should be trying to do that and see those children as human beings who have something to offer and help to give them what they need to thrive, just as we would our own children.

### **2.3.6 Deputy L.B.E. Ash:**

The candidate stated that she feels teachers should discuss politics with children. Is she not concerned about the politicising of our schools?

### **Deputy L.M.C. Doublet:**

No, I am not because politics is everything. Everything that teachers are teaching our children has a political side to it. History is politics, sociology is politics, P.S.H.E. is politics. No, I do not think teachers would be saying you should vote for this candidate and of course they would not be doing that. But I do think teachers should be setting out principles to the children in their charge of the importance of voting and the importance of researching who you are going to vote for and of children knowing their own values and knowing what they think is important and looking for that in candidates. Teachers are highly-educated individuals, they know the difference between saying: "Vote for this candidate", which they would never do, and they would know how to talk about a subject. We need to treat teachers as the intelligent, educated, professionals that they are and equip them with the resources they need to have those discussions with the young people in their care.

### **2.3.7 Deputy L.B.E. Ash:**

Does the candidate not feel that children should be taught to think, not what to think?

### **Deputy L.M.C. Doublet:**

Yes, I totally agree with that. In fact my dissertation was on philosophy for children, which is a thinking skills programme. Yes, that is something I am very, very much behind and I have several books which I could lend to the Member if he would like to know the theory behind teaching children how to think. We would never teach a child what to think; that is the complete opposite of my ethos. I am pleased the Member agrees with me.

### **2.3.8 The Connétable of St. John:**

If successful, what would the candidate do to convince fellow Ministers to change isolation rules for under-18s?

### **Deputy L.M.C. Doublet:**

I am pleased that somebody has asked a question related to COVID because I had considered putting it in my speech. I know that we are still in a pandemic and Senator Vallois steered us so well and she steered children in schools so expertly through the pandemic. I know we are coming out the other side but there may be emergency situations, there may be decisions that have to be taken, and I am prepared to do that. I think what I can do for Members is explain the principles that I would use to make those decisions. First of all, we should absolutely be putting children first and by that I mean we should be looking holistically across economy, education, all of the different responsibilities that the Government has and we should consider first how can we maintain what we are providing for children at the levels that they need to thrive? That is the first principle, is putting them first and thinking: "Right, how do we try and keep giving them what they need?" In terms of isolation, children do not need to be locked in their bedrooms; children need education. I was supportive of the Minister for Health and Social Services during the pandemic in following that advice from S.T.A.C. (Scientific and Technical Advisory Cell) to keep schools open as much as possible and as far as it was safe, and that is the second principle. I would try to maintain what children need but, secondly, it has to be safe and that is where the medical advice comes in.

[11:15]

That is something I really value. I am used to assessing science and weighing up different pieces of research and evidence; that is something I am very used to doing. I think I am very well-placed to make decisions about what measures to put in place or take away around COVID, weighing up those principles that I have outlined.

### **2.3.9 The Connétable of St. John:**

How would you convince your colleagues?

#### **Deputy L.M.C. Doublet:**

I would argue passionately for what children need. I think what we have not had during the pandemic is someone who is in there. It is nobody's fault in a way because nobody asked for this pandemic. But the groups that we have had making decisions have often not included parents of very young children. I am a parent of a young child, I am a teacher, I have an understanding of child development. I would be in there and I would be at every moment making sure that children's needs are thought about and that children are not forgotten. I am not afraid to argue passionately about that; it is just in my blood. I am so keen to go and do that. I would love the opportunity to go and do that.

### **2.3.10 Deputy J.M. Maçon:**

I appreciate that this portfolio is quite a wide remit and, therefore, the candidate will not be able to touch on everything in her opening speech. But I was disappointed that she did not talk about the retraining strategy and I wonder whether she was prepared to commit to carry on with this work and what is her vision in this area, as the skills remit really has not been touched on?

#### **Deputy L.M.C. Doublet:**

When I talked about my vision of children being born into a family and having the same opportunities, I am very aware that children grow up to be adults and they contribute to our society. That is one of the reasons why I am so passionate about the Rights Respecting Schools programme because that teaches children that they have responsibilities to be decent citizens. I think while we do need to provide a curriculum that is creative and helps children to be divergent thinkers and problem-solvers, we need to balance that with giving them training and helping them to acquire the skills that they will need to get a job in the real world. The cost of living in Jersey is such that we need to equip our children to be competitive and we also need to think about what the Island needs. I think during my first election and the last election there was a lot of talk about diversifying our economy and I think that we need to really get serious about that. It is not just about skills at the latter end. I think sometimes we think skills is about teenagers and about secondary school. It is obvious we need to have those specific courses for children but often it is soft skills as well. I think that the ethos and the hidden curriculum of schools is just as important as the actual curriculum. We need to make sure that every child is getting that good foundation and that grounding in how to talk to people, how to talk to anyone, how to communicate in lots of different ways, whether it is written or spoken, so that is what I would do. Yes, I would support the work with skills. I also think we need to have stronger links with the Economic Development Ministry, and that is something that I would encourage as well.

### **2.3.11 Deputy J.M. Maçon:**

I wonder if the candidate could elaborate on any changes or work she would like to see with the Social Security Department in order to further the retraining strategy.

#### **Deputy L.M.C. Doublet:**

Yes. Okay, I think in terms of Social Security, some of the issues that I have worked on with constituents has been people who have wanted to study and have had that drive to go and study but

they perhaps do not fall into the traditional categories of being an 18 year-old just about to go to university or being a mature student. I think in terms of what Social Security could do to support, I think we need to be a bit more open-minded about different life stages that people might want to go and study and if they can show that what they want to study is going to aid the community. I think that Social Security could have a role to play in supporting that.

**2.3.12 Senator S.C. Ferguson:**

What plans does the Deputy have for improving the teaching of coding and basic software engineering across all ages, from all age ranges from 8 to 18?

**Deputy L.M.C. Doublet:**

I thank the Member for that question. This is something I am really excited about. Members may not know this about me but I am really interested in information technology and it was an area that I nearly went into before I was a teacher. When I was a teacher I was dedicated to making sure that I.T. (information technology) was something that was taught in my reception and nursery classroom. Again, I think what we need to be doing is making sure that from the very earliest stages, and it is not about having children sat in front of screens. I know that the Senator knows this, coding does not necessarily have to involve a screen. I had something, I think it was called a Bee-Bot, which is a little robot in my classroom that the children could interact with and learn the basics of coding from when they were 4 years old. I would definitely support that and I think especially after the last year that we have had. Whether we like it or not we are living in a digital world and the world is going to be even more digital by the time our children grow up and have to function within it, so I am fully supportive of that.

**The Bailiff:**

There may be one moment for a supplemental question, Senator, if you want to ...

**Senator S.C. Ferguson:**

No, thank you.

**The Bailiff:**

Maybe a quick question, Deputy Ahier. It will have to be quick, I am afraid.

**2.3.13 Deputy S.M. Ahier:**

Yes. Does the candidate believe that single-sex schools should still have a place in our education system?

**Deputy L.M.C. Doublet:**

That is an interesting one which I have not thought about. I think what I would have to do first is ask the children what they think; that would be my first port of call for any kind of new ideas like that. Yes, I would go and consult with the children at those schools and at other schools, at mixed-sex schools, what the children and, of course, the teachers thought about that.

**The Bailiff:**

Very well, that is exactly on the money, Deputy. That concludes the period of questions for the third candidate. Could I ask that Deputy Wickenden and Deputy Ward return to the Assembly? If everyone is plugged in and live, then shortly the Greffier will add a vote into the chat channel, so Members can choose who they wish to appoint. There will be obviously 3 options and Members will vote for one of those options. As Members will know, a candidate requires more than half of the votes cast to be elected. If no candidate achieves that the candidate with the lowest count will fall away and then the voting will open for the remaining 2. But at the moment there are 3 potential choices and I ask the Greffier to open the voting and Members to vote.



**Deputy R.J. Ward:**

Sir, I have just got to rejoin the meeting because it has locked me out.

**The Bailiff:**

We will hold on until you are there, Deputy, although I think I can see that you are ...

**Deputy R.J. Ward:**

It would be nice to be able to vote, thank you, Sir.

**The Bailiff:**

We will not close the voting until at least you are logged on. There is a request from Senator Moore to vote in the chat. I will not allow votes in the chat immediately but until Members have had a good try at using the link, failing which of course we will record votes in the chat. There are 2 who have indicated they cannot vote through the link at the current time. We will give it just a moment or 2 more, I think. A request from Deputy Labey, yes, the vote is up, it is in the chat. If you cannot see it then I can only assume, Deputy, there is a problem with your connection or you are in the wrong chat.

**Deputy R. Labey of St. Helier:**

Sir, I am in the right chat. I think it is that I need to reboot the computer; I have had this before. Can I vote in the chat?

**The Bailiff:**

Yes, you can vote in the chat. If Members have now sought to vote but have not been able to have their vote recorded in the link, then I will open voting in the chat as well. If anyone would wish to indicate which of the 3 candidates; it may take me a while to do this manually. Wait until I have put a thumbs-up sign on your entrance so that you know ... I have recorded 2 votes in the chat so far. The Connétable of St. Saviour, you can, if you wish to, record your vote in the link.

**Deputy R. Labey:**

Can I ask if you have recorded my vote, Sir?

**The Bailiff:**

Yes, I have, Deputy.

**Deputy R. Labey:**

Thank you, Sir.

**The Bailiff:**

If no further Member wishes to record their vote in the chat, I ask the Greffier to close the voting.

**Connétable S.A. Le Sueur-Rennard of St. Saviour:**

It will not even let me vote in the Chat, so I am obviously in the wrong department altogether.

**The Bailiff:**

We can recognise your voice. I am quite content, as you are in such technical difficulty, if you wish to record your vote verbally or by voice you may.

**The Connétable of St. Saviour:**

Yes, thank you, Sir. I would like to vote for Deputy Wickenden, please.

**The Bailiff:**

Yes, in fact that has come up on the link.

**The Connétable of St. Saviour:**

Thank you so much, Sir.

**The Bailiff:**

We have here recorded as follows: Deputy Wickenden has recorded 20 votes in the link, Deputy Ward 16 and Deputy Doublet 7. I have a further 2 votes for Deputy Wickenden in the chat and one for each of Deputy Ward and Deputy Doublet.

<b>Deputy S.M. Wickenden: 22</b>	<b>Deputy R.J. Ward: 17</b>	<b>Deputy L.M.C. Doublet: 8</b>
Senator I.J. Gorst	Senator S.W. Pallett	Senator S.C Ferguson
Senator L.J. Farnham	Senator S.Y. Mézec	Senator T.A. Vallois
Senator J.A.N. Le Fondré	Connétable of St. Brelade	Senator K.L. Moore
Connétable of St. Helier	Connétable of St. Mary	Connétable of St. Lawrence
Connétable of St. Saviour	Connétable of St. Martin	Deputy L.M.C. Doublet (S)
Connétable of Grouville	Connétable of St. John	Deputy J.H. Young (B)
Connétable of Trinity	Deputy G.P. Southern (H)	Deputy K.F. Morel (L)
Connétable of St. Peter	Deputy M. Tadier (B)	Deputy I. Gardiner (H)
Connétable of St. Ouen	Deputy M.R. Higgins (H)	
Deputy J.A. Martin (H)	Deputy of St. Martin	
Deputy of Grouville	Deputy of St. Mary	
Deputy K.C. Lewis (S)	Deputy of St. John	
Deputy J.M. Maçon (S)	Deputy M.R. Le Hagarat (H)	
Deputy S.J. Pinel (C)	Deputy S.M. Ahier (H)	
Deputy of St. Ouen	Deputy R.J. Ward (H)	
Deputy R. Labey (H)	Deputy C.S. Alves (H)	
Deputy S.M. Wickenden (H)	Deputy K.G. Pamplin (S)	
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		

That, I think, means that no candidate has achieved over half of the votes, Greffier, is that ... so we go to a second now. Yes, so in which case no candidate has achieved more than half of the votes and, accordingly, I am afraid, Deputy Doublet, you drop out of the race and we will place a further link in the chat and open the voting again.

**The Deputy Greffier of the States:**

I am afraid it has just crashed on me, so ...

**The Bailiff:**

That may take a little while.

[11:30]

**Deputy M. Tadier of St. Brelade:**

Sir, could I ask for the names to be read out of those who have voted and in which way?

**The Bailiff:**

This is not recording to or from proposition. The final votes will be recorded, I think, at the final voting stage. But it has appeared in the chat, if you wish it for your own information, Deputy Tadier. There is no point in recording any votes at the moment until the Greffier has put a link up. Very well, the link is now posted in the chat. I ask the Greffier to open the voting and Members to cast their votes and I can now agree to record votes in the chat if people cannot use the link. Leave it just a moment or 2 longer. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Deputy Wickenden is accordingly elected by the Assembly as Minister.

<b>Deputy S.M. Wickenden: 24</b>	<b>Deputy R.J. Ward: 23</b>	
Senator I.J. Gorst	Senator S.C Ferguson	
Senator L.J. Farnham	Senator T.A. Vallois	
Senator J.A.N. Le Fondré	Senator K.L. Moore	
Connétable of St. Helier	Senator S.W. Pallett	
Connétable of St. Lawrence	Senator S.Y. Mézec	
Connétable of St. Saviour	Connétable of St. Brelade	
Connétable of Grouville	Connétable of St. Mary	
Connétable of Trinity	Connétable of St. Martin	
Connétable of St. Peter	Connétable of St. John	
Connétable of St. Ouen	Deputy G.P. Southern (H)	
Deputy J.A. Martin (H)	Deputy M. Tadier (B)	
Deputy of Grouville	Deputy M.R. Higgins (H)	
Deputy K.C. Lewis (S)	Deputy of St. Martin	
Deputy J.M. Maçon (S)	Deputy L.M.C. Doublet (S)	
Deputy S.J. Pinel (C)	Deputy of St. Mary	
Deputy of St. Ouen	Deputy K.F. Morel (L)	
Deputy R. Labey (H)	Deputy of St. John	
Deputy S.M. Wickenden (H)	Deputy M.R. Le Hegarat (H)	
Deputy G.J. Truscott (B)	Deputy S.M. Ahier (H)	
Deputy J.H. Young (B)	Deputy R.J. Ward (H)	
Deputy L.B.E. Ash (C)	Deputy C.S. Alves (H)	
Deputy G.C.U. Guida (L)	Deputy K.G. Pamplin (S)	
Deputy of St. Peter	Deputy I. Gardiner (H)	
Deputy of Trinity		

**Deputy R.J. Ward:**

May I just say congratulations. It was a well-fought contest.

**Deputy L.M.C. Doublet:**

Congratulations to the new Minister.

**Deputy J.A. Martin:**

Is it appropriate now we see which way everyone voted?

**The Bailiff:**

Yes. That is a matter of public record. It is an open vote.

**The Deputy Greffier of the States:**

Are you wanting the previous vote and this vote read out or just this last vote.?

**Deputy M. Tadier:**

It is important to have both votes read out.

**The Bailiff:**

Would you read out please the first round voting, Greffier?

**The Deputy Greffier of the States:**

In the first round, those voting for Deputy Wickenden were: Senator Le Fondré, the Connétable of Grouville, the Connétable of St. Helier, Deputy Wickenden, Deputy Pinel, Deputy Ash, Senator Gorst, the Deputy of St. Ouen, Deputy Guida, the Deputy of Grouville, the Constable of St. Ouen, the Deputy of St. Peter, the Connétable of Trinity, Deputy Martin, Deputy Truscott, Deputy Lewis, the Connétable of St. Peter, Deputy of Trinity, Deputy Maçon and Senator Farnham. Those voting for Deputy Ward were: Senator Mézec, Deputy Alves, the Connétable of St. John, the Connétable of St. Brelade, the Deputy of St. Martin, Deputy Ahier, the Connétable of St. Martin, Deputy Le Hégarat, Senator Pallett, the Deputy of St. John, Deputy Southern, Deputy Ward, Deputy Pamplin, the Deputy of St. Mary, Deputy Tadier, Deputy Higgins. Those voting for Deputy Doublet in the link were: Senator Vallois, Deputy Morel, Deputy Doublet, Deputy Gardiner, the Connétable of St. Lawrence, Deputy Young and Senator Ferguson. In the second round, those voting for Deputy Ward were: the Deputy of St. Martin, Deputy Ahier, Senator Vallois, Senator Mézec, Deputy Tadier, Deputy Ward, Deputy Doublet, Senator Pallett, the Connétable of St. Brelade, the Connétable of St. Martin, the Deputy of St. John, Deputy Southern, Deputy Alves, the Connétable of St. John, Deputy Le Hégarat, Deputy Higgins, the Deputy of St. Mary, Deputy Gardiner, Senator Ferguson, Deputy Pamplin and Deputy Morel. Those voting for Deputy Wickenden were: the Connétable of Grouville, Deputy Wickenden, Deputy Pinel, Deputy Truscott, Senator Gorst, Deputy Guida, the Connétable of St. Lawrence, the Connétable of Trinity, Deputy Martin, the Connétable of St. Ouen, Deputy Lewis, Senator Le Fondré, the Connétable of St. Lawrence, Senator Farnham, Deputy Ash, the Deputy of Grouville, the Connétable of St. Peter, the Deputy of St. Ouen, Deputy of Trinity, Deputy of St. Peter, Deputy Maçon.

**3. Selection of the Minister for Home Affairs.**

**The Bailiff:**

We now move on to the selection of the Minister for Home Affairs. The Assembly is due to appoint such a Minister. Members have received notice of the Chief Minister's nomination. Chief Minister, would you like to make that nomination?

**Senator J.A.N. Le Fondré:**

As I wrote to Members on Sunday, I am pleased but also very saddened to propose Deputy Gregory Guida to the position of the Minister for Home Affairs. I do just want to take the opportunity to pay tribute, like many other Members have done so far and as I have done previously, to the late Connétable of St. Clement who served so ably as the Minister for Home Affairs. He has left an enormous legacy and was hugely respected, not only by his immediate colleagues, but also across Government and this and past Assemblies. I know that he and Deputy Guida worked very closely as Minister and Assistant Minister. I have full confidence that Deputy Guida will build on the work that they have achieved together and I commend him to this Assembly.

**The Bailiff:**

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations, then, Deputy Guida, you have 10 minutes to speak to the Assembly and there will be a period of 20 minutes of questions following.

**3.1 Deputy G.C. Guida of St. Lawrence:**

First, it should be said that I would have done anything not to find myself in this situation today. I hoped and I prayed that somehow my friend and mentor, Len Norman, would overcome his very serious condition. Our last conversation was about how he had decided to fight his illness, knowing all too well how hard and debilitating the potential cure would be. Unfortunately, nature followed its course and here we are today trying to fill some very large shoes. Len loved this position and he was uniquely suited to it. It is sad that he found this role so late in his career. Fortunately, he was also happy to share it and we have been working very closely in the past 3 years. We worked together on the modernisation of the services. We discussed deportations. We argued new legislation and we decided policy together. For the sake of continuity, the Chief Minister suggested I might take up this ministerial position and I do feel that, with the leave of the Assembly, I am ready to do so. I am ready to champion the services, the States of Jersey Police, the Jersey Fire and Rescue Service, Her Majesty's Prison at La Moye, the ambulance service, the Jersey Field Squadron, the superintendent registrar, and I will not forget the Jersey Customs and Immigration Service who are doing so much in this difficult Brexit transition. Len Norman also promised that he would be critical; that he would challenge; that we would get the best value out of the services. In his last year of our term, most of these challenges have come to fruition and I am ready to ensure that the resulting improvements, the reorganisations, the budget changes, sometimes the increases in personnel, do make for more-efficient services, but that the service to the public is not only undamaged but enhanced. The desire of the public to be safe has not changed since 3 years ago. The desire to be protected from crime, rescued from fires or road accidents and taken to the hospital in time, is unabated. We are doing this better than ever. But we also have new challenges. The ambulance service will have to adapt to the new care model. The fire and rescue service will need to draft and comply with very complex new regulations in the wake of the Grenfell fire. Customs and immigration still have many Brexit changes to implement. Our superintendent registrar is now picking up the registry of several Parishes and her job is changing significantly. Finally, among other preoccupations, the States police will have to improve in its Financial Crime Unit to help Jersey maintain its image of a safe and properly-regulated financial centre. All of this of course happening in the shadow of the consequences of COVID. I am ready to help them do that. I am doing it now and I am ready to do it for one more year so that all those important projects that Len Norman started are concluded during this term. The domestic abuse law, the prejudice law, settlement for European residents, the development of criminal justice, the overhaul of youth justice, the establishment of post-custodial supervision, the updating of marriage and civil partnerships, the restart of the drug and alcohol strategy and many others. On a lighter note, I am also happy to announce that the fireworks law is finally back on track and that I could bring it to this Assembly maybe even in time for the New Year.

[11:45]

I have mentioned before my belief in the wisdom of the Assembly. Some subjects, like for example assisted dying, are just too vast for a single person to steer. I already have plans to present a couple of very interesting propositions on principle to the Assembly, if they allow me. Finally, we should not forget the capital projects of this ministry, which I have accompanied so far, and would really love to get started. A first-class police shooting range, a sexual assault referral centre, which we are developing as a true multiservice victim support centre, and of course we will advance the construction of the Len Norman Joint Fire and Ambulance Station.

**The Bailiff:**

Thank you very much, Deputy. There is now then a period of 20 minutes under which questions can be asked. Does anyone have any questions for the Deputy?

**3.1.1 Deputy R.J. Ward:**

I congratulate the Deputy on his appointment. Can I ask the Deputy, some time ago in a debate he stood in this Assembly and said that he was not here to be a politician; he was here to manage. How does he reconcile that belief with what is a wholly political role as Minister?

**Deputy G.C. Guida:**

It is a very interesting question because it is absolutely true, the Home Affairs Ministry differs from others in the sense that it manages services that pretty much run themselves. The vast majority of the work in it is about steering legislation. However, I am not alone in that. What legislation we bring to the Assembly we consult on. So it is not something that is left to the Minister to do. Also, one of the things that the Minister does have to do is to make sure that the services work correctly and all the services have withstood the vast overhaul in the last few years. It is very, very important to make sure that the target operating model is not damaging any of that. So there is an intense work of management and supervision to make sure that we are not damaging any of the services and they work as efficiently as possible.

**3.1.2 Deputy R.J. Ward:**

I would like to push a little on the political oversight. We are about to debate today the Immigration Consolidation Extension (Jersey) Law in Council. One of the things it does not include is the creation of a hostile environment to immigrants. We have taken that part out of the law. But it does give the Minister for Home Affairs more responsibility for bringing laws. Can the Minister-elect declare that he will not be promoting a hostile environment of the type that exists in the U.K.?

**Deputy G.C. Guida:**

Absolutely. I was extremely lucky in my previous position that we tended to agree with almost everything, with Constable Norman, and it was his decision to absolutely not have the hostile environment system in Jersey. I agreed 100 per cent with that. So I will follow that without question.

**3.1.3 Deputy S.M. Ahier:**

Does the Minister accept that Rouge Bouillon School should be extended on to the fire station? If so, where does he believe the fire and ambulance station should be located?

**Deputy G.C. Guida:**

I disagree. We checked 14 different locations throughout the Island to put the new fire station in. Our favourite would have been a completely clean site where we could have designed the best possible fire and ambulance joint station. We were inventing things. We were creating new things. It was quite exciting. Unfortunately, all the studies that we did showed that the response time increased dramatically the further we got away from the centre of town. Basically, most of the incidents happen in town and the fire and ambulance station needs to be in town. The only site in town that satisfies that unfortunately is Rouge Bouillon. Since I am now involved in planning as well, I know well that it would be pretty much impossible to try to persuade new neighbours of a fire and ambulance station to accept the nuisance of such a station next to their homes. So, even if there were potential sites for it, it would be extremely difficult to move it. Having seen all this, we finalised the project on Rouge Bouillon. But dutifully we are waiting for C.Y.P.E.S., for the Education Ministry, to finish their evaluation of their own needs for sites and let the Government decide who will get Rouge Bouillon. I will be supporting the joint fire and ambulance station quite strongly at this site.

**3.1.4 Deputy L.M.C. Doublet:**

Would the new Minister commit to maintaining the commitment of the previous Minister to including sex and gender as protected characteristics in the new hate crime legislation?

**Deputy G.C. Guida:**

I am very happy to, yes, absolutely. It would have been my first decision at the time. I will not go into the detail but Constable Norman and myself were quite inclined to include sex as a protected characteristic from the start. It just took a little while to persuade everybody else.

### **3.1.5 The Connétable of St. Brelade:**

Would the Deputy confirm his support of the Office of Parish Registrar and ensure their inclusion in any system changes being proposed?

**Deputy G.C. Guida:**

That is an interesting one because I am right in the middle of it. If Members know the story, the central registrar, the superintendent registrar, took up the functions of the registry during the COVID crisis when there was no access to the Parishes. When these functions were meant to be returned to the Parishes, some Parishes decided or were unable to take them back. To allow that we needed to change the law. The first draft of the law allowed for a single choice, the Parish would decide whether or not they would have their registrar back or whether they would let the superintendent registrar carry the role. After discussion with the Parishes - after a very short discussion with the Parishes - I saw that this was too limited and I changed the drafting instructions so that the Parishes could pick up the role whenever they wanted again. So the difference now is that Parishes, that for any reason cannot carry the role, will give it to the Superintendent Registrar. But if in the years to come they decide to have a registrar again, it will be possible, it will be included in the law.

### **3.1.6 The Connétable of St. Brelade:**

Would he agree that adequate training for them will be facilitated as necessary?

**Deputy G.C. Guida:**

Absolutely. That is already the case. It is essential. The role has become more and more professional. It is less tolerant of mistakes and training is an extremely important part of it.

### **3.1.7 Senator K.L. Moore:**

Firstly, I would like to wish the Deputy well in his new role. Does the Minister intend to continue the work of the previous Minister in pursuing the decriminalisation of drugs?

**Deputy G.C. Guida:**

That is a very interesting one. We had a meeting with officers and Minister for Health and Social Services, the Minister and myself, and the idea was to discuss the notion of decriminalising drugs in Jersey. We were absolutely astonished to find that nobody at the table was fundamentally against it. We found out that we had all sorts of technical issues that needed to be sorted, but none of us were fundamentally against it. So it is definitely something that we look forward to.

### **3.1.8 Deputy M.R. Higgins of St. Helier:**

I give my congratulations to the Minister. Can I ask the Minister whether he thinks there is scope for review of the working of the Professional Standards Department and the Jersey Police Complaints Authority to make sure that Islanders are getting the very best of investigations and accountability from the police?

**Deputy G.C. Guida:**

The Deputy will know that we are working on the Jersey Police Complaints Authority Law and are going to change a few things. One of the things that I understand will change is that the authority

will have the right to initiate inquiries. So they will be more active in asking questions and gathering data. Certainly, we want that body - which is a fantastic body, to think that these people do this as volunteers is quite extraordinary - to be as powerful and as useful as possible.

### **3.1.9 Deputy M.R. Higgins:**

Does the Minister think there is a case for the Police Complaints Authority to use more external investigations rather than relying on the Professional Services Department?

#### **Deputy G.C. Guida:**

I would say that, yes, in some cases it would make complete sense.

### **3.1.10 Senator S.Y. Mézec:**

Congratulations to the new Minister. Does he believe that enough is being done to tackle behaviour of some individuals who use social media platforms to threaten people with violence?

#### **Deputy G.C. Guida:**

This is a very, very interesting question and I am sure that everybody in this Assembly would be happy to see something done about it. Technically, the laws exist already that would allow us to consider this as an offence and to punish it. The difficulty of course is in identifying the perpetrators and building a case against them. It is something that we have looked at and that the police are not at this stage ready to work on except in extreme cases. But it is certainly something I would like to see develop.

### **3.1.11 Senator S.Y. Mézec:**

Does the Minister not think that, were more prosecutions to be brought against people, it would be a good demonstration that this sort of behaviour, which would never be accepted in person, is just as unacceptable when it takes place online. That by not pursuing prosecutions, it essentially leaves these people unaccountable and able to continue terrorising people in their lives?

#### **Deputy G.C. Guida:**

I could not agree more. Unfortunately a prosecution is a very technical process and it is just extremely difficult to do with online material. But I could not agree more.

### **3.1.12 Deputy K.F. Morel:**

First of all, congratulations to my fellow Deputy of St. Lawrence. I am delighted that he has been elected as Minister for Home Affairs. Does the Minister agree with the statement that if you treat children like criminals they will grow up to act in a criminal manner?

#### **Deputy G.C. Guida:**

I am happy to see that the calibre of questions is quite good this morning. It is a very important question. We do have a problem with antisocial behaviour and a small number of young people at the limit of being children, 16 and 17 year-olds. It is quite extraordinary. About 20 per cent of the offences are carried out by 10 people; just 10 of them. Of course it takes an enormous amount of police resources, but also their control is done in association with the social services and other agencies of C.Y.P.E.S. So we are all aware of how this should be dealt with. But I think the biggest problem is that at that stage it is probably too late to do anything and this is probably just an example on how we have to act earlier to make sure that children in difficult families do not grow up like that.

### **3.1.13 Deputy K.F. Morel:**

Personally I feel it is never too late to do something but does the Minister believe that some of the actions of the police in their apparently precautionary treatment of young people, particularly in their



teens and late teens, may be alienating those people from the police and driving them towards, at minimum, antisocial behaviour, if not criminal behaviour?

**Deputy G.C. Guida:**

I do agree that it is quite possible. However, remember that the police must protect the public in general, all of the public. In these particular cases, it is about protecting the rest of the Island from a few individuals.

[12:00]

If physical force needs to be used, it has to be used, there is no other way of protecting the rest of the public.

**3.1.14 Senator T.A. Vallois:**

I would like to join in on the congratulations to the Deputy taking on the Home Affairs Ministry. My question lies within the emphasis and priority that the Deputy will give to bringing forward the domestic abuse legislation and a timeline in which we would expect to see that.

**Deputy G.C. Guida:**

The domestic abuse legislation has been our foremost priority ever since Constable Norman and I came into this role. It is complex, long, but I hope to have it lodged and - one hopes - passed before the end of the year.

**3.1.15 Senator K.L. Moore:**

Given that this Government has removed funding for the “building a safer society” strategy, how will the Minister approach the current spike in youth crime?

**Deputy G.C. Guida:**

Personally, I would like to restore that funding. I think that was a very, very good system and I would like to see it back. I will do my best to make it happen.

**3.1.16 Senator K.L. Moore:**

Could the Minister outline or describe some of the initiatives that you would like to see a renewed B.A.S.S. (Building a Safer Society) strategy provide in order to give useful distraction to children and young people?

**Deputy G.C. Guida:**

I am sorry, I do not have such a strategy. I hope to build one with those services. So I would like to get them back to the table and see how we can then make them work together and build up a new strategy.

**3.1.17 Deputy S.M. Ahier:**

Does the Minister believe that more resources will be required for the customs service as a result of reducing the G.S.T. (goods and services tax) *de minimis* level charge on imported goods? How will this be funded?

**Deputy G.C. Guida:**

We are doing well with the current resources. There is one issue, which will need to be sorted, is that of course stopping all those packages at the border means that somewhere we do need more warehousing space. That is one issue that we are working on right now. The service itself has been able to manage with the increased workload without too much problem. It will be worse when we reduce again the *de minimis*, if this Assembly decides to do so.

**3.1.18 Deputy K.F. Morel:**

Apologies if I missed this in the speech. I just wanted to ask: will the Minister be continuing as Assistant Minister in Environment and any other Assistant Minister positions?

**Deputy G.C. Guida:**

Yes, absolutely. There is a narrow line of interest where I am being quite useful in the Environment Ministry, so I will keep that. It is quite possible that I will have to let go of other responsibilities to devote more time to Home Affairs.

**3.1.19 Deputy K.F. Morel:**

May I ask the Minister to elaborate on “other responsibilities” and also to explain how he intends to be a fully-committed Minister for Home Affairs and maintain the Assistant Ministership in another department?

**Deputy G.C. Guida:**

I have been doing so for the last 2 months and I have also been a member of about 9 boards and committees at the same time. So I have a fairly good grasp of my capacity or workload capacity. I will not mention the fact that I am also managing 5 companies at the same time. So, yes, I do have a good grasp of my capacity and how to manage it. One of the joys of becoming a Minister is that things start getting organised around you rather than the contrary. So it has been difficult while Len was away, because as Assistant Minister meetings would be designed around me and would clash and superimposed with other meetings. Now that they will be designed around me, they will fit in my agenda where there is space. So that will make my job easier. But I do agree that I will have to let go of some of the other responsibilities.

**The Bailiff:**

There might be time for an extremely quick question from Deputy Higgins.

**3.1.20 Deputy M.R. Higgins:**

Will the Minister try to deal with the frustrations of the public trying to contact customs by telephone? Not everyone has access to computers and a telephone line is essential.

**Deputy G.C. Guida:**

I agree. I was not aware of the issue but I definitely agree. Especially in those times where Brexit has completely changed the way we import goods. The *de minimis* has multiplied the issue. Yes, I will look into it.

**The Bailiff:**

That brings the time available to a close. There were no other nominations. The speech and period of questions have been completed. Therefore I confirm that Deputy Guida has been appointed as Minister for Home Affairs. Just referring back to the election that took place before that, some Members were concerned that their names had not been read out, but that was because they had voted in the chat rather than in the link. The position was, as to the first round: the Connétable of St. Saviour and Deputy Labey voted for Deputy Wickenden. The Connétable of St. Mary voted for Deputy Ward. Senator Moore voted for Deputy Doublet. In the second round: the Connétable of St. Saviour and Deputy Labey voted for Deputy Wickenden and the Connétable of St. Mary and Senator Moore voted for Deputy Ward. That brings the record up to date. We now move on with the business of the Assembly.

## QUESTIONS

### 4. Written Questions

#### 4.1 Deputy M. Tadier of St. Brelade of the Minister for the Environment regarding electrical inspections on rental properties (WQ.283/2021):

## Question

Will the Minister –

- (a) advise whether it is a legal requirement that an electrical inspection should be carried out on a rental property before the commencement of a new tenancy agreement, and that tenants should be provided with a copy of a fire safety certificate; and
- (b) confirm whether the property on La Rue au Moestre, St. Aubin, which was damaged by fire on 15th December 2020, was inspected and met the necessary safety requirements prior to the renewal of the tenancy agreement; and, if so, explain why this confirmation was not supplied by his department in response to my recent request?

## Answer

(a) The answer depends on individual circumstances. In broad terms:

If the rented dwelling, as defined under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018, has had a previous Electrical Safety Inspection within the past 5 years, then no further Inspection is required on any change or extension of tenancy.

If the dwelling has not had a previous Electrical Safety Inspection, or the last inspection was more than 5 years ago, an inspection must be carried out -

- (i) as soon as is reasonably practical after the expiry of the 5 year inspection period, or
- (ii) in the case where there was no previous Electrical Safety Inspection, on or before the commencement of any new rental period, or as soon after the commencement of such period as is reasonably practicable, but in any event no later than 31<sup>st</sup> December 2023.

Fire Certificates are prescribed under the Fire Precautions (Jersey) Law 1977 which is under the responsibility of the Minister for Home Affairs. They are not required in respect of any premises that are used as a single dwelling by a single household. They are however required for sleeping accommodation not falling within this category and a copy of the front page should be displayed in a position that can be inspected by occupiers of those premises.

(b) Information has not been supplied as this time is this is part of an ongoing investigation.

### 4.2 Senator S.Y. Mézec of the Chief Minister regarding the States Communications Directorate (WQ.284/2021):

## Question

Will the Chief Minister provide, in relation to the States Communications Directorate (“Communications”) (previously known as the States Communications Unit) –

- (a) a breakdown of the monies spent annually by Communications over each of the last 5 years; and
- (b) details of the number of staff employed in Communications during the same period?

## Answer

a)	<u>2017</u> <u>Spend</u>	<u>2018</u> <u>Spend</u>	<u>2019</u> <u>Spend</u>	<u>2020</u> <u>Spend</u>	<u>2021</u> <u>Spend</u> <u>(Jan to</u> <u>May)</u>
	£	£	£	£	£

Staff	460,113.86	772,745.11	1,831,922.16	2,093,089.02	966,928.16
Non-staff <sup>1</sup>	25,421.21	76,062.96	64,345.70	299,795.72	41,203.39
<b>Total Costs<sup>2</sup></b>	<b>485,535.07</b>	<b>848,808.07</b>	<b>1,896,267.86</b>	<b>2,392,884.74</b>	<b>1,008,131.55</b>

In 2017 the States of Jersey's Communications Unit was a small team which served Ministers and their departments. Alongside this small team, other people across government were also engaged in communications, either as their sole role, or as part of their role.

In addition, various departments paid external agencies for marketing, design, and PR services. An audit process in 2017 identified 38 distinct agencies/suppliers being used by the States of Jersey for communications-related support, much of which was for marketing. Spending estimates on external agencies for marketing, design, and PR services during this period are as follows:

- £3.5 million in 2015
- £2.7 million in 2016
- £1.8 million in the first half of 2017

This audit, carried out in October and November 2017, found that it was not possible to accurately identify the total cost of communications at the time, either in terms of staffing or total external spend. Following the audit, the new Communications Directorate was formally established in July 2018 as part of the new Target Operating Model, to consolidate communications staff into a single government communications function. The new communication function would also undertake Internal Communications and Marketing, Digital and Design activities.

b)

<b>Reporting Period</b>	<b>Actual Headcount</b>	<b>FTE</b>
01/01/2017	6	4.1
01/02/2017	6	4.1
01/03/2017	6	4.1
01/04/2017	7	5.1
01/05/2017	7	5.1
01/06/2017	7	5.1
01/07/2017	6	4.1
01/08/2017	6	4.1

<sup>1</sup> The non-staff costs for 2020 and 2021 include the costs associated with 'central COVID-19 costs' relating to printing, press conferences and advertising which cannot be recharged to departments. These costs are £254,977.65 for 2020 and £24,003.40 for 2021 to date.

<sup>2</sup> The total costs for 2017 and 2018 do not include all the staff and non-staff costs for the Communications team across the Government of Jersey. This is because Communications Staff were charged to individual departments during 2017 and 2018 rather than the Communications Directorate.

01/09/2017	8	6.1
01/10/2017 ( <b>Communications Transition Team appointed</b> )	7	5.1
01/11/2017	6	4.1
01/12/2017	6	4.1
31/01/2018	4	3.2
28/02/2018	5	4.1
31/03/2018	5	4.1
30/04/2018	6	5.1
31/05/2018	6	5.1
30/06/2018	4	3.3
31/07/2018 ( <b>Communications Directorate Established</b> )	6	5.3
31/08/2018	10	9.1
30/09/2018	15	14.9
31/10/2018	23	21.8
30/11/2018	24	22.9
31/12/2018	24	22.9
01/01/2019	26	24.9
01/02/2019	25	23.9
31/03/2019	29	27.9
30/04/2019	29	27.9
31/05/2019	30	28.7
30/06/2019	30	28.7
31/07/2019	30	28.7
31/08/2019	30	28.7
30/09/2019	29	27.7
31/10/2019	30	28.7
30/11/2019	30	28.7
31/12/2019	30	28.7
31/01/2020	32	30.0
29/02/2020	32	30.0
31/03/2020	31	29.3
30/04/2020	29	27.4
31/05/2020	32	27.4
30/06/2020	31	27.6
31/07/2020	34	30.6

31/08/2020	34	30.6
30/09/2020	35	31.9
31/10/2020	35	32.9
30/11/2020	35	32.9
31/12/2020	35	33.9
31/01/2021	36	34.8
28/02/2021	37	35.8
31/03/2021	39	37.8
30/04/2021	39	37.8
31/05/2021	39	37.8

As per the answer to [WQ.216/2018](#), prior to 2018 a large number of staff across government had communications responsibilities as part of their role, and this was often not included in their job titles. Moreover, external agencies hired to provide PR or other support were hired on a project cost basis, which cannot be broken down into its component elements, such as staff time. It is unfortunately therefore not possible to give an accurate breakdown of comparable communications staff prior to 2018.

The transition from a Communications Unit to a centralised Communications Directorate has not only led to savings in marketing, design, and PR services but has also led to a significant increase in media output by the Government of Jersey as the below tables illustrate.

Table 1 – Social Media

<b>2017</b>		<b>2021</b>	
<b>Channel</b>	<b>Followers</b>	<b>Channel</b>	<b>Followers</b>
Twitter	11,458	Twitter	20,200
Facebook	7,734	Facebook	40,772
Linkedin	3,924	Linkedin	12,211
Instagram	1,073	Instagram	10,400
YouTube	253	YouTube	1,640

Table 2 – Internal Comms

<b>2017</b>		<b>2020</b>	
<b>Internal updates</b>	<b>Emails</b>	<b>Internal updates</b>	<b>Emails</b>
All colleague email updates	18	All colleague email updates	54
All manager email updates	14	All manager email updates	56

Table 3 – External Comms

<b>2019</b>		<b>2020</b>	
Press releases	706	Press releases	914
Media Queries	2,695	Media Queries	4,574
Pieces of designed content	2,534	Pieces of designed content	4,816
		COVID Press Conferences	49

#### **4.3 Deputy M. Tadier of the Minister for the Environment regarding complaints in relation to St. Peter’s Technical Park (WQ.285/2021):**

##### **Question**

Will the Minister state whether there are any ongoing or outstanding complaints in relation to St. Peter’s Technical Park, provide detail of how many complaints have been made in 2021 and advise whether they have all been responded to, and if not, why not?

##### **Answer**

##### **Environmental Health**

A petition was received by the Minister in April 2021 signed by 48 residents. This related to cooking odours coming from the Hospital Catering unit. Environmental Health sent Odour Nuisance diaries to all petitioners, asking them to provide details of any incidents during May 2021. These were to be returned in early in June. Officers also undertook site visits during this time and are currently assessing the evidence obtained during this ongoing investigation.

5 other complaints were received in 2021 and are categorised as follows:

- 2 complaints were received in relation to odours coming from the Catering unit. These were investigated and the matter not deemed to constitute a statutory nuisance. The complainants were kept updated throughout.
- 1 complaint was received in relation to noise from the charging of the delivery vehicle at the Hospital Catering unit. This was investigated and deemed not to constitute a statutory nuisance. The complainant was kept updated throughout the investigation.
- 1 complaint was received in relation to a low frequency noise coming from the park. The complainant was kept updated throughout the investigation.
- 1 complaint was received in relation to noise from an unknown source at the park. The complainant was kept updated throughout the investigation.

##### **Planning**

In addition to the above matters, there remains an ongoing complaint regarding:

- The loading and unloading of vehicles outside one of the units;
- The storage of materials outside the units; and

- The sale of vehicles from one of the units.

These have all been investigated and the complainant has been updated.

I can confirm that a process has been established between the IHE Department and the Parish of St Peter with the assistance of the Resolution Centre to resolve complaints going forward. In summary, the process requires complainants to liaise with the Parish who will collate any and all complaints and then liaise with the Department as a central point of contact. The process aims to ensure, for the benefit of users and residents alike, that the Technical Park can operate whilst also respecting the nearby residents. I would like to thank the Constable of St Peter for his work and for supporting the process with resources from the Parish.

#### **4.4 Deputy M. Tadier of St. Brelade of the Dean of Jersey regarding anticipated changes to Canon Law (WQ.286/2021):**

Will the Dean advise the Assembly –

- on the progress, if any, to the changes to Canon Law (including the Articles concerning women bishops); and
- whether there is any estimated date for them to be brought to the Assembly?

#### **Answer**

A final draft of the Canons of the Church of England in Jersey, which includes the necessary Canon to allow women to be bishops in the Deanery of Jersey, was approved by the Bishop of Salisbury on 4<sup>th</sup> June 2021. The draft Canons will go before the Deanery Synod on 29<sup>th</sup> June for their approval and will be brought before the States Assembly at the earliest opportunity thereafter.

#### **4.5 The Connétable of St. John of the Minister for Infrastructure regarding vacancies within the Infrastructure, Housing and Environment Department (WQ.287/2021):**

#### **Question**

Further to responses he provided during the States meeting on 8th June 2021, will the Minister advise –

- how many vacancies there are presently within the Infrastructure, Housing and Environment Department;
- the number of vacancies per month since the Department's formation in September 2020;
- the longest outstanding vacancy within the Department; and
- what consideration, if any, has been given to outsourcing administrative functions within the Department?

#### **Answer**

In response to this question, I have provided information regarding vacancies within my portfolio which include the Operations and Transport Directorate, Property Directorate, and Driver & Vehicle Standards within the Regulation Directorate. I cannot provide information about vacancies of other Minister's portfolios within the Infrastructure, Housing and Environment Department.

- There are presently 94.36 FTE vacancies within my portfolio.
- The number of vacancies per month within my portfolio since the Department's formation in September 2020 are as follows.



Month	Operations & Transport Directorate	Property Directorate
September 2020	60.2	13.15
October 2020	63.39	12.15
November 2020	60.39	12.15
December 2020	58.39	12.15
January 2021	65.39	12.15
February 2021	Unavailable due to Target Operating Model Consultation	11.15
March 2021	82.8	12.15
Apr 2021	80.8	13.15
May 2021	81.21	13.15

- (c) Regarding the question of the longest outstanding vacancy within my portfolio, unfortunately this information is not available.
- (d) No consideration has been given to outsourcing the administrative functions within the Department, although a Service Review will be undertaken once we have the resources to do this.

#### **4.6 The Connétable of St. John of the Minister for Infrastructure regarding the Bonne Nuit sewage treatment plant (WQ.288/2021):**

##### **Question**

Will the Minister advise –

- (a) what measures are being taken by the Infrastructure, Housing and Environment Department to manage the quality of output from the Bonne Nuit sewage treatment plant;
- (b) how often the output is measured for quality;
- (c) whether he will engage with Environmental Health to ensure that the quality of water at Bonne Nuit is routinely measured, given that there is a sewage treatment plant situated in the Bay; and
- (d) whether he and his Department, in considering this matter, take any account of the safety of people swimming next to untested sewage outlets and, if so, what assessment has been made of the safety of swimmers at Bonne Nuit?

##### **Answer**

- (a) The Departments telemetry system continually monitors the plant for any faults. The biological treatment in the activated sludge part of the plant is monitored using dissolved oxygen probes to

ensure the correct level of treatment is maintained at all times. There is additionally a suspended solids monitor on the outlet to make sure the effluent meets the required standards. We have on call teams working throughout the night who will be alerted if any alarms arise, and the relevant resources are deployed. On the rare occasion that the plant has gone out of specification the outlet gets diverted to a large holding tank which is tankered back to Bellozanne. Bonne Nuit is a miniature version of Bellozanne treatment plant and has the same level of monitoring.

(b) The output is measured for suspended solids continually. A sample is taken weekly for full analysis to ensure the plant is compliant with the standards required in the discharge certificate.

(c) The Minister has agreed to ask Environmental Health to carry out a review of all bathing water sampling locations in advance of the next season (2022).

(d) The treatment plant at Bonne Nuit as at Bellozanne has an ultraviolet plant to ensure the water quality is maintained for this important recreational water.

#### **4.7 The Connétable of St. John of the Minister for Infrastructure regarding the mains drains network and road safety schemes (WQ.289/2021):**

##### **Question**

Will the Minister advise –

- (a) what bids, if any, the Infrastructure, Housing and Environment Department made for funding from the two tranches of Fiscal Stimulus funding with regard to both extending the mains drains network and road safety schemes;
- (b) if no such bids were made, why not; and
- (c) if no such bids were made, what the Minister is doing to ensure that basic drains infrastructure is extended to reach more areas in a timely fashion?

##### **Answer**

(a) No bids were made from the Infrastructure, Housing and Environment Department for fiscal stimulus funding for extending the mains drains network or road safety.

(b) The principal drainage priority for the Island is to reduce surface water infiltration in catchments which are struggling during high rainfall events. The Island does have a very good connection rate with 92% of properties connected to the mains drains. We do want to increase this figure and we would like to undertake addition extensions, but they need to be prioritised as the cost per property in some catchments is very high. We also need to reduce infiltration in the downstream catchments to ensure there is capacity that the networks can be extended and won't be overloaded.

The programme of road safety schemes is led by a combination of collision cluster analysis and structured appraisal of road safety intervention requests from the public and government and non-government organisations. Where it is found that a useful intervention can be made, they generally fall into one of three categories education, enforcement and engineering. If it is an enforcement action, a request is made to the appropriate police force, education matters would normally be passed to the police's Road Safety Officer/ DVS Road Safety Panel (interested parties who promote public campaigns) and finally, engineering issues which would be reviewed by IHE engineers.

Where there is a potential road engineering intervention, this then goes through a triage system to identify where it sits in our prioritised programme. Engineering intervention generally takes 2yrs+ to deliver due to the need to profile workload in accordance with budget and resources, but also the complexity that is often involved in these works – the necessary design, review / auditing, consultation, land acquisition, drainage issues, street works co-ordination, etc.

Most request are not truly road safety, in that there is not a statistically significant injury accident history, rather it is about improving accessibility and creating more comfortable infrastructure for vulnerable road users. So we must also work in line with the ambitions of the Sustainable Transport Policy (STP) as it encourages active travel. However, areas with a collisions history receive the highest priority.

Funding for such schemes is available from within the Department's budgets, Car Park Trading Fund, Climate Emergency Fund (where there is a significant STP benefit) and in some instances Planning Obligation Agreements, where demand or desire for movement is increased by a new development, this is a useful mechanism as it often also provides the mechanism to acquire the land required to accommodate any new facilities, such as footpaths or crossings.

The government's road strategy and procedures are in the process of being reviewed within a safe systems framework as required by P.5/2021. and this will result in a more holistic and strategic approach across Government, including working in collaboration with multiple key stakeholders.

There was a very short timescale given for the delivery of fiscal stimulus bids. Extension to mains drains does take a significant amount of design time and the Department would not have been able to deliver a scheme in such a short period. Similarly, as set out, road safety schemes projects require significant design and consultation work up-front prior to scheme being implemented.

- The timelines in which to plan, design tender and construct these projects are limited to the end of 2021 under Fiscal Stimulus rules, therefore it would be unrealistic to expect the projects to be completed in time.
- There is already a capital programme to cover works in these areas which is prioritised and funded by the Infrastructure Rolling Vote.
- Existing staff capacity is low due to recent recruitment freezes and the outcomes of the Target Operating Model. If staff were deployed to work on fiscal Stimulus projects, then there is significant risk that the other pre-existing projects would not get completed.

(c) With the population of the Island increasing, we are updating our liquid waste strategy which was last carried out in 2013. At that time the sewage treatment works was the critical infrastructure which needed updating to modern standards. The construction of the new sewage treatment works is now well under way and due to be completed late 2023.

The review of the liquid waste strategy will now concentrate on the network, where we need to replace aging infrastructure as well as upgrading and extending for the islands increasing population. This will identify where funding is required and form the basis of future capital bids. The strategy is due to be completed by the end of 2022.

#### **4.8 Deputy C.S. Alves of St. Helier of the Minister for Children and Education regarding reviews undertaken by the Children, Young People, Education and Skills Department (WQ.290/2021):**

##### **Question**

Will the Minister advise –

- (a) what reviews, if any, are currently being undertaken by the Children, Young People and Education and Skills Department;
- (b) what the target completion date is for any such reviews; and
- (c) what the proposed timescales are for the implementation of any recommendations arising from any such reviews?

## Answer

(a)	(b)	(c)
Inclusion Review	July 2021	To be confirmed
Town Primary Schools Review (lead by Jersey Property Holdings)	Summer 2021	To be confirmed
Jersey Schools Review Framework*	Spring 2024	Summer 2025
Jersey Youth Service review by National Youth Agency	March 2022	To be confirmed

\* There are no reviews being undertaken at present. The reviews of Jersey schools was paused in January 2020 because of COVID-19. Thus far, there have been five reviews. The review of schools will resume in January 2022 and it is anticipated that all schools will be reviewed by autumn 2023 to spring 2024. Most recommendation are implemented within a year to eighteen months of the review.

### 4.9 Deputy C.S. Alves of St. Helier of the Minister for Children and Education regarding students from European countries (WQ.291/2021):

#### Question

Will the Minister –

- provide a breakdown of the number and age of any students joining local schools in the last 5 years due to their families relocating to Jersey from European countries;
- advise whether or not the impact of the new immigration and visa requirements on the projected number of new students relocating from Europe to Jersey has been investigated; and
- if so, what impact it is expected there will be on the projected number of students in schools, on school funding, and on any other relevant areas that have been identified?

#### Answer

(a) This table shows the number of children who have joined non-fee paying schools from European countries (excluding the Common Travel Area), since May 2018 up to June 2021. Applications prior to May 2018 were not made online. Although available this information is difficult to access as it will need to be pulled from numerous sources, making this less reliable). We are unable to provide a breakdown by age, as the data contains numbers fewer than five.

Year	Number of Children
2021	12
2020	52
2019	65
2018	32

(b) The impact of the new immigration and visa requirements is not yet known as there is not enough data to make an accurate forecast. A study has begun, that analyses data from the first half of 2021 and compares that to data from 2019 and 2020.

(c) Early indications show that in the first 6 months of 2021 there have been 12 applications for a non-fee paying school place where the student currently resides in Europe (excluding the Common Travel Area) compared to the same period in 2020 where there were 20 applications and the same period of 2019 where there were 33 applications.

For 2020, applications were down 20% on the previous year. This could be attributed to the effects of the pandemic which will also have a similar effect on 2021 applications. Taking this into account, the forecasted number of applications for 2022 (without the effects of the pandemic) is between 30 and 40. Further analysis will be made once more data is available.

There is no impact on school funding.

#### **4.10 Deputy C.S. Alves of St. Helier of the Minister for Children and Education regarding antisocial behaviour in and out of schools (WQ.292/2021):**

##### **Question**

Will the Minister outline what strategies and resources are in place to support young people who are found to be engaging in antisocial or criminal behaviour, both inside and outside of school?

##### **Answer**

The Jersey Youth Service provides a range of preventative interventions which are based on group or individual interventions. These interventions are through the following

**Universal** offer of 13 youth clubs around the Island which provide children and young people something to do, somewhere to go and someone to talk with. These clubs are open 3 to 5 nights per week all over the island.

**Universal +** which are project with more focus such as LGBTQ, Young Carers, the Youth Enquiry Service the Islands Information, Advice and counselling, Prince's Trust to get young unemployed adults into Education, Training and Employment, Street work which targets areas young people gather and engage them in conversation, challenge any behaviour and provide a listening ear and Youth Arts that provided young people with the opportunity to engage in the art.

**Targeted** – Targeted Youth Support (TYS) is a new element to the service from May 2021 that provides a tailored approach to support individual young person who maybe starting to get involved with crime and ASB. All service can refer a young person into TYS. Following a referral, the case is reviewed alongside a set- criteria and if successful a 3- month programme is written in partnership between a Youth Worker and young person on what they would like to achieve. The 3 months can be extended if felt required.

The TYS will require funding going forward in the Government Plan from 1<sup>st</sup> Jan 2022.

##### **Inside school support for ASB:**

- Additional support through Social Emotional Mental Health Inclusion Team, Psychology and Wellbeing Service, Special Education Need and Disability, Education Welfare Team,
- Operation Divert – bringing together a multi-agency approach for identified young people requiring support.
- SEN support with arrangements to meet need for support in lessons
- PSHE addressing positive relationships and areas of anti-social behaviour

- Bespoke timetables to support SEMH provision for children with need
- Outdoor/offsite - learning opportunities to support learning and build aspirational goals
- Pastoral Support Plans for multi-agency teams which will also address concerns outside of schools
- Early Help Process which will support in and out of school
- ‘In reach’ and outreach support by the Jersey Youth Service, Skills Jersey, Probation Service, School and Youth Focus Officer
- Outside agency support for specific need e.g., MIND Jersey, You Matter, Barnardos, Jersey Cares
- Triple P parenting support through The Bridge and other trained professionals

#### **4.11 Senator S.Y. Mézec of the Chief Minister regarding the Housing Policy Development Board’s recommendations (WQ.293/2021):**

##### **Question**

Given that, during Questions Without Notice in the Assembly on 8th June 2021, the Chief Minister indicated that some of the recommendations made by the Housing Policy Development Board in R.63/2021 were “not accepted”, will the Chief Minister state which of the recommendations were not accepted, and what deliberations were undertaken by the Government in making such a decision?

##### **Answer**

The Government’s response to the recommendations of the HPDB is contained within the [Creating Better Homes Action Plan](#), published on 4 June 2021. The Government has responded to each of the Board’s recommendations, primarily through linking recommendations made by the Board to relevant actions set out in the Creating Better Homes Action Plan. The Government is already taking forward many of the Board’s recommendations, principally through the Government Plan and Island Plan frameworks, which is reflected in the Creating Better Homes Action Plan.

Ministers have given significant consideration to the recommendations of the HPDB, principally through meetings of the Political Oversight Group on Housing (Chaired by the Minister of Housing and Communities) and at CoM.

#### **4.12 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding LibertyBus financial returns (WQ.294/2021):**

##### **Question**

Given that, in response to Oral Question 120/2021, the Minister stated that income generated by LibertyBus is returned to parent company HCT Group “as per the relevant clauses within the contract”, will the Minister state how the return from LibertyBus to HCT Group is tracked by his Department, and what the annual returns have been since the beginning of the bus contract with HCT Group?

##### **Answer**

As with the previous contract dating from 2002 and awarded to Connex Bus UK, the 2013 Bus Operator Contract was commercially tendered in accordance with the States of Jersey’s Financial Codes. The Contract provides mechanisms for the determination of payments and the reconciliation of accounts on an open-book basis.

As is normal in business, LibertyBus makes a financial return to the parent company which contributes towards group costs, which in turn generates benefits for LibertyBus through reduced shared service costs, purchasing scale, access to innovation, and further investment and expertise.

As with all Government of Jersey's commercial contracts, these provisions are privileged to the parties to the contract, and are considered commercially sensitive. HCT Group financial statements are available to view via their [Annual Reports and published accounts](#) webpage. LibertyBus is listed under the registered name 'CT Plus Jersey Limited'.

**4.13 Deputy R.J. Ward of St. Helier of the Minister for Housing and Communities regarding evictions after Covid-19 rule changes (WQ.295/2021):**

**Question**

Will the Minister advise how many people are facing eviction following the end of the moratorium on evictions that was temporarily in place due to the Covid-19 pandemic?

**Answer**

The number of eviction cases brought to court after 30<sup>th</sup> September 19 (when the Covid-19 amendment to the Law was repealed) is 22 at today's date.

Out of these 22, 12 resulted in an eviction being ordered. The remaining cases were either settled between parties, the case withdrawn by the landlord or adjourned to no fixed date (Sine Die) until resolved privately. One case only remains live and will be heard again in court this week.

The Court is unable to provide the level of detail you are seeking in relation to whether the cases brought to court over non-payment of rent or anti-social behaviour are related to the Covid pandemic or not as this information doesn't form part of the court record, which details only the decision made by the Court.

**4.14 Deputy R.J. Ward of St. Helier of the Minister for Housing and Communities regarding employees with Long Covid in the Health and Community Services Department (WQ.296/2021):**

**Question**

Will the Minister state how many employees in the Health and Community Services Department are currently suffering from 'Long Covid' and what plans for the workforce, if any, are in place to address this situation?

**Answer**

Up to now, fewer than five HCS employees have been diagnosed with Long Covid, and most of these colleagues are now back at work. If employees are off work with Long Covid, they receive regular contact from their line manager. The absence is not counted towards their sickness absence management total. On return to work, they receive additional time in their phased return to work to ensure they are fit and able to carry out their work activities.

In terms of clinical care for the affected employees, as with other illnesses, this is managed through primary care with referral to secondary and tertiary care as needed. There is also the continuation of the well-being offer, which all HCS employees can access if assessment demonstrates this will benefit the individual.

More broadly, work continues across Government departments to assess the impact of Long Covid generally on Islanders and Public Health is working with stakeholders to ensure that those with the condition are identified and that any future developments in Long Covid care are based on a clear picture of need.

**4.15 The Connétable of St. Brelade regarding hydro-carbon based investments of the Minister for Treasury and Resources (WQ.297/2021):**

**Question**

Given the Island's aspirations towards carbon neutrality, will the Minister advise –

- (a) what the present weighting of the States' portfolio is in hydrocarbon-based investments;
- (b) whether there will be a strategy developed to withdraw from any such investments; and
- (c) what the estimated loss of revenue is of withdrawing from any hydrocarbon-based investments?

**Answer**

Due to the broad definition of hydrocarbon the Minister has assumed that the Connétable is referring to natural gas, crude oil and coal, commonly known as fossil fuels.

- a) As at 30<sup>th</sup> April 2021 (the most recently audited date) the total value of the Common Investment Fund ("CIF") was £4.1 billion. Approximately 0.7% (£28.7 million) of the CIF is invested in the energy sector (i.e. fossil fuel extracting companies) through the Equity pool. This compares favourably to the benchmark MSCI World Index (i.e. is lower) which has an allocation of approximately 3.3%.
- b) The Minister's approach to acting as a socially responsible investor is detailed on pages 8 to 10 of the States of Jersey Investment Strategies which is available to all States Members and the public.

<https://statesassembly.gov.je/assemblyreports/2021/r.7-2021.pdf>

- c) It is difficult to estimate the "loss of revenue" from excluding fossil fuel stocks from the portfolio as that is effectively attempting to forecast future investment returns. Enforced divestment from Energy related sectors reduces the available universe of stocks and investment managers which the Minister can select, this is likely to have negative consequences from both an investment performance perspective and for the diversification of risk.

Whilst only £28.7 million of funds is held in fossil fuels, due to the pooled nature of the investment manager portfolios, full divestment would be required. This would involve removing investment managers who hold approximately £500 million of funds on behalf of the States and sourcing new managers for the Equity pool.

**4.16 Deputy M.R. Higgins of St. Helier regarding the Jersey Police Complaints Authority of the Minister for Home Affairs regarding the Jersey Police Complaints Authority (WQ.298/2021):**

**Question**

Will the Minister advise members in detail –

- (a) what the nature is of the oversight of the Professional Standards Department by the Police Complaints Authority;
- (b) what checks and balances exist to ensure that the Police Complaints Authority does its job; and



- (c) what remedies are available to members of the public if either the Professional Standards Department or the Police Complaints Authority is suspected of failing to do their job properly?

### **Answer**

#### **(a) what the nature is of the oversight of the Professional Standards Department by the Police Complaints Authority;**

In accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline) (Jersey) Order 2000, the role of the Authority is to oversee, monitor and supervise the investigation by the States of Jersey Police, and such other external Police Forces as circumstances require, of certain complaints made by members of the public against States of Jersey Police (SOJP) officers and Honorary Police officers.

Under the Law, the Authority is required to supervise the investigation of any complaint alleging that the conduct of a member of the Police Force resulted in the death of or serious injury to some other person. The Law also provides for the Authority to supervise other cases referred to it by the Chief Officer which do not arise from complaints by members of the public but where it is felt that supervision would be in the public interest. Generally, an investigation into an individual's death during or shortly after being in police custody will be voluntarily referred by the States of Jersey Police.

The Law requires the Authority to approve the appointment of an investigating officer and its responsibility is to ensure that the investigations it supervises are carried out in an impartial, thorough, and meticulous manner. The Authority's focus is on possible breaches of police conduct standards and any related disciplinary issues. It is required to confirm its agreement to disciplinary action where a complaint has been deemed substantiated.

It is acknowledged that members of the Authority are not trained investigators and it is not their role to conduct the investigation. However, they must ensure, wherever possible, that all aspects of the investigation have been covered. Members should be encouraged to challenge the investigating officer on any aspect of the investigation which the member feels are unsatisfactory or insufficiently thorough. The Authority does not have investigatory powers outside of its review of the investigating officer's report and follow on correspondence.

#### **(b) what checks and balances exist to ensure that the Police Complaints Authority does its job; and**

On receipt of the SOJP investigating officer's report, together with relevant documents and evidence, the supervising member will review, scrutinise and take further action to question any element of the investigation in order to ascertain whether the investigation has been carried out to their satisfaction. In support, the Authority operates a 'second review process' whereby a second independent review of the documentation is completed by the Chair or Deputy Chair before reaching a conclusion on the conduct of the investigation. Upon completion of the review the supervising member and the Chair or Deputy Chair will prepare and sign a statement for retention on the Authority's file confirming if he/she agrees with the findings of the investigating officer's report and why. If the supervising member or Chair/Deputy Chair does not agree with the findings of the investigating officer he/she will state so in writing, providing reasons. A written statement will then be prepared to confirm that the investigation has been conducted to the satisfaction of the Authority. If the Authority is satisfied with the investigation but has concerns regarding the investigating officer's conclusion, the satisfaction statement should still be sent but a supplementary letter covering their concerns and recommendations should be sent to the AG/CO/DCO (if appropriate).

#### **(c) what remedies are available to members of the public if either the Professional Standards Department or the Police Complaints Authority is suspected of failing to do their job properly?**

If the complainant is unsatisfied with the investigation as opposed to individual conduct, the complainant may apply for an administrative appeal through the States of Jersey Complaints Board or judicial review. In the event that the complainant is unsatisfied with the conduct of an individual of the JPCA, the Authority operates an internal complaints procedure in respect of complaints received about its members and staff. The complainant should set out the details of their complaint and submit it to the Authority who will manage the complaint under the Authority's policy.

**4.17 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding juveniles and stop-and-searches (WQ.299/2021):**

**Question**

Further to Written Question 280/2021, will the Minister –

- (a) explain the reasons for the rise in the number of juveniles who have been stopped and searched by police in Jersey between 2016 and 2020, with particular reference to the sharp increase in stop-and-searches recorded between 2019 and 2020; and
- (b) state whether any of the recorded stop-and-searches involve the same children being stopped more than once and, if so, how many times such children were each stopped and searched?

**Answer**

- (a) The figures for stop and search relate to police powers and activity for both stolen and prohibited items, as well as controlled drugs. There has been a well-documented focus on the actions of some young people over the last couple of years, actions that have resulted in a number of police operations and the associated use of stop and search powers. All of this recent work and focus has contributed to the increase over the last couple of years.
- (b) Over the period 2016-2020 inclusive, a number of young people have been stopped and searched on more than one occasion:

26 young people have been stopped and searched on 2 separate occasions

9 young people have been stopped and searched on 3 separate occasions

6 young people have been stopped and searched on 4 separate occasions

3 young people have been stopped and searched on 5 separate occasions

5 young people have been stopped and searched on between 7 and 11 separate occasions

1 young person has been stopped and searched on 32 separate occasions

**4.18 Deputy M.R. Higgins of St. Helier of the Minister for Infrastructure regarding the former Director General of the Infrastructure, Housing and Environment Department (WQ.300/2021):**

**Question**

Will the Minister explain in what way, and for what reasons, the former Director General of his department was employed as a consultant after leaving the employment of the States of Jersey; will he further explain the duration of the consultancy work, its value, and whether the work contracted for was put out for tender; and if not, will he explain why not?

**Answer**

I can confirm that the former Director General of Infrastructure, Housing and Environment has not been employed by the department as a consultant after leaving the Government of Jersey. The DG is

free to pursue his own professional career in the private sector which he is doing. I am aware that he has provided services to two private companies who are currently contracted to Government. That is an arrangement between the former DG and those private companies. It does result in his expertise being provided to those companies, and therefore into the department via that arrangement.

**4.19 Senator T.A. Vallois of the Minister for Treasury and Resources regarding projects deferred to fund the Our Hospital project (WQ.301/2021):**

**Question**

With reference to ‘Transfers between Heads of Expenditure under the Public Finances (Jersey) Law 2019: Article 18 – 28th May 2021’ (R.105/2021), will the Minister advise whether the projects that are being specifically deferred to continue funding the hospital project are being deferred because they are behind schedule or because the costs are too high for them to be completed; and if neither of these reasons applies, will the Minister provide a full explanation of the relevant reason for the deferral of the project?

**Answer**

The projects transferring funding to enable the continuation of the Our Hospital project were identified by various departments within Government, for one of three reasons:-

- They currently have funding allocated but that could be funded a different way,
- They have not made the level of progress expected and are therefore likely to slip into 2022 anyway and projects that can be delayed until 2022; and
- Projects that no longer need the funding they have.

The following table shows which category each head of expenditure releasing funding falls under: \_

Head of Expenditure	Project Title	Defer to 2022	Funded from COCF	No longer required	Transfer to Projects in 2021
		£	£	£	£
B00GP21008	Court Digitisation	-819,000			
C00GP21012	Electronic Document Management	-500,000			
C00MP20003	Cyber (Major Project)	-2,000,000			
C10GP21001	Central Planning Reserves	-250,000			
DH0GP21010	Combined Control IT	-400,000			
DH0GP21011	Electronic Patient Records	-130,000			
DH0GP21024	Aerial Ladder Platform	-671,000			
FA0GP21002	Discrimination Law Safeguarding	-1,500,000			

FA0GP21003	Schools Extension Improvements	- 1,586,000			
FA0GP21033	Rouge Bouillon Site review outcome	- 1,500,000			
I00GP21009	Regulation Digital Assets	- 1,000,000			
N00GP21018	Sports Division Refurbishment	-500,000			
Q00MF18020	La Collette Waste Site Development	- 1,800,000			
Q00MP20004	Vehicle Testing Centre (Major project)	- 1,800,000			
B00GP21025	Conversion Courtroom		-440,000		
DH0GP21029	Dewberry House SARC 2021		- 1,800,000		
FA0MD16054	Grainville Phase 5			-600,000	
FA0MF14040	Demolition Fort Regent Pool			-400,000	
I00GP20016	Refit & Replacement of Fisheries vessels			-100,000	
J00MP21007	Our Hospital (Phase 2)				17,796,000
Totals		- 14,456,000	- 2,240,000	- 1,100,000	17,796,000

**4.20 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding orthopaedics appointments (WQ.302/2021):**

**Question**

Will the Minister advise whether appointment letters for referral to an outpatient appointment with the orthopaedics team include a date and time for the appointment and if not, why not; will he further advise whether such letters either invite the patient to seek private care or suggest they may do so and if so, why; and will he also state to how many hours of public interventions the current consultant is committed under their contract, rather than private work?

**Answer**

All outpatient appointment letters include the date and time of the appointment. The letter does not include information about private care.

A waiting list letter is sent to (clinically triaged) routine patients when a routine appointment is not available within six months. The following sentence in italics below is on the waiting list letter:

*Should you decide to seek private care, please ensure you contact the Appointments department so that your name can be removed from the public waiting list.*

This is included to ensure that people who choose to seek treatment privately are removed from the waiting list, so avoiding duplication.

Orthopedic consultants have a contract which requires them to deliver public service of 10 x 4-hour sessions of ‘programmed activity’ a week. This may include: on-call responsibilities; professional development; theatre; clinics; and administration time.

**4.21 Deputy K.F. Morel of St. Lawrence of the Education tabled an answer on 21st June 2021 to a question asked by regarding referrals to the Children and Adolescent Mental Health Services (C.A.M.H.S.) (WQ.303/2021):**

**Question**

Will the Minister advise how many children of school age have been referred annually to the Children and Adolescent Mental Health Services (C.A.M.H.S.) in the years from 2018 to date?

**Answer**

The data below shows the number of referrals to CAMHS for children aged 4-16. Age is calculated based on the age of the child at the date of referral. Please note this is all referrals, not individuals – some individual may have more than one referral in the time period and some referrals were not accepted into the service. Data dates are January 1st 2018 to May 31st 2021 inclusive.

Year	Number of Referrals
2018	478
2019	537
2020	594
2021 (to May)	329

**4.21 Deputy K.F. Morel of St. Lawrence of the Minister for Children and Education regarding pupils with mental health issues (WQ.304/2021):**

**Question**

Will the Minister advise how many pupils of school age have been recorded annually as suffering from mental health issues in the years from 2018 to date?

**Answer**

The Department collect a termly “census” of all pupils, which gives a regular snapshot of pupil numbers and characteristics. As part of this, we collect details of any Special Educational Needs or Records of Need.

The data provided below identifies the number of pupils in Reception to Year 13 in each Spring term census who had a “Social, Emotional and Mental Health” need recorded on school systems.

Year	Pupils
2018	667
2019	508
2020	584
2021	602

It should be noted that some children will have this need recorded across several terms/years and will therefore be counted more than once in the above data.

**4.22 The Connétable of St. John of the Minister for Health and Social Services regarding minutes of the Scientific and Advisory Technical Cell (S.T.A.C.) (WQ.305/2021):**

**Question**

Will the Minister advise –

- (a) how long after a meeting of the Scientific and Technical Advisory Cell (S.T.A.C.) is held, each member of the Emergencies Council, the Competent Authorities, and the Council of Ministers receives a copy of the minutes of the meeting;
- (b) why S.T.A.C. minutes have not been published since the meeting on 29th March 2021;
- (c) what action, if any, he is taking to expedite the publication of all outstanding S.T.A.C. minutes and to ensure the S.T.A.C. minutes are published in a timely manner going forward; and
- (d) whether it his assessment that the support given by the States Greffe in the production and publication of the minutes is satisfactory?

**Answer**

As explained in the answers to W.Q.175/2021 (tabled 4 May) and W.Q.203/2021 (tabled 11 May), once STAC minutes are cleared by the Chair, they are able to progress straight to publication, rather than first being circulated to members of the bodies referred to in the question. The advice from STAC is generally conveyed to Ministers in person by the Chair and Vice Chairs as part of considering live issues, supporting good-quality and timely decision-making. Draft minutes are circulated as soon as possible after each meeting to the members and standing invitees of STAC, copied to the Director General for Strategic Policy, Performance and Planning, the Head of Ministerial Support and me.

As noted in the Chief Minister's response (S.R.7 Res) to the Corporate Services Scrutiny Panel's interim report on the Covid-19 Response and Recovery (S.R.7 2021) (presented 24 May), STAC minutes are published as soon as practical, whilst upholding the safe space to debate live issues. Most members of STAC have significant mainstream responsibilities, including clinical duties to patients and the provision of medical services for Islanders. Timing of publication reflects these commitments. Within that context, I understand that the Chair will be seeking to clear further sets of minutes for publication as soon as possible, while continuing to balance competing priorities as we move through the pandemic. I continue to monitor and seek publication as soon as practicable.

I am not aware that the States Greffe has any significant resource constraints affecting the professional service provided in the production of STAC minutes.

**4.23 The Connétable of St. John of the Minister for Children and Education regarding cars parked on school playgrounds (WQ.306/2021):**

**Question**

Is it the Minister's assessment that it is appropriate for cars to be parked by teachers in an active school playground during the school day, and will he advise –

- (a) how many schools allow cars to be parked in the active area of the playground;

- (b) what action, if any, he is taking to ensure cars are no longer parked in school playgrounds; and
- (c) when, if at all, it is expected that cars will no longer be parked in these playgrounds?

### Answer

Is it the Minister's assessment that it is appropriate for cars to be parked by teachers in an active school playground during the school day, and will he advise –

- a. how many schools allow cars to be parked in the active area of the playground;

There are three schools who park in playgrounds at present;

1. **St Mary** - As of the new build there is no parking on the playground. There is staff parking on the netball court, but this isn't in use until after school.
2. **St Luke's** - Historically (20 years ago) half of the school playground was reallocated to parking.
3. **St John** – There is very limited parking around St. John's. The school open their gates to allow staff access to park in the playground and then the gates are locked between 8:45 am - 3:15 pm. Staff cannot move their cars during this time, due to safety of pupils.

No other schools use their active playground as parking for staff cars, however there are 4 other primary schools that use their playground either before school, after school or both to aid parent drop off / pick up.

- b. what action, if any, he is taking to ensure cars are no longer parked in school playgrounds; and

1. **St John** - A proposition by the parish to create a car zone in a memorial garden opposite the school, was narrowly rejected by the planning committee, so at present they are left with no other option at this stage.
2. **St Luke's** – For a short period of time the school managed to get staff parking in the Georgetown Co-op however this was rescinded by a new manager, so they had no option but to revert back to previous arrangements.

- c. when, if at all, it is expected that cars will no longer be parked in these playgrounds?

At present the schools mentioned above have no available options to them so that they can remove cars from active playgrounds. However, all schools have robust traffic management systems, plans and risk assessments that are reviewed on a cyclical basis.

### 4.24 The Connétable of St. John of the Minister for Infrastructure regarding the 'Safer Routes to Schools' initiative (WQ.307/2021):

#### Question

Will the Minister advise –

- (a) what priority is being given to the 'Safer Routes to Schools' initiative within his portfolio;
- (b) how the prioritisation of schools for review within this initiative has been determined;
- (c) what priority, if any, is given to schools whose teachers currently park their vehicles in active playgrounds; and

- (d) when he expects to complete Safe Routes to Schools for both primary schools and for secondary schools?

**Answer**

- (a) Creating safer routes to school remains one of the highest priorities in my portfolio and I am keen that we put children at the forefront of our considerations when introducing improvements to our infrastructure.

The sustainable transport policy, which has been adopted by the states assembly, puts the need of children at the top of the Jersey mobility hierarchy and we are continuing to develop new policies and projects as quickly as resources allow.

- (b) The Department has limited resources for undertaking reviews of schools and their safer routes requirements, and they must necessarily be prioritised accordingly. To guide our investment programme we undertake travel planning initiatives with the schools to objectively identify the best ways Government can help with encouraging healthy and active travel. There is little point investing in, say, expensive infrastructure when simple things like introducing a lollipop person or encouraging car sharing might be the most practical and effective alternatives.

Thus projects are targeted in structured and prioritised manner where there is an evidenced need based upon demand (actual and unmet) and road safety data, rather than merely react to the calls of lobbyists without closely examining the evidence.

(Note - all requested for road safety improvements are put through a structure assessment process to by experienced and qualified road safety specialists, where a benefit might be achieved any scheme identified from this process is incorporated into the government's ongoing highway improvement programme, depending upon the circumstances in some instances it is more appropriate to refer the request to enforcement agencies or the Road Safety Panel for inclusion in their educational campaigns).

Due to the Departure of key staff prior to the STP Strong start the travel planning capability of the Department had waned, and many existing school travel plans had become dated. Under my stewardship I have worked to reenergise this initiative as quickly as possible so we can fulfil our commitment to put children first. Unfortunately, this had stalled during the pandemic but we are now looking to get back on track.

I have requested that the prioritisation of the travel planning initiatives takes place with schools in the St Saviours and St Helier area, as this is where we know the traffic problems are most acute. Once this is completed, it is our aim to have a rolling programme of updating all the school travel plans as quickly as resources allow.

- (c) Teachers and school visitors have their own particular needs, on-site parking arrangements are a matter for individual schools. IHE work using travel planning to support schools and students to make active journeys through the identification of barriers to travel and work to mitigate them, other components include events to encourage active travel.
- (d) Safer routes to school is an ongoing journey rather than a destination, we are looking to strive for continual improvement to make school travel as safe as it can possibly be. In the future as travel modes change and new technology changes the way that education is delivered, it is likely that further improvements can be made.

By way of illustration, I list below a sample of the types of works completed, in hand, and under development:



## Safer Routes to School

The Government has been running a programme of works to create safer routes to schools for a number of years, to encourage walking and where appropriate cycling to school, to reduce school congestion and improve student health.

The table below identifies the projects that have been completed:

School	SRTS Completed schemes
La Moye	Raised table zebra crossing Phase 1 Park and stride from Les Creux Country Park
Bel Royal	Pelican crossing on La Vallee de St Pierre Virtual footway on La Vallee de St Pierre Virtual footway on La Rue de Haut
La Rocquier St Clement St Christopher	New footway linking school to St Clement's Parish Hall along sports field Traffic calming measures on Pontorson Lane and Samares Lane Rue Maupertuis closed to through traffic New footway from Samare Nurseries development to Rue Maupertuis
St Lawrence	Village amenity car park to allow park and stride
Hautlieu	Virtual footway on Bagatelle Lane linking school with bus park Zebra crossing on Wellington Road
JCG VCP De La Salle Beaulieu	Virtual footway on Bagatelle Lane Zebra crossing on Wellington Road Additional Bus Layby on Wellington Road One-Way pick-up and drop off for system for Beaulieu
St Mary	New field footways linking residential areas to the school Road narrowing
Haute Vallee	Pilot raised table zebra crossing on St John's Road Pedestrian island at Clarke Avenue Dropped kerbs, tactile paving and trip hazard removal on Clarke Avenue
D'Auvergne	Pilot raised table zebra crossing on St John's Road Pedestrian island at Clarke Avenue Dropped kerbs, tactile paving and trip hazard removal on Clarke Avenue
Janvrin	Improved pelican crossing facilities on Rouge Bouillon Zebra crossing on Janvrin Road
Springfield	Zebra crossing on Janvrin Road

VCP	Speed reducing features on Pleasant Street
Les Quennevais	Cycle routes linking to existing off road track, Les Ormes and towards St Peter Resurfaced existing cycle route in tarmac
Rouge Bouillon	Footway widening on Rouge Bouillon New pelican crossing on Rouge Bouillon
Grainville St Saviour FCJ	Chasse Brunet closed to through traffic Zebra crossing on St Saviour's Hill
Grouville	Surfacing Off road path alongside Royal Jersey Golf Course – Completed Jan 2021 La Rue de la Haye de Puits – Pedestrian Improvements
St Lukes	Route du Fort / St Clements Road Crossing (Banned Turn)
Trinity	20mph zone on adjacent by-road access routes

An extensive process has recently been undertaken to review speed limits outside of Schools in St Helier and St Saviour and IHE have worked collaboratively with Comité des Connétables on this.

### Works in hand

In November 2020, the Minister for Infrastructure published an Active Travel Update. This document provides information on the wide range of projects and schemes that have commenced or will be delivered in the near future. Actions are identified on improvements in cycling infrastructure; education, training and promotion; digital mobility; and policy initiatives. The relevant programmes of work are provided below and many of these includes elements of safety initiatives:

Initiative	Status	
Bikability Training	Delivery of Bikeability and Ready Set Ride to primary school children teaching them how to ride a bicycle safely and giving them practical skills for today's roads	Ongoing
Cycling Officers	Recruitment of new staff to deliver Bikeability in schools, training courses for adults and disability cycle sessions to develop cycling skills and increase confidence to ride on roads.	2021 – 2022
School Travel Planning Initiatives	Ongoing work with schools to respond to requests for cycling infrastructure and to promote active travel.	2021 – 2022 Travel restrictions permitting for specialist resource

Let's look out for each other	Campaign to encourage more responsible use of public spaces and promote safety.	2021 – Police resource permitting
Don Road / George Town Road Eastern Cycle Lane (ECN)	Undertake a feasibility study for a pilot cycle lane as part of the Eastern Cycle Network. This provides access to the St Saviours Schools	2021 - 2022
FB Fields (ECN)	Community consultation being prepared ahead of developing a planning application. This link would potentially complete the cycle route from St Clement's Parish Hall to George Town. This provides the link to the Le Rocquier School cluster	2022 – Covenant issues permitting
Midvale Road	Proposals for enhanced pedestrian safety to be implemented. This provides links between the town and Janvrin/D'Auvergne schools.	2021 - 2022
Western Cycle Track	Infrastructure improvements between Les Jardins de la Mer and Bel Royal being developed.  A feasibility study being undertaken into the pinch point near the bottom of La Haule hill and creating enough space for cyclists and pedestrians. This provides greater connectivity for students accessing town and then onwards travel to the St Saviour's Schools cluster	Ongoing
Rue du Pont Marquet Crossing	Installing a toucan crossing on the railway walk to enhance safety and create safer routes. This provides safer routes to Les Quennevais and Mont Nicole Schools	2021
Hill Street Cycle Lane	The feasibility of a Hill Street contra-flow cycle lane from Halkett Place to La Motte Street is being investigated - an easier and more direct route to / from the east side of the town centre.	2021
Covered Cycle Parking	Plans for five town locations are being acted upon, this work will continue to look at active travel infrastructure in schools including cycle parking.	2021

La Route Orange	Safer routes to school (Zebra Crossing Le Moye School) Phase 2	2021
Mont Nicole	Improved pedestrian crossing facilities on Route des Genets	2021
Grouville	Resurfacing Grouville cycle track with asphalt - Complete	2021
Pilot crossings on St John's Road	Safer routes to school Haut Vallée (Zebra Crossing) One year pilot.	2020 - 2021
La Moye	Phase 2 Crossing to Le Creux and onward	2021
Active Travel Strategy	We will consult on, and publish, an active travel strategy setting out how walking and cycling will be promoted to all.	2021
Island Plan	The Island Plan sets out a proposals for the sustainable development to promote and enable more walking and cycling.	2021
St Helier Public Realm and Movement Strategy	Strategy being developed by Government of Jersey which will set the vision and principles for improving and enhancing movement and public realm within St Helier, with a focus on walking and cycling.	2021

On the 7th December 2020 the Government published an update to the Sustainable Transport Policy (STP) with the States Greffe. This is available as Report R.137/2020 on the States Assembly website and this document outlines progress to date on the STP and the impact of Covid-19 on this area of Government work.

The nature of transport projects means there are multiple constraints to their delivery which affect the timescales. Examples include the need to define the project, need and develop viable options with stakeholders including other authorities and in some cases landowners. There can also be long lead in times for equipment supply and contractor availability.

The government plan has identified increased workload in this area and increase capability and capacity, this is not something which can be built rapidly. The specialist expertise required to manage the design and development of transport and road safety projects requires a long programme of development of local employees and may require some recruitment of specialised and experienced expertise.

### **Future schemes at feasibility**

The programmes of work identified above constitute the forward delivery programme. In addition to these projects, there are a number of other workstreams emerging, with schemes being looked at in terms of feasibility and design.

<b>School</b>	<b>Future Schemes in feasibility</b>
JCG Prep	Walking bus

VCP	
St Saviour's Schools Cluster	School shuttle bus service from west of St Helier
St Luke	Traffic calming measures on Dicq Road
Rouge Bouillon Janvrin	Pedestrian improvements in Midvale Road
First Tower School	Crossings on the Inner Road
Plat Douet School	Crossings on Plat Douet Road
Trinity School	Ongoing talks with Parish representatives
Bel Royal	Improved junction crossing across Rue de Haut
Grainville	Review with Parish potential for improved access via the surrounding by-road network.
Springfield	Additional wig-wag lighting installed and road markings reinforced for temporary 20mph - Potential for further physical traffic calming St Mark's Rd
St John	Review with Parish potential for crossing on La Route des St Jean

The STP delivery team are also investigating the potential for schools to draw down on funding allocated in the Climate Emergency Fund for Sustainable Transport Infrastructure that will facilitate safe access to and from schools. This is a technically challenging and labour-intensive process as a suitable framework for schools to bid for funding will need to be identified. This is required to ensure that proposals are assessed in a fair and objective way so that value for money is delivered in terms of carbon reductions. Funding will also need to be granted in line with strict monitoring and performance targets to ensure funding is not absorbed into general school revenue budgets.

Delivery of the above will be in line with available departmental resources, as explained above. In addition, it is known that various parishes are planning and/or delivering schemes to promote safety near schools on their own roads within their own resources.

#### **4.25 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the recovery of overpayments (WQ.308/2021):**

##### **Question**

Further to the response to Written Question 78/2021, will the Minister advise what the “small daily adjustment” for overpayment recovery was in the years 2019 and 2020 and, given that Income Support awards are based on a measure of the sums required to meet the needs of low-income households, how assessors judge the impact on potential hardship caused through such adjustments?

##### **Answer**

The response to Written Question 78/2021 described the context in which overpayments of Income Support can occur. It outlined how small overpayments are a feature of Income Support, due to the

decision to pay the benefit in advance, to ensure that vulnerable households are not left without funds to support their basic needs immediately following a decrease to their household income.

It explained that most overpayments are small, and repaid quickly, but larger overpayments will often be caused by a household failing to notify Income Support of an increase in their income. When any overpayment recovery is made against an Income Support claim, it is because a household has had more money than they are entitled to and the money needs to be paid back.

Instead of requiring all money to be paid back at once, in most cases a small daily adjustment is taken from ongoing benefit entitlement

An analysis of active overpayment data as at the end of 2019 and 2020 shows that the most common repayment amount is £3 a day. As noted below each case is considered individually and there is a wide range of daily repayment amounts across all claims.

Each case is considered individually by an officer, who will set a repayment level that recognises the household's ability to repay. The officer will take into account a household's current income and what is known about any additional costs they face. The officer will also consider any current overpayment or loan repayment on their claim, and will consider all requests to reduce repayments where appropriate. They will consider the reasons for asking, the household's weekly income and outgoings against a reasonable length of repayment.

#### **4.26 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding dental services for young people (WQ.309/2021):**

##### **Question**

Will the Minister advise what specific actions, if any, her department has taken to improve the dental services provision to children and young people since the last review of such services in 2015; and if no action has been taken, explain why not?

##### **Answer**

It is presumed that the department referred to in the question is the Customer and Local Services (CLS) Department. The CLS Department does not provide dental services to children and young people.

In 2015 the then Health and Social Services Department and the then Social Security Department undertook a joint review of dental services and benefits. The review identified weaknesses in governance and data.

Following on from that work a Dental Action Group was created, feeding into the Sustainable Primary Care project which in turn created the foundations for the current Jersey Care Model. Since 2015, and within the new HCS structure, the Primary, Prevention and Intermediate Care Group has responsibility for developing governance and for addressing the general dental care needs of children and young people. This restructure has improved leadership and focus. Investigations into improved information systems have been undertaken and will feed into the broader Health and Community Services IT strategy.

Work is currently underway to produce a Dental Strategy and a Preventative Model for Children's Dental Services – this is a commitment in the Government Plan. Additionally, a cross departmental group has reviewed the impact Covid-19 has had on accessibility to dental services and this group are in the process of identifying opportunities to take recovery action.

#### **4.27 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding Covid-19 vaccination certification (WQ.310/2021):**

##### **Question**

Will the Minister advise what arrangements are in place to ensure Covid-19 vaccination certification is valid for individuals, including students, who receive their first dose in the U.K. and their second dose in Jersey?

**Answer**

From Tuesday 29 June we will accept proof of a complete course of an MHRA-approved vaccine from anywhere in the world.

Also, from 29 June, it will be possible to submit evidence of vaccination from more than one jurisdiction as proof of fully-vaccinated status. This means, for example, someone who has received their first Covid-19 vaccine in England and second Covid-19 vaccine in Jersey, will be able to upload details of both these doses separately, and evidence of single doses from different jurisdictions will be accepted in combination.

In line with the above changes, we are developing a single dose letter to ensure that those who have received one dose of the vaccine in Jersey have secure evidence of this dose; more information on the timeline for the production of this letter will be confirmed shortly.

At this stage, we are still in discussions with other CTA jurisdictions about the production of Covid Status Certificates for those who have received one dose of the vaccine in Jersey and one dose elsewhere. In the meantime, we hope that the arrangements as outlined above will support those who have not yet received a Covid Status Certificate.

In parallel with all the work outlined above, we are continuing to progress towards a digital solution by the end of July, which will provide evidence for those who have received one or two doses of the vaccine in Jersey in a digital format.

**4.28 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding capital or repair projects in schools affected by the Our Hospital project (WQ.311/2021):**

**Question**

Further to the presentation of R.105/2021, will the Minister state what capital or repair projects in schools, if any, will be affected by the transfers of funds to the Our Hospital project outlined in the report; and will he further state whether a Children’s Rights Impact Assessment (C.R.I.A.) has been undertaken in order to understand the impact on children of this decision; and if no such C.R.I.A. has been undertaken, will the Minister explain why not?

**Answer**

The following projects will be affected by the transfer of funds to the Our Hospital project.

Capital Project	Original Government Plan (GP) spend profile	Original GP spend profile	New GP plan spend profile	New GP plan spend profile
	£000’s 2021	£000’s 2022	£000’s 2021	£000’s 2022
Les Landes Nursery	500	500	250	750
Extend La Moye Hall and 2 additional classrooms	1,000	1,000	350	1,650

Mont a l'Abbe extension	850	650	500	1,000
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In addition, the funding to be identified for the JCG and JCP new playing fields project (£336,000) has been moved to 2024. This has been due to delivery timelines resulting from the planning process.

The total amount of deferral relating from 'School Extensions Improvements' is £1,586,000.

The list of project spend to be deferred was agreed by the Assistant Minister for Children and Education following an assessment of capital projects by officers in Children, Young People, Education and Skills (CYPES), Infrastructure, Housing and Environment (IHE) and Treasury and Resources.

In addition, £500,000 of Discrimination Law and Safeguarding budget has been deferred to 2022. These funds, which are allocated to IHE, are to ensure DDA compliance, where feasible under the current planning laws, across the JPH portfolio. This will include the implementation of the recommendations from the Liberate surveys. Due to delays caused by COVID a significant proportion of this work has not been able to be completed in 2021 and has been deferred to 2022 as part of the Our Hospital Project.

Although funds have been deferred to 2022 it is anticipated this will not impact on the delivery timeline for these projects. It was therefore deemed not necessary to complete a Children's Rights Impact Assessment (C.R.I.A.).

#### **4.29 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding the Independent School Funding Review (WQ.312/2021):**

##### **Question**

Further to the answer to Written Question 282/2021, in which reference was made to the Independent School Funding Review, the Education Reform Project and an Inclusion Review, will the Minister provide the proposed timeline for action on the outcome of these reviews, stating what specific actions are planned for 2021 and 2022?

##### **Answer**

##### **1.0 Independent School Funding Review**

This review completed in May 2020, formed the basis of the successful bid to the Government Plan 2021 – 2024 and the recommendations of the review are now being delivered through the Education Reform Programme (ERP). The ERP was initiated in February 2021 and has a three-year implementation timescale.

##### **1.1 Inclusion Review**

This review was a specific recommendation of the Independent School Funding Review and forms part of the ERP. A third party (NASEN) was commissioned in April 2021 and the recommendations from the review are due in July 2021. The implementation approach to these recommendations will be planned as part of the ERP in the second half of 2021.

##### **1.2 Wider ERP implementation**

The remaining recommendations of the funding review, supplemented by additional objectives on workforce and digital strategy, will be delivered through the ERP. The nature of the recommendations are varied and include increase in funding allocations, augmentation of existing and introduction of new services and policy development. As such the implementation approaches and delivery timescales will vary.

In the first half of 2021 a number of recommendations have been delivered including:



- Increase in funding to Jersey Premium
- Increase in funding to Educational Psychology service
- Allocation of deficit funding to schools

And a number of projects have been initiated including:

- Enhancement of the English as an additional language (EAL) service
- Introduction of funding for Low Prior Attainment (LPA)
- Development of a teacher learning and development scheme
- Review of business management and support in schools
- Review of supplementary allowances to teachers
- Development of new funding formulas for schools

More detailed plans for each of these, and other projects will be developed during 2021 and will set out the specific deliverables and timescales. Briefings on the development of ERP implementation plans and performance at a project level can be provided on request.

**4.30 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding miscarriage care in Jersey (WQ.313/2021):**

**Question**

Further to a series on miscarriage care published by the Lancet medical journal on 26th April 2021, in which “*a graded model of care*” was proposed, where “*after one miscarriage women should have their health needs evaluated and be provided with information and guidance to support future pregnancies*”, a second miscarriage should see women offered an appointment at a miscarriage clinic for a full blood count and thyroid function tests and extra support and early scans for reassurance in any subsequent pregnancies, and a third miscarriage should see additional tests offered (including genetic testing and a pelvic ultrasound), will the Minister state whether he has considered this information, and will he agree to consider how miscarriage care in Jersey could be improved in line with this and other relevant best practice in this area?

**Answer**

The graded model of care proposed in the question is a sensible and entirely appropriate way forward in the provision of service to women in Jersey who have experienced the loss of a pregnancy. The prevalence of miscarriage will mirror such an approach ie about 10.8% of pregnancies result in one miscarriage, 2% of women experience a second miscarriage and 0.7% of women experience three or more recurrent miscarriages. Currently, women in Jersey who experience an unfortunate loss who access the hospital after one miscarriage are provided with two main patient information leaflets: ‘Early miscarriage leaflet’ and ‘Your feelings after early pregnancy loss.’ There is a list of useful websites and forums within each information leaflet signposting women to relevant resources for additional support. Women are also provided with a ‘Rayner ward passport’ which provides open access to the gynaecology ward 24/7 for any gynaecology / early pregnancy concerns.

With regard to recurrent miscarriages, women are referred to the Assisted Reproduction Unit (ARU) via an established pathway. The pathway identifies various tests and investigations to optimise the health of the woman as part of the care process.

In the future, with the recent appointment of an internationally renowned Professor of Reproductive Medicine and Women’s Reproductive Health, the intention is to establish a formal recurrent

miscarriage clinic by Q4 of this year. This will ensure there is continuity of care and application of best care principles, such as alluded to in the Lancet publication as quoted by Deputy Doublet.

Care and psychological support for women who have suffered a miscarriage is provided by the nursing and medical staff following the bereavement pathway. However, the Care Group recognises the value of support from a psychologist in such situations and such provision is currently under review.

**4.31 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding stop-and-searches conducted by the Police (WQ.314/2021):**

**Question**

Further to the answer to Written Question 280/2021, will the Minister state –

- (a) the reasons why the number of children stopped and searched by police officers rose from 35 in 2018 to 257 in 2020;
- (b) whether decisions not to activate body-worn cameras are recorded and, if so, what reasons have been given for why officers have not activated their body-worn cameras as a matter of course when stopping and searching children or adults in cases where the officer believes someone may have committed a crime; and
- (c) what changes, if any, are proposed to the police computer system to enable better record-keeping and extraction of data held in the database to allow for improved analysis of police activity and crime fighting, as well as the time scale for any such proposed changes?

**Answer**

- (a) the reasons why the number of children stopped and searched by police officers rose from 35 in 2018 to 257 in 2020;**

As previously stated in the answer to Written Question 299/2021, the increase in the use of stop and search powers over the period in question is a result of dedicated action to respond to the behaviour and actions of some young people.

- (b) whether decisions not to activate body-worn cameras are recorded and, if so, what reasons have been given for why officers have not activated their body-worn cameras as a matter of course when stopping and searching children or adults in cases where the officer believes someone may have committed a crime; and**

Whilst the Body-Worn Camera Policy requires officers to activate their camera during encounters with the public, a requirement reinforced regularly by supervisors and the Professional Standards Department, there is no obligation for officers to record a decision not to activate their camera.

However, given the expectations of the policy, officers are expected to be able to explain why they have not used their camera in any given set of circumstances.

- (c) what changes, if any, are proposed to the police computer system to enable better record-keeping and extraction of data held in the database to allow for improved analysis of police activity and crime fighting, as well as the time scale for any such proposed changes?**

Record keeping in relation to the use of stop and search powers is considered comprehensive. As such there are currently no plans to amend or further enhance any related computer system.

The information requested by the Deputy in Written Question 280/2021 was held within the IT system, however the volume and level of detail requested meant that this was not able to be provided within the specified timeframe.

Each use of stop and search powers is unique, and officers are required to formulate and justify their grounds for every use of stop and search. Any person who is subject to a stop and search has the right to be provided with a record of the search specifying the grounds given. It is also within their right to challenge an officer’s decision, which would then be subject to a structured process overseen by the Professional Standards Department.

**4.32 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding photocopying costs in schools (WQ.315/2021):**

**Question**

Further to Written Question 282/2021, will the Minister state –

- (a) the costs per copy of all photocopying in each school for each year between 2016 and 2020;
- (b) the number of copies produced by each school for each year between 2016 and 2020;
- (c) the reasons behind the reduction in photocopying expenditure for D’Hautrée House School (Special Needs) from £2,115 in 2019 to £3 in 2020 and the impact, if any, of this reduction in copying on the provision for the children concerned; and
- (d) how the deficits incurred by the secondary schools between 2016 and 2020 have been financed, and what measures, if any, are being taken to ensure that they have sufficient funds to avoid similar deficits occurring in the future?

**Answer**

- (a) As previously advised in the response to question WQ.199/2019 the cost per copy is commercially confidential information and will not be released. This protects the supplier’s confidential information and the governments commercial position whilst the procurement strategy for printing is developed.
- (b) The number of copies printed by each school are included in Table 1. It should be noted that this includes an aggregate of all size paper types, mono and colour copies that have been printed from 12 different types of device (e.g. desktop to multi-functional device), which each have a differing costs per copy. Any attempt to determine a cost per copy by comparing the expenditure released in WQ.282/2021 will not be successful, as the result will be inaccurate.
- (c) Due to how managed print devices are recorded in the monitoring software the previous answer to WQ 282/2021 stated:

	2016	2017	2018	2019	2020
D’Hautree House School (Special Needs)	£3,702	£2,326	£1,779	£2,115	£3
La Sente KS 2-3				£132	£1,431

In reality, the figures for D’Hautree House and La Sente KS 2-3 all relate to the same provision so should be totalled as below:

	2016	2017	2018	2019	2020
La Sente	£3,702	£2,326	£1,779	£2,247	£1,434

The reduction in total costs for La Sente from £2,247 in 2019 to £1,434 in 2020 is in line with many other schools who have also experienced a significant reduction due to the pandemic. There has been no impact on the provision for the children at La Sente.

- (d) Overspends and underspends offset each other across all services provided by CYPES. The net deficit has required additional funding from outside the Department's budget.

From 2016 to 2019 net departmental underspends were returned to Central Reserves and CYPES overspends were addressed from Central Reserves. Please see as an example the year end report from 2019 approved via Ministerial Decision MD-TR20-011.

In 2020, the extraordinary circumstances of the pandemic made it difficult to mobilise to the growth programme agreed in Government Plan 2020 to 2023. Underspends on growth met the majority of the spending pressures, supplemented by an additional allocation of £1.1m from the covid emergency funds to address the additional operational spending on covid measures.

Measures taken to ensure that secondary schools have sufficient funds to avoid similar deficits occurring in the future include:

Additional funding of £7.9 million was made available in Government Plan 2021 to address the recommendations of the Independent School Funding Review including funding the historical underlying deficit up to the end of 2020.

An Education Reform Project is now in train to review the fair distribution of these funds in line with the objectives of the review and to understand the demand driven future costs of the service as the numbers of pupils in secondary schools continue to rise and the numbers of children with special needs across all age groups continue to increase.

The Education Reform Project includes a workstream on Inclusion which is well advanced. This will result in a better understanding of the future budgets required to sustain a consistent and comprehensive education to all ages and needs of children. The recommendations will be pursued through the Government Plan process as well as through re-calibrating existing resources to maximum effect.

Every effort is being made to operate within agreed budgets in-year. In addition to the regular monthly discussions and reviews, a project is in train with the 10 most overspending schools to explore available actions to remain within budget and agree their plans to returning to a balanced position with the Director of Education.

#### **4.33 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding High Value Residents (WQ.316/2021):**

##### **Question**

Further to the response to Written Question 274/2021, will the Minister advise –

- what cost-benefit analysis has been undertaken, if any, of the role of High Value Residents and the effect that they have on the Jersey economy, other than directly through tax income; and
- whether any empirical evidence exists in relation to the impact, both positive and negative, of the Government's High Value Resident policy regime and, if so, what that evidence is?

## **Answer**

- (a) In my answer to Written Question 274/2021 in Appendix 1 I advised members of the reports that have been carried out in relation to 2(1)(e) residency. I am happy to provide copies of these reports to members and/or to arrange a briefing.
- (b) In my answer to Written Question 274/2021 Part (c) I referred to the work undertaken by the Tax Policy Team on an annual basis. This captures the Personal Tax Contributions for 1(1)(k) and 2(1)(e) residents.

My Officers capture information on Stamp Duty, Local Investment, Philanthropy and other anecdotal information on the High Value Residency Scheme.

As outlined in my answer to Written Question 274/2021 Part (d) I am considering commissioning a review of the 2(1)(e) scheme, and the terms of reference for that review are currently being explored, to ensure we have the best information to make decisions.

### **4.34 The Connétable of St. Martin of the Minister for the Environment regarding Environmental Impact Assessments (WQ.317/2021):**

#### **Question**

With reference to Written Question 29/2021 will the Minister advise –

- (a) whether criteria required to be met for the granting of licences for commercial cultivation of medicinal cannabis will be published, including the use of Environmental Impact Assessments (E.I.A.s);
- (b) how many E.I.A.s have been carried out to date for this purpose, if any, and how many are scheduled to be undertaken before 31st December 2021;
- (c) on what date, and by whom, the decision was taken to include the requirement to undertake an E.I.A. in order to receive a licence and, if this occurred prior to 8th February 2021, why this was not communicated in the answer to Written Question 29/2021;
- (d) what consideration was given to the use of E.I.A.s in the licensing process prior to 11th January 2021, and what relevant policies and criteria, if any, relating to this subject were agreed prior to that date; and
- (e) if the use of E.I.A.s was agreed after 11th January 2021, whether licenses for the commercial cultivation of medicinal cannabis were suspended until an E.I.A. had been carried out?

#### **Answer**

*The following answers have been prepared in consultation with officers for the Minister for Health and Social Services and officers in the Infrastructure, Housing and Environment Department. Please note that licencing for medicinal cannabis sits solely with the Minister for Health and Social Services and does not fall under the responsibility of the Minister for the Environment.*

- (a) I am advised that yes, the application documentation will be published and made available on gov.je in due course.

See appendices which include licence guidance version 0.1 and version 1.1. These are not the conditions attached to any licence but serve to provide the applicants with guidance on the type of information they need to include in any application. Version 0.1 was the guidance that was being used when the two current licence holders applied. Version 1.1 is the current guidance which was agreed in March.

Please note that we are advised by the Minister for Health and Social Services that these are to be revised and reissued.

- (b) I am advised that the term EIA was used as part of the licencing guidance in a more general sense of: what mitigating action, if any is required, would be taken by the applicant to reduce any and all impact on the environment as part of plans to cultivate cannabis. As part of the application process applicants have detailed, when deemed appropriate by the Minister for Health and Social Services, any impact on the surrounding environment in the intended general sense when the conditions were approved.

No EIAs as described in planning related legislation have been carried out for that purpose as they have not been deemed required by the planning regulators which are independent from the licencing of medicinal cannabis.

- (c) I am advised that the decision to approve any and all requirements for a licence to cultivate cannabis was made by the Minister for Health and Social Services based on officer advice. The licence conditions were agreed at the time the first licences were granted, 10 December 2020. The requirement to assess any environmental impact was not in place prior to consideration of the two applications which were granted licence. Information has subsequently been received from both licence holders as their licences were conditional on receiving this.

My response to [WQ 29/2021](#) was prepared from a regulatory/planning perspective and so, in the sense of EIAs as required under planning laws, the answer was accurate in that no planning applications for sites intending to cultivate cannabis were deemed required.

- (d) No consideration was given to EIAs as they are to be interpreted from the planning law as this is a separate/independent regulatory process to that of the regulation of medicinal cannabis. As mentioned in (b), consideration was given to the impact on the environment in more general terms as part of the application for a licence to cultivate medicinal cannabis.
- (e) I am advised that no licenses for the commercial cultivation of medicinal cannabis were suspended until an EIA, as it is to be interpreted by the licence conditions, had been carried out.

As Minister for the Environment I have been advised that the Minister for Health and Social Services recognises that the use of the term EIA in his licencing conditions for medicinal cannabis was not correct and, as explained, requires clarification. I understand it is the Minister's intention to amend his licence conditions to clearly delineate the difference between the regulation of medicinal cannabis and the EIA's required by the Planning & Building Law to regulate development.

#### **4.35 The Connétable of St. Martin of the Minister for the Environment regarding Environmental Impact Assessments for cannabis (WQ.318/2021):**

##### **Question**

Will the Minister advise –

- (a) whether Environmental Impact Assessments (E.I.A.s) required to be undertaken for the granting of commercial cannabis cultivation licences take into account the material change of use, or operational development, of the land used to cultivate medicinal cannabis on a commercial scale;
- (b) what consideration, if any, has been given within such E.I.A.s to the impact of noise, smell and transport on the surrounding area; and
- (c) how firms awarded licences following the successful completion of such E.I.A.s are monitored to ensure that they continue to comply with the findings of the E.I.A., and whether further E.I.A.s are due to be required whilst medicinal cannabis is subsequently being commercially cultivated?

## **Answer**

*The following answers have been prepared in consultation with officers for the Minister for Health and Social Services and officers in the Infrastructure, Housing and Environment Department. Please note that licencing for medicinal cannabis sits solely with the Minister for Health and Social Services and does not fall under the responsibility of the Minister for the Environment.*

- (a) I am advised that the term EIA was used as part of the licencing criteria in a more general sense of: what mitigating action, if any is required, would be taken by the applicant to reduce any and all impact on the environment as part of plans to cultivate cannabis. As part of the application process applicants have detailed, when deemed appropriate by the Minister for Health and Social Services, any impact on the surrounding environment in the intended general sense when the conditions were approved.

No EIAs as described in planning related legislation have been carried out for that purpose as they have not been deemed required by the planning regulators which are independent from the licencing of medicinal cannabis.

- (b) Considerations that would trigger the requirement for an EIA are detailed in the [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#).

It is important to note that, in planning terms, the use of agricultural land to grow different crops is not a material change of use and so EIAs are unlikely to be required by the planning application process. However, an industrial process will likely require an EIA. Advice has been given that where crops are not sent directly to market but are subject to processing and that product is marketed, that will comprise an industrial process. The extent to which this industrial use is ancillary to the activity of growing is a matter of fact and degree in each case.

- (c) I am advised there is no process to check compliance with an EIA as intended in the licencing criteria (see (a)) as this is intended to be a pre-assessment as part of the licence application process.

Compliance with EIAs under the planning law, if these are required in future in relation to activity in this area, would be monitored per the usual process for all EIAs. This is a mixture of, but not limited to, intelligence gathering via members of the public as well as site visits by officers from the relevant regulatory teams.

As Minister for the Environment I have been advised that the Minister for Health and Social Services recognises that the use of the term EIA in his licencing conditions for medicinal cannabis was not correct and, as explained, requires clarification. I understand it is the Minister's intention to amend his licence conditions to clearly delineate the difference between the regulation of medicinal cannabis and the EIA's required by the Planning & Building Law to regulate development.

#### **4.36 The Connétable of St. Martin of the Minister for the Environment regarding licences for cultivation and processing of medicinal cannabis (WQ.319/2021):**

##### **Question**

With regards to the licensing conditions associated with the cultivation and processing of medicinal cannabis on Island, will the Minister advise –

- (a) what consideration has been given to the use of increased public consultation for Islanders living near selected sites for the cultivation of medicinal cannabis;
- (b) what steps will be taken by the Government of Jersey, whether individually or in conjunction with organisations involved in the commercial cultivation of medicinal cannabis, to alleviate the concerns of Islanders in close proximity to these sites; and
- (c) what guidance has been sought by the Government of Jersey from the U.K.'s Department for Environment, Food and Rural Affairs regarding the use of Environmental Impact Assessments as a condition of licensing?

##### **Answer**

- (a) Licensing conditions for medicinal cannabis sit solely with the Minister for Health and Social Services and do not fall under the responsibility of the Economic Development Minister.

It should also be noted that formal considerations and consultation relating to siting of medicinal cannabis facilities fall within the planning process. This process is robust and provides for adequate consultation with neighbours on developments that require planning permission. Considerations that would trigger the requirement for an Environmental Impact Assessment are detailed in the [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#).

There is currently only one glasshouse site actively being prepared for cultivation and it is important to note that the use of agricultural land to grow different crops, including medicinal cannabis on this site is not a material change of use and so EIAs are unlikely to be required by the planning application process. However, ongoing associated industrial process may well require an EIA. There is also a framework of existing planning policies within the Island Plan which address proposals for new agricultural buildings.

- (b) Government officials will work closely with the Jersey Cannabis Services Advisory Group, the industry body representing the cannabis industry, to encourage best practice and positive engagement in the context of liaison with neighbours in close proximity to sites involved in the commercial cultivation of medicinal cannabis.
- (c) Licensing conditions for medicinal cannabis sits solely with the Minister for Health and Social Services and do not fall under the responsibility of the Economic Development Minister.

Guidance on licensing has been taken from the UK Government via the UK Home Office's Drugs and Firearms Licensing Unit

## **5. Oral Questions**

### **5.1 Deputy K.F. Morel of the Minister for Home Affairs regarding settled status (OQ.139/2021):**



I imagine the Minister is very comfortable with questions at the moment so I will continue that. With the deadline of 30th June 2021 imminent, will the Minister advise how many Islanders it is estimated are yet to apply for E.U. (European Union) settled status, and whether or not 28-day enforcement notices will be issued against any who have not?

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

Over 17,000 applications have been made to the Jersey E.U. settlement scheme. There is no precise data available - due to the historic free movement of E.U. nationals - to determine how many people are yet to apply to the scheme. Estimates 3 years ago indicate there may be up to 20,000 E.U. nationals in Jersey. I will divert from my written speech to add that at the last census we counted 13,000 European nationals that had been born outside of Jersey and that could necessitate to the settled status. Only 13,000. added to that 1,300 Irish E.U. nationals, who of course do not need the settled status. So the 20,000 E.U. national estimates that we have been using from the start is an absolute worst-case scenario and I would say that, after having pushed the scheme for more than 2 years, we are very, very likely to have reached pretty much all of the E.U. citizens in the Island. After 30th June 28-day notices will be issued to those individuals who are encountered by officers and can provide some evidence that they are eligible to the settled scheme. Late applications will be considered against reasonable grounds for missing the deadline. Those who fail to subsequently make application to the scheme or whose applications are refused will be liable to removal.

**5.1.1 Deputy K.F. Morel:**

I was briefly at the office where applications are processed and there was one gentleman who did not speak superb English who was being turned away because he had not gone on to the website first and he obviously was late. He was just sent away with the words: "Go and look at the website." Can the Minister be sure that those people who are late in the day applying, possibly because their level of English is not great, are being treated in a manner which is aware of the fact they may find it difficult to access websites and use websites? Would he also say whether or not, as with the previous Minister, they will take a very understanding approach to such late or even beyond-the-deadline applications?

**Deputy G.C. Guida:**

Absolutely and I am quite saddened to hear about that incident. From the beginning, we accepted that many of the applicants might not be able to use the internet or speak English very well. We were not only ready to go and look for them but also assist them as much as we could. I will make sure that this follows on. Of course, the other thing is that we do not intend to be harsh or difficult with this, those people are our guests and we want to make sure that they are safe in Jersey.

**5.1.2 Senator S.Y. Mézec:**

The Minister will be aware that I had a constituency case recently of somebody who had attempted to engage with the settled status scheme and had come across some sort of technical problem that had left her completely unaware of whether her application had been accepted. The Minister was very helpful and helped resolve that particular case. But is he concerned that there could be more people out there who have attempted to engage with the system, have not had it accepted for technical problems, but are not aware that it has not been accepted? Is he able to speak to those running the system to go through that and ensure that everybody gets contacted if they have attempted an application that has not - for whatever reason - worked through the system?

**Deputy G.C. Guida:**

Absolutely. At this stage we are running through the backlog and processing about 500 applications a week. So the officers are really, really busy processing the easy applications, the ones that have all the documentation with them. After that, we are not going to close the system, we are going to make sure that we catch everybody that went through the hoops and that had a problem. So we are definitely going to continue working after we have done all the easy ones.

### **5.1.3 Deputy C.S. Alves of St. Helier:**

Can the Deputy advise the public what they should do if they have not heard within a certain amount of time? I have also been experiencing what Senator Mézec has said and some people are replying to emails and not having any responses back for confirmation that they have been received. So, if the Minister could provide some guidance as to what people should do in that situation?

#### **Deputy G.C. Guida:**

The most important thing is that if you qualify and you are late you still qualify. We are not going to do anything to somebody who has lived 10 years on the Island and just had a paperwork or an email issue. So qualified remains qualified. If you are travelling and you are worried, not being officially on the settled status list could be a problem, then yes, you should talk to the Immigration Department. Again, I will make sure that this is possible and that phone calls are answered.

### **5.1.4 Deputy K.F. Morel:**

The Minister mentioned that there would be removals after the 28-day period. Would the Minister please advise when he believes these may start and what funding has been set aside for those removals?

[12:15]

#### **Deputy G.C. Guida:**

With luck there should not be any. That is not the goal of the process. When we get to that point, and that is quite a bit in the future, I will make sure that it is possible to do so. But what we really want is impress on people that, if they do qualify, they need to register as soon as possible. I have not seen the budget for this so I do not know what situation it is in. But it is a known issue. We are probably ready for it.

### **5.2 Deputy M. Tadier of the Minister for Health and Social Services regarding provision of radiotherapy (OQ.142/2021):**

Further to the answer to Oral Question 119/2020, will the Minister advise what progress, if any, has been made to date towards the provision of on-Island radiotherapy for cancer patients; is it still the preferred option of Government to have on-Island provision, and if so, when will it be delivered?

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

Whenever H.C.S. (Health and Community Services) has looked at this issue, we have recognised that the driver for the case was patient experience, as going off-Island for treatment is stressful for our patients and their families. That remains the driver and it is why we are reviewing the provision opportunities. The complexity arises because the overall volume of patients needing radiotherapy, which is about 2 to 4 per week at present, does not support the viability of a provision on-Island, both from a clinical or a healthcare economics perspective. The relationship between volumes and outcomes for complex health conditions is well documented. For many conditions, the professional bodies are making minimum numbers the requirement for service or staff to be accredited or for services to be commissioned. A community of 108,000 in the U.K. is unlikely to have its own radiotherapy service. Patient safety and outcomes are rightly our first priority and we must ensure that our decision is evidence-based and safe. Nonetheless, we are continuing investigating what it is possible to do on-Island and we have a working group exploring the feasibility of a clinical and economic case for on-Island provision. The first workstream is updating the capacity and demand modelling and I will be in a position to report to Members on progress and next steps certainly by the end of the summer.

#### **5.2.1 Deputy M. Tadier:**

I thank the Minister for his update and note that there will be an update hopefully by the end of the summer, so that is welcome. I note that there seemed to be slightly more nuanced answers given to those of last year where he was very much focusing on the convenience to patients rather than necessarily the fact that the economic case added up. But would he give an assurance that, if this is to happen, and it needs to be a political decision as well as just a purely economic one, that it should happen sooner rather than later and that we should not be waiting until the new hospital is built and opens before this new on-Island provision could be provided, if that is the preferred route?

**The Deputy of St. Ouen:**

This does not need to wait for a new hospital to be built if it is determined that we can safely offer this service in Jersey. It is not just an economic case, it is also a clinical case. Because our volumes are low they do not normally justify the employment of a specialist team on-Island. They would not have the necessary throughput of patients to maintain their required clinical accreditation. Therefore, we need to know that any service we offer is safe and that our patients receive the best care. So it is trying to square the circle because there is that tension between the safety aspects, but recognising the wish for Islanders to have their treatment locally, which we want to deliver if we can possibly do so.

**5.2.2 Deputy M.R. Higgins:**

Is the Minister going to be able to achieve his timescale for coming back to Members? Currently there are 9 vacancies in the Radiology Department and there are management problems there, which I think are affecting existing delivery, let alone future delivery.

**The Deputy of St. Ouen:**

Not every member of the department will be on the working group that we have established and the working group is established and is considering these issues.

**5.2.3 Deputy M.R. Higgins:**

There are management problems in this area. Can he tell us which managers are involved in this exercise?

**The Deputy of St. Ouen:**

We will have senior members of our oncology team, including the lead consultant and the lead nurse in that area, and our general manager of hospital services, as well as the chief nurse and medical director also having an input.

**The Connétable of St. Saviour:**

I would just like to know if the people who are sleeping rough have been given the vaccination for the virus?

**The Bailiff:**

I am sorry, that is not in accordance with the terms of the question. The question is specifically about on-Island radiotherapy.

**5.2.4 Deputy R.J. Ward:**

Has consideration been given to joint working with Guernsey, given that it is a much easier journey and it would mean that people who are suffering would not have to take that journey all the way to the U.K.? What consideration has been given to that?

**The Deputy of St. Ouen:**

That has been considered and we do have links with Guernsey. It will continue to be considered. But we need to recognise that from a Guernsey point of view both Southampton and Jersey are off-

Island and Jersey might not be the automatic choice for patients in Guernsey or the Guernsey Health Service. If we are to offer it to Guernsey, we would need to ensure that the Jersey offer is better or more attractive, which might mean a cost subsidy. But all of that is in the mix and will be considered.

#### **5.2.5 Deputy R.J. Ward:**

Just to ask about the timescale for that mix that this is all in; is there a timescale for any announcement on change and provision of this facility?

#### **The Deputy of St. Ouen:**

It is still too early I feel to give a time as to when any change might happen. As I have said, I will report back to States Members as soon as I can.

#### **5.2.6 Deputy R.E. Huelin of St. Peter:**

My question was very much in line with Deputy Ward on co-operating with Guernsey. The benefit of Jersey to Guernsey as opposed to Southampton is Guernsey people can come here on a day trip, which I think getting home at night - from my understanding - is one of the key things for recovery when going through such a stressful situation. Can I just ask the Minister if he has considered looking at the service in that light as opposed to just a straight comparison between Southampton and Jersey for Guernsey Islanders.

#### **The Deputy of St. Ouen:**

I thank the Deputy and I will take that observation away. Of course we will need to ensure that we have good transport links with Guernsey so that we can receive patients early in the morning and would get them home in time in late afternoon. But we will take that into account.

#### **5.2.7 Deputy M. Tadier:**

It was in speaking with patients and some professionals that I was told that there was also an economic cost to Jersey in terms of the loss of labour. Whereas a lot of people find it useful to still be able to work where they can during their weeks of treatment and they cannot do that if they are off-Island. So will the Minister make sure that all of these factors are taken into account and would he launch a part of a public consultation for all people who have undergone radiotherapy and perhaps chemotherapy in the U.K., or radiotherapy in the U.K., and their families, to be able to give direct feedback to whatever this stakeholder group that the Minister is talking about. So that we can have a fully-informed consultation about what is going on.

#### **The Deputy of St. Ouen:**

I note those points, which are valid and interesting. I have written them down and I will ensure that we try to take account of the economic costs that the Deputy has mentioned and try to get that feedback from patients who have recently travelled to Southampton for treatment.

### **5.3 Senator K.L. Moore of the Minister for Social Security regarding the deferral of £1.5 million for Discrimination Law safeguarding project (OQ.135/2021):**

Will the Minister advise whether she was consulted prior to the political oversight group's request to approve the deferral of £1.5 million for the Discrimination Law safeguarding project, as identified in the report R.105/2021 regarding transfers between heads of expenditure?

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

Yes, Senator, I was consulted.

#### **5.3.1 Senator K.L. Moore:**

Could the Minister then describe the impact that this deferral will have on members of the community?

**Deputy J.A. Martin:**

We were told on 1st April that the money could be transferred because the work could not be done mainly due to COVID and it would not affect ongoing work. I have also been told that the work will carry on when it can happen. The rest of the disability strategy is gaining a lot of pace. We have dedicated officers. I am very proud of the work that is being done.

**5.3.2 Senator T.A. Vallois:**

Could I just ask the Minister to clarify, in terms of that money being moved and it being deferred to 2022, does that mean that there is a pause in the project or that the funding was in excess for the year of 2021?

**Deputy J.A. Martin:**

The money was in excess. The money could not be spent in 2021, again due to COVID. We were all assured that the projects being moved across from the capital would not be abandoned and they would carry on as and when the work could safely be done.

**5.3.3 Senator T.A. Vallois:**

Can I just clarify again with the Minister, in terms of the budget that was provided in the Government Plan was agreed during COVID last year? Is it because of what has happened with COVID this year, the reason for not needing that funding, or was the estimation for the project higher than what it should have been?

**Deputy J.A. Martin:**

I would not say the estimation was higher. As the Senator will know, she was in the room this last year when we were talking about the Government Plan probably through the summer, hoping there would be no COVID again. We all know what happened there. The money, as I said, just could not be spent. It will happen and I can assure the Senator of that.

**5.3.4 Senator K.L. Moore:**

Is the Minister content with the availability of staff in this area?

**Deputy J.A. Martin:**

I am not sure what the Senator is referring to. This is the first Government that has any money for the disabled strategy and we now have a full complement of staff delivering that strategy, inclusion officers and everything else. As I say, it is really going great guns. The implementation under the discrimination safeguarding law sits with Property Holdings and again I would imagine that work would go out to local construction. Is there ever enough local construction? That is the question.

**5.4 Deputy S.M. Ahier of the Minister for Infrastructure regarding deferral of the Vehicle Testing Centre project (OQ.145/2021):**

Will the Minister provide a full explanation of the reasons for the deferral of the Vehicle Testing Centre project and the La Collette Waste Site Development project, as outlined in the report R.105/2021 regarding transfers between heads of expenditure?

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

The Vehicle Testing Centre project is dependent on the completion of the options appraisal study. The options appraisal study was delayed due to the pandemic and is as yet unfinished. Subsequently, the Vehicle Testing Centre project has been delayed. The underspend in 2021 is being reprofiled across 2022 to 2024. The La Collette Waste Site Development is a long-term project to construct new waste cells as required by the local construction industry.

[12:30]

The strategy for managing inert waste is to first reduce, reuse and recycle. Where this is not possible and based on our knowledge and understanding of the construction industry, new waste cells are constructed. The operations and transport directorate have reviewed the current demand for inert waste and identified an underspend in 2021, which is being reprofiled across 2022 to 2024 to meet future demand.

**5.4.1 Deputy S.M. Ahier:**

What consultation did the Minister have, if any, with the political oversight group regarding the deferral?

**Deputy K.C. Lewis:**

Yes, it was discussed at the political oversight group and it was agreed. In fact, it was advantageous for myself and my team. Because of the delays incurred, instead of the money going back to Treasury, in fact it was just reallocated further down the line. So, instead of having to put a case for that money, it is pre-allocated. So it was all discussed in advance.

**5.4.2 Deputy R.J. Ward:**

With the deferral of this project, does it create any risk for Islanders who want to drive abroad with the standards that we required following Brexit, but they may not be able to because their vehicles have not been tested and standardised in the way that is necessary?

**Deputy K.C. Lewis:**

Excellent question; no. We have signed up to the Vienna Convention, as the U.K. did, so the Vienna Convention is more than happy that we are now compliant in that everything is now in train. We test public service vehicles; we test heavy good vehicles. Minicabs we test anyway and taxis we test. Minivans we are testing, people carriers, and 125 motorbikes. So everything is well in train, so they are satisfied. As the Deputy is well aware, we will need extra provision such as international driving licence, et cetera, and possibly green card type insurance. But apart from that we are fully compliant.

**5.4.3 Deputy R.J. Ward:**

Is there a point where if the delay continues that there could be the risk of cars not being able to travel abroad because they have not been tested and verified? Is there a point in the timescale that he mentioned where we would need to ensure that this facility is available? If so, what is that point?

**Deputy K.C. Lewis:**

Everything is already in train. We have started the testing programme with many vehicles already. The programme is in train. We need bigger facilities to start testing all the cars. So I would estimate we would have 3, maybe 3½ years, before it would become a problem. So we are well within the guidelines at the moment.

**5.4.4 The Connétable of St. John:**

What impact, if any, has the high level of vacancies in his department had on delaying the Vehicle Testing Centre?

**Deputy K.C. Lewis:**

Nothing at the moment. As I pointed out the other week, in the testing centre there were 6 vacancies and that does not cover the whole department, of which there are about 57 across the whole of Infrastructure. But not at the moment. Everything is working perfectly.

**5.4.5 The Connétable of St. John:**

In answer to a written question, the level of vacancies were much higher than stated by the Minister. Can he confirm the number please?

**Deputy K.C. Lewis:**

I will get that in writing to States Members, but I believe it is about 57 thereabouts at the moment.

**5.4.6 Deputy S.M. Ahier:**

Did the Minister select these projects for deferral himself or was he advised to choose them because of their high value?

**Deputy K.C. Lewis:**

I was advised by senior officers that this would be appropriate as they were the ones that had been delayed by COVID. As I mentioned previously, that works to our advantage as this money is now pre-allocated. So it does not affect us at all at the moment in that respect.

**5.5 Connétable R. Vibert of St. Peter of the Chief Minister regarding political oversight group's approval of deferral (OQ.138/2021):**

Will the Chief Minister advise whether he was consulted prior to the political oversight group's request to approve the deferral of £4.319 million, as identified in the report R.105/2021 regarding transfers between heads of expenditure, in relation to the projects entitled Electronic Document Management, Cyber (Major Project), Court Digitisation or Regulation Digital Assets?

**Senator J.A.N. Le Fondré (The Chief Minister):**

Yes, I did participate firstly in the political oversight group meeting on 18th February, at which it was decided to request the Minister for Treasury and Resources, following consultation with other relevant Ministers, to defer £17.796 million of funding from existing capital programmes and reallocate this funding to our hospital project. The Council of Ministers were consulted during meetings on 1st April and 27th April and agreed to the transfers. I participated in both of those meetings. Obviously papers were shared with the Council of Ministers in advance of those meetings. It is worth just making the point that obviously the hospital is an extremely critical part of our infrastructure and it is really not acceptable to let the existing hospital deteriorate without having an alternative. Therefore, the hospital project is critical. What we are dealing with is slippage or underspends in other or existing projects. It is a cashflow issue and essentially what we have done is looked at the efficient use and management of our cashflow to address the consequences of the delays that occurred as a result of the debates in the Assembly towards the end of last year, which were not anticipated in the original programme. But it is not additional spend.

**5.5.1 The Connétable of St. Peter:**

Can the Chief Minister confirm that we are likely to see these funds requested again by the relevant departments in the next Government Plan?

**Senator J.A.N. Le Fondré:**

The mechanism we are still working through because obviously the next Government Plan is in the process of being produced. But what I will absolutely say is that this is a cashflow issue; it should not be regarded as an additional increase in expenditure.

**5.5.2 Senator K.L. Moore:**

At the time of the Government Plan 2 years ago, it was argued that the cyber project and monies allocated to it were of critical importance and it was essential that this work was conducted in the quickest time available. Could the Chief Minister describe what has changed and why this project that was then deemed critical is no longer so important?

**Senator J.A.N. Le Fondré:**

The simplest way would be to refer the Senator back to the Scrutiny hearing we had on Friday where the director general gave quite a detailed explanation as to the rationale behind it. But essentially

delays did occur through COVID and he was satisfied, relative to the risks that the Senator is alluding to, having been prioritised and having been satisfied.

### **5.5.3 Deputy G.P. Southern:**

The electronic document management referred to there, does that apply to the communication between G.P.s (general practitioners) and other workers in the community and the hospital? Because a delay there will seriously affect the Jersey Care Model, will it not?

### **Senator J.A.N. Le Fondré:**

My understanding is that is not the case. But I will go back and double-check that. What I can say is that there has been a delay. The 2 areas that it is mainly relating to are the tech files, which need to be in place before they move to the new office building in mid-2024, and what is referred to as the health files, which I do not think is the interaction between G.P.s and the health service. I think it is the personnel and personal health files that are maintained in paper form and they were in the basement of the General Hospital. It is about getting those essentially put into an electronic format. That needs to be done before the move to the new hospital in hopefully 2026. Despite the changes in the programme, we remain confident that those deadlines will continue to be met. So I do not believe - but I am very happy to check - that it is exactly the area that the Deputy is referring to.

### **Connétable D.W. Mezbourian of St. Lawrence:**

I have indicated that I would like to ask a question but it is not in relation to this question.

### **The Bailiff:**

Then it is not in accordance with Standing Orders and it will have to wait until when the Chief Minister is answering questions more generally. Final supplementary question, the Connétable of St. Peter.

### **The Connétable of St. Peter:**

No, thank you.

## **5.6 Senator S.Y. Mézec of the Minister for Economic Development, Tourism, Sport and Culture regarding grants provided for small and medium-sized businesses (OQ.137/2021):**

Following the announcement that grants will be provided for small and medium-sized businesses to allow them to invest in measures that will improve their productivity, what conditions, if any, has the Minister considered applying to these grants to ensure that the businesses' employees, including any paid below the living wage, will benefit from wage increases as a result of increasing productivity?

### **Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):**

Alongside the main criteria, the assessment of applications contains additional considerations, which identify and further endorse those projects that can support Government commitments to the living wage and the Jersey performance framework outcomes on sustainable well-being. The scheme guidelines are clear that priority for funding will be given to applications that can demonstrate both. Improving business productivity levels is one step towards making businesses more efficient and thus more profitable, which will support their ability to move towards paying higher wages. This is certainly one of the key objectives of the scheme.

#### **5.6.1 Senator S.Y. Mézec:**

Would the Minister be prepared to publish whatever information or guidance comes alongside these grant applications to demonstrate these criteria? So we can see them for ourselves and ascertain for ourselves whether we think they are robust enough in their requirements to move towards a living wage.



**Senator L.J. Farnham:**

The scheme guidelines are currently published on gov.je. Jersey Business are acting as the gateway and will advise and coach businesses through the scheme application process. So I am happy to provide any additional information that Members might not think is adequate in the current published scheme guidelines. But I could also ask Jersey Business to publish more details on the application gateway.

**5.6.2 Deputy M.R. Higgins:**

Has the Minister taken into account the productivity gains that the Americans have been discovering in adopting a 4-day week? Also with workers working at home. So are these considerations taken into account in his guidelines?

**Senator L.J. Farnham:**

If any applicant to the scheme can demonstrate how they plan to improve their productivity, then all of that will be taken into consideration. My department certainly have not carried out any specific work into a 4-day week but I can confirm that there would be no impediment to any businesses wishing to include that as part of their scheme. After all, improved productivity is about working smarter, not harder, and producing more economic output with less resource.

**5.6.3 Senator S.C. Ferguson:**

How does the Minister describe an increase in productivity? What is his understanding of the term, which is bandied around so much?

**Senator L.J. Farnham:**

It is not so much my term but the economic term we use to monitor our productivity. It is the value of business profits added to the compensation of employees, so all the payroll in businesses. If you add those 3 figures together that gives us our gross value added for the Island and you simply divide that figure by the number of full-time equivalent employees. That formula will be applied to the businesses applying to the scheme so their productivity can be monitored in the same way.

[12:45]

**5.6.4 Deputy G.P. Southern:**

Will such schemes involving increasing productivity through moves towards the living wage, will he be encouraging companies engaging in this route to seek accreditation from Caritas?

**Senator L.J. Farnham:**

I have not given consideration to accreditation from Caritas, but I would encourage all businesses to embrace improved productivity and I would support the appropriate accreditation with whoever it may be.

**Deputy G.P. Southern:**

I cannot see where there is an answer I can ask on that.

**Senator L.J. Farnham:**

I was trying to say that I would support companies seeking accreditation.

**5.6.5 Senator S.Y. Mézec:**

Would the Minister accept that if measures to improve productivity for Jersey businesses are successful, then in the future there will be fewer excuses for not accepting proposals to raise the minimum wage to the living wage?

**Senator L.J. Farnham:**

I, and certainly the majority, if not all of the Assembly, support the move to living wage. Promoting productivity through the productivity support scheme - and this is a pilot scheme, which if successful I hope can be rolled out on a much larger scale - is done for the sole objective of improving productivity and that means improving wages. I do support that wholeheartedly and very much hope these schemes will facilitate a much faster move to improve wages right across the workforce.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

The Assembly stands adjourned until 2.15 p.m.

[12:47]

## **LUNCHEON ADJOURNMENT**

[14:17]

### **5.7 Deputy C.S. Alves of the Chair of the States Employment Board regarding centralised record of contracts (OQ.141/2021):**

Further to Written Question 105/2021, will the chair provide his assessment of whether the current living wage eligibility criteria is fit for purpose and use in the Board's engagement of contractors, and state whether he is aware of any possibility for companies engaged by the States to avoid paying workers a living wage by allocating shifts that do not meet the minimum requirements?

#### **Senator J.A.N. Le Fondré (Chair, States Employment Board):**

The living wage criteria and parameters are not set by Government, so Government worked with Caritas to ensure the living wage criteria was adopted appropriately and delivered consistently. As outlined in the question, all contracts recorded centrally by a commercial services as meeting the living wage criteria have a provision and contractual agreement to meet the requirements. What I would say is we are not aware of any contractors being engaged that are not meeting their contractual obligations in relation to the living wage but obviously if the Deputy is aware of contractors that are not meeting their obligations I would be very grateful if she would forward those details to me and we will categorically follow them up.

#### **5.7.1 Deputy C.S. Alves:**

What checks, if any, are in place to see whether these contractors are fulfilling the requirements?

#### **Senator J.A.N. Le Fondré:**

I do not think we carry out an audit that specifically requires, for the sake of argument, where we go and sample check the number of hours that somebody is working. Obviously the requirement to make sure that if they are doing the requisite number of hours that they are subject to the living wage but obviously these are a case that it will be part of the contract and obviously if it is identified to us that a contractor is in breach of those obligations that will be absolutely followed up. As I said, I am not aware of any circumstances but very happy if the Deputy wants to pass on any information she may have, which I am assuming is the reason for the background to the question.

#### **5.7.2 Senator S.Y. Mézec:**

Is the chair of the States Employment Board aware of any contractors who are paying their workers less than the living wage because they are on old contracts that have not been renewed since the decision to require contractors to pay the living wage was made? If he is aware of whether that is still the case is he aware to what extent it may be the case?

#### **Senator J.A.N. Le Fondré:**

I am not aware to the extent. I do recall that there were some contracts which had a period of time left to run and therefore, on that basis, it will be when those contracts, if they have not already been renewed, come to be renewed, and if they meet the criteria, that they will then be required to make sure they are applying the living wage as appropriate. I do make the point, as we have said on many occasions, all the data in this kind of area is very difficult to bring together, which is why we have invested in the I.T. systems that we are investing in.

### **5.7.3 Deputy G.P. Southern:**

May I ask when the last review was done over the effectiveness of our support for the living wage?

### **Senator J.A.N. Le Fondré:**

Sorry, having said we do not do an audit on it and as contracts come to conclusion, if they are being renewed, they will be then subject to living wage. I am not quite too sure what else the Deputy is referring to.

### **5.7.4 Deputy G.P. Southern:**

The question is about what reviews you have done over the existing situation? Would you have caught anybody not paying the living wage if you have not done a review? There must be some mechanism in the system, we are either for a living wage and engaged with it or we are not.

### **Senator J.A.N. Le Fondré:**

Part (e) of the answer refers to 39 contracts are due to be reviewed during 2021 where the living wage terms are likely to be applicable. I do not have any additional information that suggests any further review beyond that.

### **5.7.5 Deputy C.S. Alves:**

I would welcome meeting with the chair in order to avoid bringing it up in the public arena, so I hope that the chair will be happy to meet with me about this.

### **Senator J.A.N. Le Fondré:**

Absolutely. I will ask my team to get that into the diary.

## **5.8 Deputy J.M. Maçon of the Chair of the Environment, Housing and Infrastructure Scrutiny Panel regarding cats legislation (OQ.149/2021):**

Will the chair state when the terms of reference for the review of the Draft Road Traffic (No. 68) (Jersey) Regulations 202- (P.39/2021) – a.k.a. the cat protection legislation - will be published, and inform Members whether all members of his panel supported the decision to scrutinise the legislation prior to the regulations being referred under Standing Order 72?

### **The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

I thank the Deputy for his question and his continued interest in this subject. The panel will be conducting a short Scrutiny review with the intention of producing a comments paper ahead of the revised debate of 5th October. As such, it is not intended for this to be scoped as a full Scrutiny review with terms of reference. With regards to the second part of the question, prior to the debate - the night before at my regular Parish police meeting - I had had feedback from Centeniers regarding the policeability of the proposed law. As such, I invited my other Scrutiny Panel members for their views with regard to calling it in for further consideration. I am happy to repeat what I told them, which is basically that: "I have had feedback from Centeniers at last Monday's police meeting regarding the ability to police this proposed law, which seems to have several holes in it. I am thinking that in the light of this we ought to call it in for a review. Let me know if you have strong feelings against this." Three of the panel members responded in the affirmative, 2 did not respond,

and with me that made 4 for calling it in; with 2 not responding I presumed they had no strong feelings against.

#### **5.8.1 Deputy J.M. Maçon:**

I am sure, as the chair will know, the petitioners who brought this proposition are keen to engage in the Scrutiny process but without a terms of reference it makes it very difficult for them to know exactly what they should do. I wonder if the chair could provide any further clarity of what the concerns of the Scrutiny Panel are so that the petitioners are able to participate in the Scrutiny process.

#### **The Connétable of St. Brelade:**

The objective is to meet with the Comité des Chef de Police and listen to their concerns and then to meet with the Equal Rights for Cats Action Group to hear their views. We shall also be liaising with the Minister for Infrastructure on the concerns raised and with any further questioning in due course. The review is being publicised on the States Assembly website enabling members of the public and interested parties to follow and/or engage with our work should they wish to do so.

#### **5.9 Deputy R.J. Ward of the Minister for Children and Education regarding transition days (OQ.147/2021):**

What work, if any, has the Minister undertaken to confirm whether or not transition days in primary, secondary and tertiary settings acted as “super-spreader” events for COVID-19 infection; and if such work has been undertaken, what assurances can he provide to the Assembly that this was not the case?

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

Transition has already been carried out for some students moving from year 11 to year 12. These transition events, which include additional mitigations have passed off successfully with no evidence of any superspreading. C.Y.P.E.S. officers work closely with the Environmental Health contact tracing team, Public Health officers and S.T.A.C. Each positive case in schools is analysed to identify any patterns of transmission and none have been identified in relation to transition days.

#### **5.9.1 Deputy R.J. Ward:**

Can I ask the Minister to detail what work has been done to look for possible spread of the virus seeing as some of the transition days only finished at the end of last week and whether he believes that bringing children together in those circumstances could have been a risk that was one step too far?

#### **Deputy S.M. Wickenden:**

The work that is done to identify where the transmission is and where patterns are is done by the Environmental Health contact tracing team and the medical officers that are much more qualified to look into that than I. We have put in lots of mitigations to make sure that these extremely important days for children can take place and that means about not mixing in bubbles, making sure that masks are worn in communal areas, good record-keeping to ensure that movements can be tracked of children. The issue of transition days is so important to the children’s education in moving forward. My team has been working for a long time now to make sure that, whatever happened within COVID, we had the right mitigation in place to have the safest possible outcome to continue these educational days.

#### **5.10 Deputy G.P. Southern of the Minister for Treasury and Resources regarding selling off utility assets (OQ.152/2021):**

Will the Minister inform Members what powers, if any, she has to sell off utility assets without bringing such decisions to the States Assembly for agreement?

**Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):**

I assume that the Deputy's question is prompted by the recent announcement of J.T.'s (Jersey Telecom) sale of its majority stake in its I.o.T. (Internet of Things) business. Under the Public Finances (Jersey) Law 2019 the States has assigned to me responsibility to "exercise the rights attached to shares in a company wherever incorporated that are owned by the States in the name of the States." In addition, the relationship with the States-owned entities is governed by a memoranda of understanding and under the provisions of these M.O.U.s (memorandum of understanding) which are not legally binding, the sale of material assets by an S.O.E. (States-owned enterprise) require my consent. In considering the J.T.'s board request for consent to the sale of the majority stake of its subsidiary company I sought independent advice on the nature and construct of the transaction and my role in its approval.

[14:30]

The relationship with the S.O.E.s is one that was created to allow the vital components of the Island's infrastructure to be managed commercially and by experts in the appropriate field with proper oversight from the shareholder. The sale of the majority stake in a deal that exceeded initial expectations has demonstrated the value of the successful relationship between the S.O.E.s and Minister for Treasury and Resources as representative shareholder. I would remind Members that this transaction did not involve the sale of a utility asset and the States, represented by myself as shareholder, still owns 100 per cent of the shares in the J.T. Group.

**5.10.1 Deputy G.P. Southern:**

What estimate does the Minister for Treasury and Resources have for the combined tax and dividends, which will be paid to the States under the new circumstances, and how does this compare with the tax and dividend that is returned from this entity presently?

**Deputy S.J. Pinel:**

That is a question, Deputy, that is still under discussion with the board of J.T. so we do not know exactly what the return is going to be because the contract has only just recently been signed. We just simply do not have those details at the moment. We have 2 weeks from the signing of the contract, which was at the end of last week, in order to go through all those details, and we are in discussions with them.

**5.10.2 The Connétable of St. John:**

Will the Minister be requesting a special dividend from J.T.?

**Deputy S.J. Pinel:**

We will be expecting a dividend but, as I said in the answer to my last question, we do not know what the details are just yet.

**5.10.3 The Connétable of St. John:**

Was that not part of the advice that was sought before the sale?

**Deputy S.J. Pinel:**

Yes, it would have been but the final details have not yet been approved. There is a certain amount of debt that J.T. have to clear from this. They have to remove their high-risk vendor equipment, as everybody will know. They have to invest in J.T. international pipeline products, local services, further investment in 5G, and so until all that is sorted out down to the last penny we will not know what the dividend return to Treasury is.

**5.10.4 Senator S.Y. Mézec:**

Given the importance that the States-owned companies play in Jersey, not just in providing revenue back for the Government but in helping to deliver our strategic aims on things like connectivity and sustainability, does the Minister not think it might have been more appropriate to have had some form of discussion with the elected representatives of this Island before taking such a drastic step like this in such an important company, which we own?

**Deputy S.J. Pinel:**

We still do own 100 per cent of the shares in J.T. This is the subsidiary company Internet of Things, which is a global network which J.T. has invested in. There is no question that the electorate or the Assembly, or the Minister for Treasury and Resources as shareholder, still do not own 100 per cent of Jersey Telecom shares.

**5.10.5 Senator S.Y. Mézec:**

I well understand that but the point of the States-owned companies is to provide some sort of public benefit, that is why we own them and that is why we help set their strategic directions, and that includes presumably their subsidiary companies and what they offer for the Island. Since this is quite a drastic move - I am not saying it is positive or negative; it is drastic one way or the other - is it not more democratic to rather than spring this on Members at the last moment before it is too late to ask questions or anything before it happens, to include us in the discussions on that so we know what is happening and can express some sort of democratic verdict on it? Is that not a more democratic way to run these companies for the public benefit?

**Deputy S.J. Pinel:**

No, it was a commercially sensitive transaction with a significant number of bidders and it would not have been appropriate to make it public. As I say, it is the board of J.T. that conducted these with several different independent advisers as a commercial sale, if you like, of a part of J.T. But the actual infrastructure of J.T. for which the public are accountable, if you like, as Treasury as shareholder, has not been touched. The infrastructure is still 100 per cent owned by the shareholder and the Assembly.

**5.10.6 Deputy I. Gardiner:**

Would the Minister advise when the last time the M.O.U. with Jersey Telecom has been updated as per the recommendation from the Comptroller and Auditor General?

**Deputy S.J. Pinel:**

Good question. All M.O.U.s of all States-owned entities and partially owned States-owned entities, like Jersey Electricity and Jersey Water, are all undergoing review of their M.O.U.s at the current time and almost completed.

**5.10.7 Deputy I. Gardiner:**

Just to clarify, that since the recommendation from 2014 and follow up in 2019, the M.O.U. for Jersey Telecom has not been updated yet so we are relying on M.O.U. from 2002; is that correct?

**Deputy S.J. Pinel:**

Not quite. It has been updated, it just has not yet been published. But that will be published shortly. As I say, all the States-owned entities' memorandums have been updated.

**5.10.8 Deputy G.P. Southern:**

Can the Minister clarify for me that we have not sold anything that we should not have sold and that we do not know what price we are getting for the subsidiary that we have or have not bought? Can the Minister clarify when she is going to come to the house to get the stamp of approval on this action

from States Members or is she not going to do that? Is this the start of a mass privatisation of all utilities?

**Deputy S.J. Pinel:**

No, it is not mass privatisation at all. I keep saying and try to emphasise, nothing of the actual J.T. Group, the infrastructure, has been sold. This is a subsidiary of that group run and initiated by the board of that group, which has been enormously successful, and there was a bidding war in order to purchase it. Jersey Telecom still have a minority share in the business. It seems to be, to me - and I have been involved with it - a win-win situation.

**The Bailiff:**

Could I remind Members that Standing Orders provide that all addresses should be made through the Chair therefore it is not appropriate when answering a question or indeed posing a question to direct that question or that answer to the Member by name.

**5.11 Deputy M.R. Higgins of the Minister for Home Affairs regarding increase in stop and search of juveniles (OQ.154/2021):**

Further to Written Questions 280/2021 and 299/2021, will the Minister elaborate on the reasons for the increased stop and search of juveniles by the States and Honorary Police between 2016 and 2021 and explain what other measures are being used to deal with the perceived problems?

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

The police have the power to stop and search any person who they suspect may be in possession of controlled drugs, stolen and prohibited articles such as offensive weapons, including knives, items relating to crimes including larceny, break and entry and fraud. In respect of juveniles, stop and search powers are used in a variety of circumstances including following reports from the public of suspicious behaviour, suspected drug use, theft reports and the suspected carrying of knives. The increase in the use of stop and search power over the period in question is a result of targeted action to respond to the behaviour and action of some young people.

**5.11.1 Deputy M.R. Higgins:**

The written answers indicated that a small number of people had been stopped multiple times. Can I ask the Minister what he is doing with the Youth Service or Children's Services, or whatever, to try and find other ways of dealing with these people that would stop the amount of police time being expended on it?

**Deputy G.C. Guida:**

I will answer to the Deputy that we would be delighted to find another way of dealing with these people. It is a very small number of young people, probably 10 to 20, which account for 20 per cent of all recorded crime in Jersey and if there was any other way to deal with them we would be extremely interested to hear about it. We launched Operation Rockpool in 2020 and it is a strategic and multiagency approach working with colleagues in C.Y.P.E.S., Health, the Honorary Police and others. The States of Jersey Police understands quite well the fact that this problem should be tackled earlier on but right now the delinquents are in the street and need to be dealt with.

**5.11.2 Deputy R.J. Ward:**

I do not know where to start my question now. The Minister used the word "targeted" towards a particular small group and then used the word "delinquents". Does the Honorary Police or the police have a list of their supposed delinquents and are they being stopped again and again and if so, what records are being kept of the outcomes and consequences of that? Does he really think that that is the best way forward?

**Deputy G.C. Guida:**

No, I do not think it is the best way forward but if there was any other suggestion I would be really happy to hear about it. Those young people come from families, which already have their own problems and usually for several generations, where it is quite clear that it is a longstanding social problem that needs to be resolved. The solution in this case, the actual best possible solution, was 30 or 40 years ago and the one thing that we must make sure is that we are not generating in this generation the same children that we have to deal with now.

**5.11.3 Deputy R.J. Ward:**

Is the Minister now suggesting that particular families are being targeted for the stop and search of their children because of their historic incidents or because of a reputation that they have? Is that what our policing has come to?

**Deputy G.C. Guida:**

That is a weirdly formulated question. No, of course we are not. What did the Deputy expect me to answer? No. Again, 10 young offenders commit 15 per cent of all recorded crime in the Island. They are known. They are a problem. The only way that the police found to deal with them was to spend a lot of time with them but also to work with the other agencies to make sure that they had other activities that were not basically antisocial. So it is a multiagency process and we try to spend as much time as we can with them in schools, in extracurricular activities, and to make sure that they are not in the street committing crimes but when they are in the street committing crimes they do need to be stopped.

**5.11.4 Deputy K.F. Morel:**

From the written questions that Deputy Higgins lodged, it is clear by my own calculations that there has been a 700 per cent increase in stop and searches on young people between 2018 and 2020. While the Minister says that these are targeted approaches, does he not feel that such a massive increase in stop and searches, which is far greater than the increase than any young person's crime, is having a detrimental effect on the reputation of the police among young people because they are all beginning to feel targeted by the police?

**Deputy G.C. Guida:**

Absolutely. The States of Jersey Police recognises quite clearly that this is a problem and that it will not improve their relationship with young people. But do remember that the States of Jersey Police is targeted with keeping the peace and the safety of all Jersey residents.

**5.11.5 Deputy K.F. Morel:**

If I could ask as well, it is interesting that this increase in stop and searches coincides with the appointment of the new chief of police from the British Transport Police, originally where they undertake a large amount of stop and searches.

[14:45]

Does the Minister believe that this correlation is in fact causation and the chief of police is just importing a tactic that he used for different reasons as a member of the British Transport Police?

**Deputy G.C. Guida:**

This is a more interesting question. I would say no. I would say that if anything happened it was Constable Norman's and my own fault because a couple of years ago we decided to increase the number of active policemen for these persons. These extra influx of about 20 uniformed personnel allowed them to restart community policing. Whereas the Parishes have been depleted of States of Jersey Police officers in the past years we gave the possibility for the police to restart community



policing and this of course is one of the results, is that the police force in the community are trying to deal with those delinquents.

**5.11.6 Deputy M.R. Higgins:**

Could I ask the Minister, I was somewhat concerned in the written answers that many of the police officers, although are wearing body-worn cameras, are not recording all these instances and I think it would be beneficial, not only for the other agencies but for States Members, to understand the exact nature of the interaction of the police with these people? Could I ask him: will he seek to ensure that police officers do record these instances?

**Deputy G.C. Guida:**

Yes, a couple of things about this. The first one is that officers are required to record as much of their interactions of the public as possible. Sometimes the interaction happens unexpectedly or they just forget to record it but the vast majority of the interaction with the public is indeed recorded. One thing about these interactions in particular is that as they involve children it would probably not be possible to share them with just anybody. There will be a very strong presumption of anonymity, which means that we will probably not be able, especially in the Island where everybody knows everybody, to share them. To answer a previous question because I think this is relevant as well, everything - absolutely everything - is recorded. Sometimes it is difficult to find because it is somewhere on a piece of paper but there is no action from our police which is not recorded somewhere.

**5.12 Senator T.A. Vallois of the Minister for Children and Education regarding heads of transfer report (OQ.150/2021):**

Further to the presentation of R.105/2021, regarding transfers between heads of expenditure, will the Minister advise what consultation, if any, he had with the political oversight group regarding the deferral of £2,086,000 worth of funding for education projects until 2022, and why the school extension improvements and Rouge Bouillon site review outcome projects were deferred in particular over other projects?

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

I thank the Senator for her question. I did not have any consultation with the political oversight group regarding the deferrals but I was involved in discussions at the Council of Ministers and briefed by my officers before approving the deferrals. My officers were asked where the budgets might be reprofiled to release funds for the hospital on the understanding that our projects would be repaid to meet the costs when they were more likely to be incurred. My officers took a view on which projects might have natural lag in them from practical reasons, for example, how far along they are and the necessary planning and building permissions. Do they have a project manager assigned by I.H.E. (Infrastructure, Housing and Environment)? The idea was that if the money was not going to be spent normally it would fall away to the Consolidated Fund, as per the Public Finances Law. We looked where that money might not be spent so we could reprofile it and use it for something for the benefit of the Island.

**5.12.1 Senator T.A. Vallois:**

I thank the Minister for his answer. It refers to school extensions and improvements, there is a sum of money that is taken out of there but we do not know which projects that refers to. Could the Minister expand on whether it is, for example, Les Landes Nursery, Mont à l'Abbé extension, or J.C.G. (Jersey College for Girls) and J.C.P. (Jersey College Prep) playing fields? Could he give us an indication of what particular projects are now lagging, as per his answer?

**Deputy S.M. Wickenden:**

The school extensions improvements have not been affected, as such, it is just that due to COVID we knew that we were not going to be as advanced as we are, but they are still online to be started by October. That is the extensions to La Moye, Les Landes and Mont à l'Abbé. This money would not have been spent this year but we will have the money and the projects are still going ahead 100 per cent. It was just that due to certain things that happened, like COVID, that we were not going to be able to deliver on spending that much money throughout the year. Therefore we reprofiled it. But it has not stopped or slowed down much more the projects which are the improvements.

**5.12.2 Deputy I. Gardiner:**

Would the Minister please explain why this money was not reprofiled within the department? For example, we will go back to January and the department knew that they have the money and we always have the need in education and this money was not reprofiled within the department and they have gone out to different projects.

**Deputy S.M. Wickenden:**

The capital programme money cannot be reprofiled in a way that we just bring it back into the department and spend it somewhere else, in that way for the department. It has to be looked at in a different way. The money that we got through the Government Plan for these projects will still be there. We will still get the money that was approved by the Government Plan. If we would have wanted to reprofile it and spent it on something else we would need to have done that in a different way.

**Deputy I. Gardiner:**

If I understand it correctly, it could be reprofiled within the capital project and we have, for example, a field that was allocated to the First Tower School that we never got the budget to look into this and to see how it can be developed. So why would the money not be reprofiled to that project within the department?

**Deputy S.M. Wickenden:**

The piece of work on the hospital has been delayed due to other factors that are out of our control, which meant that there was a cost associated with that. We needed to look where we could find money for that, which is an important project for the benefit of all Islanders, and that is why we chose to go down that route.

**5.12.3 Deputy C.S. Alves:**

Can the Minister clarify what he means by the projects have not been referred? Is it a lag or is it due to poor forecasting?

**Deputy S.M. Wickenden:**

It is more to do with trying to get the project managers and trying to get the planning work done. All the plans submitted at this stage, we hope to have contractors on site by October this year. There are projects like the 3G pitches at St. Clement's, Plat Douet and Granville, which will be installed for the start of the September term. But because of the inability to do certain things through the COVID period we were not able to get the contractors or the work done in that way. But there is a full intention to deliver them, as was requested by this Assembly.

**5.12.4 The Connétable of St. John:**

Is the Minister aware that his department claimed they do not have sufficient funds to draw up a lease at St. John?

**Deputy S.M. Wickenden:**

I was not aware. I am happy to speak to the Constable about that if he wishes with some officers to find out what is going on.

**5.12.5 The Connétable of St. John:**

Would the money have been better spent on things such as drawing up leases than deferring to another department?

**Deputy S.M. Wickenden:**

I think the money is best spent on the health of the Island in this way. The need was right there, right now. So I am happy with how this has gone on.

**5.12.6 Senator T.A. Vallois:**

I appreciate the position that the Minister is in. I am very much an advocate of openness and transparency and I would like a clearer picture, exactly what has been deferred within the school extensions and improvements, particularly with the question from the Constable of St. John, where there was funding put in place for that. Would the Minister commit to providing the deferral of funds indicated under page 143 of the Government Plan for school extensions and improvements with the funding that was put in place for £5.9 million; what of that was deferred to 2022 and a clear explanation as to why that was the case?

**Deputy S.M. Wickenden:**

I am absolutely happy to provide that and, as the Senator is on the Scrutiny Panel that oversees the Education Department, I will happily go and get officers together to do a briefing for the Scrutiny Panel if she so wishes.

**5.13 Senator S.W. Pallett of the Minister for Economic Development, Tourism, Sport and Culture regarding Sports Division Refurbishment (OQ.144/2021):**

With reference to R.105/2021 and the reported transfers between heads of expenditure, specifically the deferral of £500,000 to 2022 under the title “Sports Division Refurbishment”, will the Minister advise which projects are being deferred; whether any intended projects are to be cancelled; whether the Minister was consulted about the deferrals; and whether he formally agreed to the deferrals and, if so, when and how?

**Deputy H.C. Raymond of Trinity (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I will be responding to that, if I may. I will take each question as the Senator has said. The £500,000 was deferred for next year. I can confirm the projects that are included in that £500,000, which was deferred for next year. That was the new cricket nets, Les Quennevais pool wet side changing room, Les Quennevais new playground, Les Quennevais new sauna and steam, new lighting at the airport playing fields and the new C.C.T.V. (closed circuit television) system at FB Fields. All these will be carried out next year but they have been deferred. Just to confirm one other thing, as you know I am a member of the Hospital P.O.G. (Political Oversight Group) board so was fully aware of the proposals. I was also briefed about the deferral and it was further discussed at the Council of Ministers. I wanted to make it absolutely clear that we were not going to miss out. Can I further say, and I know it sounds as if one is repeating themselves, but there is money in the budget to do quite a few of the things that were restricted this year, which will be carried out this year. I am quite happy to go through them with you or I am happy to let every Member of the Assembly see a copy of what we are intending to do.

**5.13.1 Senator S.W. Pallett:**

As the Assistant Minister would be aware, the money for the sports division refurbishment was hard fought in the Government Plan and the department has been desperately under-invested in for some

years now. What he mentioned desperately needs to be done. Can he really explain to me why these important projects are being deferred because it is hitting hard those in the sports world when they do not see these projects come to fruition?

**The Deputy of Trinity:**

I have to say I totally agree with you. It was very difficult for me to go through some of the things that we were asking to be deferred but I have had full confirmation that this will be carried out next year, the money will be transferred. What I suggested, and what you have suggested, does need doing. I think the biggest problem was that we did not look after Les Quennevais over the last 5 to 10 years and we are now paying the consequences. But it would be my intention with the work that is being carried out by the sporting bodies that this will be done for next year. But I also, as I said, have a list of things that will also be carried out at Les Quennevais through his year from the money that is already in the budget.

**5.13.2 Senator T.A. Vallois:**

Could the Assistant Minister confirm or deny whether any of the £500,000 for the sports division refurbishment has been requested through a business case for the Fiscal Stimulus Fund?

**The Deputy of Trinity:**

Thank you for the question. I would have to come back on that. I am more than happy to find out. I had not looked at that angle at all but I am more than happy to do so and come back to the Senator, as requested.

**5.13.3 Senator S.W. Pallett:**

Just some assurance from the Assistant Minister that this work will take place next year. He mentioned the fact that the sports division has not been invested in over the last 5 or 10 years but that has been because of repeated Council of Ministers decisions not to invest in the sports division.

[15:00]

That is why I am so upset that this money has been withdrawn this year because it is so hard fought. Will he reassure this Assembly that this work will take place next year?

**The Deputy of Trinity:**

I think you know my background and I would be absolutely ... I want to make sure this is carried out and we need to do it. The other thing is we are under pressure to do it anyway because some of this work has to be done because there is a risk assessment as well as making sure that the people can use the facilities, especially with the facilities at Les Quennevais, and I will put my heart and soul into making sure that this moves forward for 2022.

**5.14 Deputy C.S. Alves of the Minister for Children and Education regarding antisocial or criminal behaviour (OQ.151/2021):**

Further to Written Question 292/2021, will the Minister advise what statistics or other data are collected on young people who are found to be engaging in antisocial or criminal behaviour; and is it the Minister's assessment that the current support in place is making a positive demonstrable difference to the number of youth arrests?

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

The recent multiagency work that was put in place to support a group of young people who are involved in antisocial and criminal behaviour has made a positive difference to the group of young people. The divert initiative ran for 6 months and brought together resources from the States of Jersey Police, Children's Social Care, Education, Probation, Health, C.A.M.H.S., Jersey Youth Service and Skills Jersey to support this small number of children. Through the 6-month period we

analysed the data relating to their involvement in incidents, offences, both as a victim and suspect, arrests, stop searches and missing episodes. The data shows that there has been a significant reduction in both the number and severity of incidents involving these young people over the 6-month period. School attendance for the group improved significantly during the course of divert from an average of 35 unauthorised absences to 17 at the end of the initiative.

**5.14.1 Deputy C.S. Alves:**

What plans and resources will be in place to support these young people during the summer holidays, for example, where they will not have access to things like school?

**Deputy S.M. Wickenden:**

I thank the Deputy for her question. Just because there has been an improvement does not mean these children will fall off the radar of the support we are putting in place. The partnership approach we have put in place is able to identify the professionals best placed to mentor each of these young people based on the strength of their relationship with the child rather than their professional role and that will continue to happen.

**5.14.2 Deputy R.J. Ward:**

Is focus kept on any particular focus of these children around particular schools and if so, are those schools given extra funding and resources to help impact on those children's behaviour and keeping them in school? It is that school funding that may be the first port of call.

**Deputy S.M. Wickenden:**

I would not have access to that information due to the sensitivity of the children's knowledge. I know that all the departments get together. It is about schooling. It is about outside schooling. It is about education. As far as whether there is extra funding, I am not aware of that myself within the ability to answer that.

**5.14.3 Deputy R.J. Ward:**

Would the Minister agree that given the very selective nature of our schooling, it may be that many of the challenging behaviours are focused within particular schools and therefore identifying that and increasing and targeting funding is the best way forward to challenge this issue? Would the Minister agree that would be the right thing to do, and if so, what is he going to do to do that?

**Deputy S.M. Wickenden:**

The work we are doing on the education reform, on the school funding review, and we are looking at the inclusion review, will also identify areas where there is not the right level of funding for certain schools. We cannot just talk about the children in this instance about that. It has to be looked at holistically and there will then be a plan for more funding that comes to the Government Plan. The school funding review will also put in more funding from July to schools where it sees the funding is underutilised in that manner, so the work is already happening to investigate this at a much more holistic way.

**5.14.4 Deputy M.R. Higgins:**

Can the Minister, following on from my questions to the Minister for Home Affairs, tell Members whether your success rate involves any students who have been subjected to the stop and search and who are representing 20 per cent of crime?

**Deputy S.M. Wickenden:**

I cannot answer that question. It is not within my gift to have that information. That is to do with the multiagency work, the police, C.A.M.H.S. and the like but not information I have.

**5.14.5 Deputy M.R. Higgins:**

Can the Minister answer some general questions of those who have that information? He does not need to know the individuals concerned but we need to get a grip on what help or remedial measures are being used to deal with these particular 20 per cent.

**Deputy S.M. Wickenden:**

I would be surprised if this multiagency work was not involved in the 20 per cent or the level that was there. It would make absolute sense to make sure this work was happening in the area where the children have the most challenges. I will ask the question but I would be surprised if the answer was not yes, it is that level of children on the Island.

**5.14.6 Senator S.W. Pallett:**

What is the Minister's department doing to ensure those engaging in antisocial behaviour are not suffering from any mental health issues and if identified, what support is available for them?

**Deputy S.M. Wickenden:**

I thank the Senator for his question. Where the initiative is running, C.A.M.H.S., the Youth Service, Health, Probation and Education are all involved in working together about these children. If they identify mental health issues that need to be looked at, I am sure the C.A.M.H.S. service will pick that up within the work they are doing in the multiagency work.

**5.14.7 Senator S.W. Pallett:**

Could the Minister reassure us that C.A.M.H.S. and the police work closely together to ensure those that are offending are treated in the best possible way to ensure they do not reoffend?

**Deputy S.M. Wickenden:**

I know that is a priority for C.A.M.H.S. and the police that we get the right outcomes and we help these children to get into a better place in their lives so they are not reoffending and get the support they require. Nobody in my department or the police wants to see a continuation of degradation in these children's lives.

**5.14.8 Deputy C.S. Alves:**

The Minister may or may not be aware that in the past, social workers were based in local secondary schools and a number of schools have voiced their concerns to me that they feel this is the missing link to ensure there is joined-up thinking with the approach. Can the Minister give us his opinion on this and whether he agrees or would look into reinstating this link back into secondary schools?

**Deputy S.M. Wickenden:**

I would need to look into that. I am happy to speak to any heads who feel they need better services or other support services and how that would work, and I would work with all the departments within Children and Education to make sure their voices are heard and we can see a right outcome if that is the right thing to do.

**5.15 Deputy G.P. Southern of the Minister for Treasury and Resources regarding balance of taxation (OQ.153/2021):**

What measures, if any, does the Minister have under consideration to establish a more equitable balance of income from taxation between personal and company tax than the current ratio of approximately 80 per cent to 20 per cent?

**Deputy S.J. Pinel (The Minister for Treasury and Resources):**

My officers do not recognise the ratio quoted - which is slightly different from the question the Deputy has just quoted - by the Deputy or the media over the last weekend. These ratios omit some significant financial contributions made by companies and other businesses, including employers'

social security contributions, international service entity fees and G.S.T., which is not reclaimed by exempt businesses. They also take no account of the substantial amounts of tax paid by Jersey resident shareholders on company profits when they are later paid as dividends. Nor do they take account of the large amounts of business income, for example, from many professionals such as lawyers and accountants working in partnerships, which is counted as personal income tax. In the U.K. corporation tax has for the past decade been 9 per cent of the U. K. 's tax take. In Jersey, because of marginal relief, about 90 per cent of Jersey personal taxpayers pay rates of income tax well below 20 per cent and receive tax allowances somewhat greater than those available in nearby jurisdictions. I do not, therefore, accept the premise that there is an inequity in the balance of our taxation in this respect, although we have long recognised that Jersey may be over-reliant on taxes on labour, that largely falls on businesses, including corporates.

**5.15.1 Deputy G.P. Southern:**

Will the Minister produce a spreadsheet showing the returns from each of those taxes that she says are ignored in the figures produced recently in the press?

**Deputy S.J. Pinel:**

We are already working on producing a correction of what was in the press, but it is diverting Revenue Jersey officials from the other work they should be doing. There will be a correction of those figures, yes.

**Deputy G.P. Southern:**

So, it will not take very long, then?

**The Bailiff:**

You will have a final supplementary at the end, Deputy.

**5.15.2 Senator S.Y. Mézec:**

It is an objective fact, as demonstrated by Statistics Jersey, that since about the time company tax was abolished for so many businesses on the Island, Jersey has become a much more unequal society. Does the Minister regard that as a coincidence?

**Deputy S.J. Pinel:**

No. Corporation tax came in. It is now being investigated very heavily by Revenue Jersey, along with 139 other jurisdictions that are meeting again tomorrow. The pillar 1 and pillar 2 negotiations and discussions are in progress and cannot be commented on.

**5.15.3 Senator S.Y. Mézec:**

I am not sure what part of that answer was relevant to my question. My question was: does the Minister regard the changes in the balance between personal and company taxation since the introduction of Zero/Ten for being responsible or at least playing a contributory role in the fact that we have had growing inequality in the Island in that time? If she does regard those issues as being connected, I ask her what her proposed solution would be to that to ensure Jersey over time becomes a fairer society and not a less fair society, as has been the case since the introduction of Zero/Ten?

**Deputy S.J. Pinel:**

I do understand the question and there was a sharp jump from tax paid by companies to tax paid by individuals in the change for Zero/Ten. Whether that is classed as inequality is debateable but we will see that, as I did answer the Senator, when the pillar 1 and pillar 2 come into operation, that inequality, as he calls it, should level out.

**5.15.4 Deputy M.R. Higgins:**

I hope the Minister will also correct some of the answers the Department for Treasury and Resources has given to the States that also reflect the figures in Deputy Southern's question. I was amazed to hear the Minister saying the income of lawyers who work in the finance industry is not included under income for residents but is included in part of the industry company tax. How can she justify that?

[15:15]

**Deputy S.J. Pinel:**

I said in my opening remarks that many professionals, such as lawyers and accountants, who work in partnerships are personally taxed. That is what I said in the opening remarks so they pay personal income tax but they work in partnerships. They might work for finance but they are not part of the finance industry.

**5.15.5 Deputy M.R. Higgins:**

How can the Minister justify such a great imbalance? Whether those figures we are talking about at the moment are correct or not, the gap is substantial. How can she justify it?

**Deputy S.J. Pinel:**

I do not think it is down to me to justify it on the basis that I said that a huge amount of work is ongoing to make greater equality in the personal tax and company tax situation. The work is being done so I am not trying to justify it. Otherwise, I would not be doing the work.

**5.15.6 Deputy K.F. Morel:**

In the Minister's original answer to Deputy Higgins she mentioned there is a review going into an excessive burden on labour taxes paid by businesses. Could she elaborate on this because I am not sure which labour taxes she means and I would be keen to understand what she meant by that?

**Deputy S.J. Pinel:**

I am not sure what the Deputy means. I did say labour which largely falls on businesses, so the working people there in the corporates, who are paying corporate taxes, but I am not sure where the Deputy is coming from on that.

**5.15.7 Deputy K.F. Morel:**

If I may help the Minister, the Minister herself said taxes on labour paid by businesses. Those were approximately the Minister's words. I am asking the Minister to explain what she meant by those words.

**Deputy S.J. Pinel:**

That would be the companies or corporates' social security contributions, defining labour as that.

**Deputy K.F. Morel:**

So, that is not a tax at all. That is a social security contribution.

**5.15.8 Senator T.A. Vallois:**

Negating the arguments around all the pedantics around the percentages and the pay from income tax or companies, we know there has been a significant turnaround since Zero/Ten. Could the Minister provide an appropriate message or direction for us as an Island, considering this sum we have paid out from taxpayers' money for support throughout the COVID-19 pandemic to businesses?

**Deputy S.J. Pinel:**

Is the Senator referring to the co-funded payroll scheme or the fixed asset contributions or all of them? I am not sure which one the Senator is referring to.



**Senator T.A. Vallois:**

There are a number of schemes that have been in place. I am not sure if it appropriate in the States Assembly for back and forwards in terms of questions but the Minister will be aware that there are a number of schemes in place that do support businesses and that was the point of my question.

**Deputy S.J. Pinel:**

There have been a number of supports for businesses, which is why I was not sure what the Senator was referring to. The co-funded payroll scheme was introduced very quickly in March last year and is still continuing in very many sectors, providing businesses can show detriment as to comparison with last year. There is also the fiscal stimulus fund that was introduced in 2 tranches and the second tranche has just been agreed and allocated. There has also been the fixed asset scheme, so there has been quite a few of them that have been done and there will be an analysis of them all provided when they have all been completed.

**5.15.9 Senator T.A. Vallois:**

To make it more clear in terms of the question I was asking: considering the sum of money we have paid out to businesses throughout a very difficult period of time with COVID, bearing in mind the majority of taxpayers' money now is paid through personal income tax or G.S.T., what thought process is the Minister considering around how the fairness of that affects the way the economy is driven in Jersey?

**Deputy S.J. Pinel:**

The whole schemes have been very fairly appointed. They have all been overseen by individual and independent boards to make sure each were treated equally. It is to help the individuals and companies to make a recovery in the current situation.

**5.15.10 Deputy G.P. Southern:**

Given we reduced the company tax from 20 per cent to either zero on some companies and 10 per cent on the banks, is it not time, given the impact of COVID-19 on our economy, that we took some of that tax back and increased in some way the tax on companies so that our society may continue in a fairly healthy state?

**Deputy S.J. Pinel:**

This may well happen, in answer to the Deputy's question, but we are, as I said earlier, in negotiations with the O.E.C.D. (Organisation for Economic Co-operation and Development) and cannot comment any further on those negotiations but there is another meeting tomorrow so hopefully we will have a conclusion fairly soon as to where companies tax eventually ends up.

**The Bailiff:**

We now come to Question 16 that Deputy Morel will ask the Minister for Home Affairs.

**Deputy K.F. Morel**

I will withdraw my question if you do not mind, because it is very similar to Deputy Higgins' question earlier and there is no doubt the Minister has asked many questions today. With that in mind I will withdraw it.

**5.16 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding States-owned entities (OQ.146/2021):**

Will the Minister advise whether she or her department have been involved in any discussions with States-owned entities about the whole or partial sale of these businesses or their subsidiaries since this term of office began and will the Minister provide details of any such options being considered at this moment?

**Deputy S.J. Pinel (The Minister for Treasury and Resources):**

I would like to reassure Members that during my tenure in office I have not considered the sale of any shares held by the States of Jersey in the principal holding companies that are 100 per cent owned, nor of the majority-owned companies, for instance, the Jersey Electricity Company and Jersey Water. The sale by Jersey Telecom of the majority stake in J.T. I.o.T. was a disposal of shares owned by the J.T. Group, not shares owned by the States of Jersey. The only other material sales of businesses are with respect to the operations of the States of Jersey Development Company during my period of office, and strictly speaking, these S.o.J.D.C. (States of Jersey Development Company) disposals are not sales of businesses but since the Senator refers to the sale of subsidiaries in his question, I will clarify a little further. Construction projects are generally ring-fenced in subsidiary Jersey companies and when the development is completed and sold it is the Jersey company that is sold rather than the building itself. Examples of this would be the 2 international finance centre building developments. The other smaller sale was the disposal of the Worldstone business by J.T. in 2020, which the Senator will be aware was discussed during the presentation of J.T.'s annual results to Members on 14th and 15th June. This disposal has been highlighted in the most recent strategic business plans that are approved by the Assistant Minister under his delegated authority. There are no other options for specific disposals being considered at the moment and I am in regular dialogue with respect of States-owned entity boards on their investment strategies but again, these do not currently include any disposals.

**5.16.1 Senator S.Y. Mézec:**

There was a reasonable amount in that answer that I found reassuring. Can the Minister therefore confirm that for the rest of her term in office as Minister for Treasury and Resources she will not support the sale or disposal of shares in our States-owned entities and everything that goes along with that?

**Deputy S.J. Pinel:**

Yes, as far as I can see, bearing in mind we did not anticipate COVID so we do not know what we are going to anticipate. But as far as I am concerned, yes, I would not consider any disposal of any of the States-owned entities.

**5.16.2 Deputy M. Tadier:**

I am concerned that the Minister may be reasonably accused of sophistry in one of her earlier answers when she said was only a subsidiary that was sold, therefore it did not need to come to the States and we do not need to worry about it. Could she confirm that the J.T. I.o.T. was 100 per cent States-owned?

**Deputy S.J. Pinel:**

No, I have made it very clear that the I.o.T. division or subsidiary of J.T. was owned by J.T. The infrastructure of the utility company of J.T. Group is owned by the States, not the subsidiaries or divisions.

**5.16.3 Deputy M. Tadier:**

Can I ask the Minister, if we own J.T. and J.T. owned the subsidiary before it was sold, does that not mean that we effectively owned the subsidiary?

**Deputy S.J. Pinel:**

No, it does not. It is a business and it creates its own innovative outlets, of which this was one, which we all knew about. It was incubated, for want of a better word, in 2014. It has grown substantially ever since with a huge amount of interest, as I mentioned in answer to a previous question, from global bidders in purchasing it and it was advised by 2 independent companies that it was the right

time to sell it. But that is up to the J.T. board. It is not part of the infrastructure owned by the Jersey public.

**5.16.4 Deputy M.R. Higgins:**

My question is very similar to Deputy Tadier's. I find it incredulous that if a company is owned by J.T. then it is not owned by the States as a whole. Will the Minister accept that any investments or selling of investments the company has made in these various subsidiaries could affect the overall performance of J.T. and therefore all States Members should have a right to say? I make the point again that I have no problem with that sale but it is the fundamental principle of who is accountable to whom.

**Deputy S.J. Pinel:**

That is why we have a board and a very capable and competent chairman who makes these decisions and the company is accountable to the shareholder inasmuch as how they distribute the income from the sale, which is a cash asset - if you want to put it that way - and we will oversee how that is spent. Again, with risk of repetition, as I mentioned in a previous answer, there are debts J.T. needs to clear that will be paid off by this sale and there will be a dividend that will be returned to the taxpayer.

**5.16.5 Deputy M.R. Higgins:**

Does the Minister think that it has no oversight of the board and should not look at its investments and we could argue a disinvestment in one sense, that they should be considered by the Department of Treasury and Resources, or are you just letting them go totally hands-free?

**Deputy S.J. Pinel:**

Totally not going hands-free. As the Deputy is aware, the Assistant Minister for Treasury and Resources sits on the board and it would have been a better-directed question at him but under a Standing Order I have to answer. However, he is very much part of all this and Deputy Ash has kept me informed all the way through it and it may be a certain surprise to the Assembly but that was unavoidable because of the commercial sensitivity of the sale.

[15:30]

**5.16.6 Deputy D. Johnson of St. Mary:**

Since we are talking about sale of States assets, will the Minister, for clarification purposes, confirm that in relation to Ports of Jersey the M.O.U. specifically provides that any sale of property will not take place without prior approval of the States Assembly?

**Deputy S.J. Pinel:**

Yes, that would be of States property. This is not. This was a subsidiary of the J.T. Group and the J.T. Group remains 100 per cent intact as ownership by the States.

**5.16.7 Deputy of St. Mary:**

I thank the Minister for that confirmation. I was not challenging it. Would she agree that the M.O.U.s that are in the course of being prepared for all States entities should, as has been promised before, be sent to the relevant Scrutiny Panels for review before they are finally executed?

**Deputy S.J. Pinel:**

Of course, we can do that. Yes, they will be.

**5.16.8 Deputy G.P. Southern:**

Can the Minister clarify for me that the subsidiary of J.T. has done very well and made lots of money for its owners? The question I was asking is how much of that will come back to the States as dividend and how does it compare with what dividend we were getting previously from J.T.? Will

the Minister now commit to bringing the figures, including the expenses for the company and the overall dividend to this House in the shortest possible time?

**Deputy S.J. Pinel:**

Yes, of course I will, but as I said, it is going to be 2 weeks to iron out all the details of the transaction from the date of the signing of the contract, so within 2 weeks we will be able to bring back the final details. As I keep saying, it is not for approval by the States Assembly, this is a commercial sale and a restructuring of the company. The dividend that is paid back to the taxpayer will become public knowledge in the space of the next 2 weeks.

**5.16.9 Deputy G.P. Southern:**

By the time we see these figures, it will be too late to change anything and if that dividend is £500,000 or £5 million or £50 million then we will not be able to say one way or the other: "That was a good deal you did", is that the case?

**Deputy S.J. Pinel:**

It is not, I am afraid, Deputy - at the risk of repetition - a States decision, it is a subsidiary of J.T., and the board of J.T. have made this decision with the agreement of the Treasury and Exchequer and there will be a return to the States purse, or public purse, but we do not know exactly what that figure is yet.

**5.16.10 Senator S.Y. Mézec:**

I sought with this question to try to get assurances from the Minister for Treasury and Resources that there will be no privatisation on her watch and interpreting her previous answers I think that that assurance has been given. Could she just make one final clarification that my interpretation of those answers was right and that for the rest of this term of office there will be no privatisation of our States-owned entities, beyond of course the I.o.T. sale, which has been the subject of questions today?

**Deputy S.J. Pinel:**

Yes, I can reassure the Senator there will be no privatisation and that does not compare with the sale of I.o.T. because it leaves intact Jersey Telecoms Group, which is the States-owned entity. Thank you.

**5.17 Deputy M.R. Higgins of the Assistant Chief Minister regarding costs of the Future Hospital (OQ.155/2021):**

Will the Minister explain to Members the actual (to date) and projected financial costs of any delay in determining whether the projected changes to Westmount Road and the area around the People's Park go ahead?

**Senator L.J. Farnham (Assistant Chief Minister):**

To date the requirement of the second amendment to P.123/2020, which was the proposition to decide the location of the site selection of the new hospital, that amendment was to undertake a full options appraisal of access routes for the Our Hospital project, created approximately a 3-month delay in the design. This has not significantly delayed the overall project completion timetable as where possible the project workstreams have been progressed concurrently and this has somewhat mitigated against the delays experienced and any additional costs incurred. I would stress that currently the overall project remains on target for completion at the end of 2026 and within the budget that will be coming to the States for approval in September. But to answer directly the Deputy's questions, by managing carefully the ongoing programme of works with the design and delivery partner we have avoided significant additional costs. It is estimated that approximately £100,000 to date of additional costs has been incurred because of that delay. Costs in relation to the delay of the start of the building

project is estimated to be £100,000 a day and a breakdown of those costs were included in an answer to a question on 29th June.

**5.17.1 Deputy M.R. Higgins:**

I thank the Minister for the £100,000 figure, which is considerably less than I had been led to believe. How much will determining whether the road will be used or not add to the project?

**Senator L.J. Farnham:**

We are speaking to the project team who are working very closely and very hard with the design and delivery partners. If we can deliver all of the design and planning applications by early November at the latest and receive planning approval within 6 months, which could be by the end of May, then we do not see significant additional costs. The team are working extremely hard with the delivery partners to keep things on schedule and on budget. If we do not get planning permission by then and it moves over into purdah or into the next session of the States then we are into the territory where we could be incurring costs of about £3 million a month, which is the cost of retaining the design and delivery partner past those dates.

**5.17.2 Senator T.A. Vallois:**

I find some of the answers in relation to this major project rather contradictory. We have heard from the Deputy Chief Minister that the project remains on target so the question is why was an extra £18 million needed under R.105? It is not good enough, I do not believe, to argue the fact that politically, or whether it is a Parish expectation, those risks are taken on board within a major project. Can the Deputy Chief Minister openly and transparently explain how and why we are incurring these costs at the rate that we are and whether we are being too ambitious for the project that we are expecting to see delivered by 202?

**Senator L.J. Farnham:**

Yes, we are not incurring any additional costs. The changes are to the timing. All and every cost that we talk about in the project is within the maximum estimated figures of £804.5 million, and a proposition will be coming to the States for debate in September to ask the States to approve that budget and to approve the funding of it. So all of the costs are within that budget. There are no additional costs above that. That budget does include significant amounts of contingency and optimism. I do undertake on behalf of the oversight group and the Government to be as transparent as possible, as we have been by putting every scrap of information we have available into the public domain and breaking that down to a simple explanation where required.

**5.17.3 Senator T.A. Vallois:**

I would like to challenge the Deputy Chief Minister on the argument that it is no extra money. If that is the case with all the requirements under our Public Finances (Jersey) Law and public finances manual why was it required that we had to transfer £18 million from other capital projects to the hospital project if it was appropriately identified within the Government Plan?

**Senator L.J. Farnham:**

As I have said, this is to do with the timing of the spend and this is to keep the team working and get the project to the next stage. We have some plans for further updates for States Members. I would be quite happy to provide a complete breakdown of how that works out to States Members. As I said before, it is all about the timing, ensuring we have the money allocated to keep going past that stage. We are planning this project, we are running a number of workstreams of the project concurrently to keep to the challenging time schedule of having the new hospital opened and fully commissioned by the end of 2026. We are doing that simply because after that date the costs of maintaining the original site start to grow exponentially. I would be very pleased to provide a further briefing to States Members and provide the exact breakdown of all of the current figures, how the budgets are working

and we will do that prior to the debate in September but after lodging the proposition, which we are due to do by middle of July.

**5.17.4 Senator K.L. Moore:**

Is the Minister aware of any risks from the project team with regard the affordability of the project?

**Senator L.J. Farnham:**

Does the Senator mean are we aware of the risk of the project costing more than £800 million?

**Senator K.L. Moore:**

Have any concerns about this point been raised with the Minister?

**Senator L.J. Farnham:**

No. The Our Hospital project team are determined to deliver the project within the budgets already estimated. However, I think I have to be straight with the Assembly, the inflationary cost and the cost of building materials is under significant pressure following Brexit and following the global pandemic. We do have generous amounts of optimism and contingency programmed into the budget but we are watching those global pressures very closely. Currently we are still estimating to deliver within our original financial envelope.

**5.17.5 Deputy I. Gardiner:**

I would like to follow up from the previous questions, if possible. The first one is how is the Deputy Chief Minister assured that the inflation from Brexit will not mean we go above the £804 million envelope?

**Senator L.J. Farnham:**

The advice we are getting from the Our Hospital project team is despite those pressures we are currently still on target to work within those budgets.

**5.17.6 Deputy I. Gardiner:**

Just to reconfirm that the financial estimates will be lodged in the middle of July for the attention of the Assembly?

**Senator L.J. Farnham:**

Sorry, in my eagerness to give a date I miscalculated, it has to be lodged in time for the first debate in September, so I think that is probably towards the end of July, the beginning of August at the latest.

[15:45]

We would like to lodge the proposition as soon as we possibly can to give Members and Scrutiny as much time as possible to work on it.

**5.17.7 Deputy M.R. Higgins:**

I hope the Assistant Chief Minister will arrange for a new special briefing for States Members and I hope he will be totally transparent on the figures. I might add I am confused on the figures, other States Members are, we are getting conflicting information but we need to finally get on one piece of paper almost what the exact figures are. I will leave it at that, thank you.

**Senator L.J. Farnham:**

That message is received loud and clear and the proposition on the budget approval and the financing we will present to States Members and I very much hope that will clear up any misunderstanding or further questions Members will have. I undertake to do that as soon as possible.

**5.18 Deputy M. Tadier of the Minister for Treasury and Resources regarding partial sale of Jersey Telecom (OQ.143/2021):**

Will the Minister explain why States Members were not advised of the sale of J.T.'s majority stake in the "Internet of Things" division to a private equity investor prior to it happening, and state whether or not the States is able to challenge and rescind that decision?

**Deputy S.J. Pinel (The Minister for Treasury and Resources):**

There is an important distinction to be made between the sale of shares in a principal company owned by the States of Jersey as defined by Article 32(2)(a) of the Telecommunications (Jersey) Law 2002 and the sale of part or all of a subsidiary business owned by a principal company. The power to dispose of the shares in a principal company may only be exercised by the States. Under the Public Finances (Jersey) Law 2019, the States has assigned to me responsibility to "exercise the rights attached to shares in a company wherever incorporated that are owned by the States in the name of the States." In addition, the relationship with the States-owned entities is governed by memoranda of understanding and under the provisions of these M.O.U.s, which are not legally binding, the sale of material assets by S.O.E.s require my consent. The disposal of the majority stake in J.T. I.o.T. Limited is considered as the sale of a material asset and my approval was sought under the M.O.U. requirements. Confidentially throughout this process was key. Competitive tension was maintained between the various bidders and the ultimate result is one which our independent consultants have described - and I quote again - "an exceptional position and a deal that far exceeds initial expectations." The relationship with the S.O.E.s is one that was created to allow the vital components of the Island's infrastructure to be managed commercially and by experts in the appropriate field with proper oversight from the shareholder. The sale of the majority stake in a deal that exceeded initial expectations has demonstrated the value of a successful relationship between the S.O.E.s and the Minister for Treasury and Resources as representative shareholder. My understanding is that the contracts between J.T. and the purchaser are legally binding and any attempt to unwind them will result in significant costs by J.T. and potentially the States as shareholder. It would create the risk of long-running litigation. That said, I hope all Members appreciate the long-term benefits of this transaction to Jersey and its digital sector in the future.

**Deputy M. Tadier:**

That has not answered the second part of my question. I do not know if I can challenge that under Standing Orders so as not to have to use a supplementary to get that information.

**The Bailiff:**

I think in terms of the time available I must ask you to use a supplementary question, Deputy. You have a supplementary question now if you wish to use it.

**5.18.1 Deputy M. Tadier:**

I use the supplementary but just noting my dissatisfaction. Does the Minister agree that it was a political decision that was ultimately required about whether to sell what seems to be a successful company and that a political argument could be made to retain shares in full ownership of a very successful subsidiary? My question is: did the company need the Minister's approval in order to sell this part of the company?

**The Bailiff:**

I think the Minister answered that question, Deputy, by saying that she was asked and she was required to be asked because it was a material asset.

**Deputy M. Tadier:**

I do not think she clarified, she said under the M.O.U. they consulted her and I am not clear on whether ...

**The Bailiff:**

Very well. Yes, Minister.

**Deputy S.J. Pinel:**

Yes, I can answer that. It was a business decision not a political one, but because it was a division of J.T., which as I keep saying is still 100 per cent owned by the shareholder, which is the States of Jersey, it had to go through Treasury and Exchequer and myself as current shareholder to be agreed. The decision was business based not political.

**5.18.2 Senator S.Y. Mézec:**

Could I ask the Minister when she was made aware of the news which has been announced this afternoon that the C.E.O. of J.T. would be standing down to take on a role heading up the now privatised Internet of Things? When was she made aware of that?

**Deputy S.J. Pinel:**

I was made aware of that about 10 days ago but it was not public because the staff were only informed yesterday, hence the media release being under embargo until today.

**Senator S.Y. Mézec:**

I will need time to think of supplementaries to that, it is quite a big deal.

**5.18.3 Senator T.A. Vallois:**

Can I ask the Minister the difference between the contracts for such shareholding properties that we have and the expectations of the public for telecoms? We are in quite a unique position compared to other jurisdictions with regards to telecoms. We have a M.O.U, and the States Assembly have given you the power to ensure that the expectations are derived within that M.O.U. in an appropriate manner. With regards to the answers you have given, how are the contracts and business arguments determined against the political aspiration and expectations of this Government?

**Deputy S.J. Pinel:**

That is quite a lot of questions. I hardly remember where the start came. The M.O.U., as I answered in a previous question, is not legally binding but as shareholder then the final decision rests with the Minister for Treasury and Resources. But, as I have said, this was a sale of a division of the infrastructure of J.T. not the infrastructure and it will be a huge input ... not only is it fantastic for Jersey business ... and as the Senator rightly pointed out, we have a massive reputation globally, second only to Singapore, for our connectivity ratings. This sale will allow for more injection of revenue or income into that side of the part of the structure of the business. It is a very good decision to have been made but made by the board and just approved by the shareholder. I am not sure that answers all the questions.

**Senator T.A. Vallois:**

I apologise for the number of questions. Maybe ...

**The Bailiff:**

Standing Orders do require that a question should only deal with thing, there should not be a lot of supplemental questions within it. I allowed it to go at this point but just for future guidance.

**5.18.4 Senator T.A. Vallois:**



I believe much of the question was of the same thing, which is why the supplementary that I am going to ask is the Minister referred to a division of J.T.; could the Minister explain how that works in the demography of Jersey Telecom in terms of the memorandum of understanding and the shareholder expectations that the public have with regards to the ownership of Jersey Telecom?

**Deputy S.J. Pinel:**

The shareholder expectations will not change, in fact they will be enhanced because there will be a dividend return from the sale of the subsidiary I.o.T. There will be a return to the taxpayer, so there will be an increase in the dividend. It will not change the dividend that comes in, however the investments now that can be made because of the sale into the infrastructure will increase in the future of the dividend that is returned to the public.

**The Bailiff:**

I have Deputy Morel, then the Connétable of St. John and then a final supplementary if there is time. I am afraid there will not be time for any others. There is only 2 minutes to run.

**Deputy M. Tadier:**

Should I not get the final supplementary if there is time?

**The Bailiff:**

Yes, you would get the final supplementary unless we run out of time, Deputy.

**5.18.5 Deputy K.F. Morel:**

Would the Minister clarify, because I could not quite understand the answer of the question, was she made aware of the intention of the chief executive of Jersey Telecom to resign and move to this I.o.T. company in advance or at the time of being consulted on about the sale of this asset?

**Deputy S.J. Pinel:**

I thought I had already answered that. I was made aware of it about 8 to 10 days ago and it is not necessarily resigning, it is transferring and, as I say, it had to be maintained under the radar, for want of a better word, until such time as the contract had been signed and that the staff at Jersey Telecom were told of the move from one part of J.T. to the I.o.T.

**5.18.6 Deputy K.F. Morel:**

If I may, the question was she aware before or at the time of consultation, 8 or 10 days does not explain to me whether it was before she was consulted or at the time of being consulted, that is the thing I am interested to understand?

**Deputy S.J. Pinel:**

Sorry, I do not understand. The time of consultation on what part of all of this?

**The Bailiff:**

I am sorry, I am afraid the time allocated for questions has now come to an end. Deputy Southern, it is not possible to raise a point of clarification during question time, that is clarification of speeches where Members can give way or otherwise, I am afraid. We have run out of time and therefore question period comes to an end. The Greffier will take over the chair for a short while.

**The Deputy Greffier of the States (in the Chair):**

That completes questions with notice, we now move to questions without notice and the first period is questions for the Minister for the Environment.

**6. Questions to Ministers without notice - The Minister for the Environment**

## **6.1 Deputy M. Tadier:**

The question is both specific in that there is an example but generic about what powers the Minister chooses to exercise. It regards a section of wall that the Minister should be aware of - I have written to him in the past - opposite Pont Marquet estate in the run up to Maison St. Brelade where the wall has been in a state of disrepair as long as I can remember. Not only is it unsightly and I believe brings down the image of the area, but it is also potentially dangerous with jagged edges. Is the Minister aware of this and what action could he propose to take to request the owner of that land to repair that wall?

## **Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

I thank the Deputy for his question. Obviously I live fairly close to that area and I should have noticed the wall. I have to confess that I have not. It is not unusual for walls, I am afraid, particularly those of a granite nature, to be in various states of disrepair. Of course there are not funding mechanisms available to support landowners in maintaining them. It is a matter for private landowners. What powers does the Minister have? Well, I think in extremis there is a requirement, there is a situation, in the planning law of serving what is called a site condition notice. I will follow this up but, frankly, I would have thought it was going to be very difficult to substantiate in that sort of situation.

[16:00]

Generally it is the most severe case of severe eyesores and damage that those notices would apply. Of course there is a right of appeal to that matter.

### **6.1.1 Deputy M. Tadier:**

I am slightly disappointed that we would wait until something becomes completely dilapidated and an eyesore. I suppose the more general point is that we are still a tourist island and there are probably more examples in central St. Helier of building that should be real cultural assets and historical gems, if you like, which are being left to dilapidate. I think the powers that the Minister or his officers have are not being used, even softly, with a carrot versus stick to have those conversations. Does the Minister agree that more could be done at least to make the owners aware that the law does exist and to have those conversations to try to get the shabby areas of town and my district looking a bit nicer?

### **Deputy J.H. Young:**

I do agree that there are many examples around the Island where we have valuable assets, particularly heritage ones, where the owners are struggling to maintain them and indeed there are no systems of financial support available whatsoever. I certainly have discussed with my team an example of where we can bring forward funding to provide some limited funding or at least a grant arrangement to provide that. There is no question about it, I am afraid this is a political choice. My personal approach as a Minister has not been to initiate what you may call an overly heavy-handed approach. One tries to do things by persuasion and support, but it is possible that a future Assembly or Members could want to upgrade that to a much more aggressive stance. But you would be likely to get a lot of negative reaction to do that. I have to say at the moment the planning system is under great stress from the level of issues that have been arising. That is why I am certainly discussing with the Council of Ministers under our Government Plan to strengthen resources to help us do this and some of this work to upgrade it in the future, which I hope will put a Minister in a better position in the future.

## **6.2 The Connétable of St. John:**

Following his answer to my Written Question 219/2021 about testing of seawater at Bonne Nuit, can the Minister confirm when the last review on usage was made at Bonne Nuit and over what period of time?

### **Deputy J.H. Young:**

No, I cannot. What I have asked to do, as obviously the Constable has brought that matter forward. The answer that I gave him is based on practice at the moment. I have certainly taken on board, and I did it in my response to his question, that we will review that. In fact today there is a meeting scheduled that I think is due to happen very, very shortly when we will be able to have the water pollution officers around the table and we will try to find some solution to this issue. But at the moment I cannot give him that exact detail, but I undertake to provide it.

### **6.2.1 The Connétable of St. John:**

Does the Minister agree with me that it is not acceptable to have a bay with sewerage treatment works where the seawater is not monitored on a regular basis, regardless of usage?

#### **Deputy J.H. Young:**

My understanding is that this is a private treatment works and of course the reality is that in many parts of the Island, which are not served by mains drainage systems. That of course is a matter that is something we really need to put right. We need to increase the availability of mains drains. But that means that a lot of premises and properties are having to rely on private drainage systems where there are failures that occur of maintenance. In which case the water pollution team are on to those as effectively as they can and take remedial action. But in this particular case I am going to have to defer to that meeting to look at this particular matter in more detail. Because it is not right. It is an offence under the law to pollute the marine environment for any reason.

### **6.3 Deputy R.J. Ward:**

I would like to ask the Minister my question that was on the Order Paper so we may as well have the chance to do that. Given that Jersey's census analysis and the education estate review are not going to be available before amendments to the bridging Island Plan 2022 - 2025 are due to be lodged, will the Minister advise what flexibility, if any, will be permitted to consider amendments informed by this data that is submitted after the 12th July 2021 deadline?

#### **Deputy J.H. Young:**

I thank the Deputy for his question. Absolutely, yes, there will be information come to light after that date for Members' amendments. Most particularly the census. We are not expected to get even provisional information until the end of the year and the first report in quarter one. Of course I am hopeful, as we all are, that the education estate review will report earlier than that. But, nonetheless, the system has been designed, the process and the order I made to provide the flexibility for States Members to deal with that. So the situation is as set out in the law that after 12th May that Members will have an opportunity for amendments to be published after the Planning Inspector's report. Any issues that have been raised by States Members, Members' representations. So I am satisfied that there is the opportunity there and the timescales for that are set down in the law, which I am happy to circulate to Members, which I was going to do anyway. So the flexibility is there.

### **6.3.1 Deputy R.J. Ward:**

Given the importance of the education estate review, can I ask the Minister why he believes that was not produced in tandem with the bridging Island Plan or before the bringing Island Plan, given that there is so little on education in the bridging Island Plan? Does he not feel that is a real gap in the information that we have, particularly in the centre of St. Helier and for St. Helier children?

#### **Deputy J.H. Young:**

My position is certainly working through both process of preparing and working with the officers on the draft plan and, as we are now, I have been disappointed that we have not had greater clarity. We have not had any clarity on the provision of schools in the town area. Because the plan is for a 3-year period, 4 years in all, and of course we are going to see more children and a need for children's schools in town. My understanding is that what is being told at the moment is that there is a need for

both a school site on the eastern part of town and on the southern part of town as well. But exactly what sites they are, and so I do think again it should be possible for when we see that report, which I hope is available very quickly, we can look at the Island Plan and see how we can factor that in, in the policies that come forward to the States. So it is not ideal but we can work with it.

#### **6.4 Deputy S.M. Ahier:**

Will the Minister advise the Assembly of his reasons for rescinding his decision to hold a public inquiry into the development of the Mayfair Hotel and Ann Street Brewery sites?

#### **Deputy J.H. Young:**

It is a good question. Obviously, what I was concerned about when we were faced with 2 applications, both the Mayfair Hotel site and also the Ann Street site as well. Of course they are very close together, if not contiguous. I thought there was no question that would become a very, very substantial ... I cannot remember the exact numbers, but it would be getting towards 500 homes in that one location. So when I was advised that one of the applications was going to be withdrawn for Ann Street, the advice I took from the officers, and I accept this, it did not meet the requirement of, or stepped over that threshold, for needing a one-off planning inquiry. Because, as a Minister, one has to make a judgment between what you let go through to the Planning Committee - I have great confidence in the Planning Committee - and those which you think there are bigger issues applied. I have to also recognise that the pressure for homes is pretty strong and one does not want to trigger delays unnecessarily.

#### **The Deputy Greffier of the States (in the Chair):**

Minister, we have 4 minutes left and I have 6 Members who wish to ask questions, so can I ask your answer to the questions to be a little bit more concise going forward?

#### **6.5 The Connétable of St. Brelade:**

Would the Minister advise Members what stimulated the deferral of the implementation of the T.E.C.A. (Trade and Economic Co-operation Agreement) where it applies to E.U. fishing vessels for a further 3 months?

#### **Deputy J.H. Young:**

A letter that came from the E.U. to the U.K., which I was asked to respond to. It went to our lawyers who advised on it. The report I had was that there is a constructive understanding going on and we are starting to get a decent dialogue through the diplomatic channels. I did not want to light the blue touch paper and escalate the issues without having the opportunity to pursue that. Also we received more information, although it was not enough, but nonetheless it is starting.

#### **6.5.1 The Connétable of St. Brelade:**

Has he considered the impact on our local fishing fleet and our fish stocks by so doing?

#### **Deputy J.H. Young:**

Absolutely. Part of the offer we made is to require - and it is a condition - that we get the information about what fish is being taken out of our waters. That is absolutely a condition, without which we cannot monitor. Although what I have done, I have spoken to the J.F.A. (Jersey Fishermen's Association) president before we made that decision. I spoke to him yesterday. There is an understanding, a reluctant understanding. All of this, it is reluctant, this is not a willing thing we do, but it is the only practical way forward.

#### **6.6 Deputy M.R. Higgins:**

I will ask a very specific question rather than go on with the one I was going to do. In terms of neighbours who have very large trees, can the Minister tell me what the height restriction is for any

large trees that are blocking the light to a neighbouring property and whether raised ground is also taken into account?

**Deputy J.H. Young:**

Anybody raising the land level on their land requires a planning application unless it is a *de minimis* piece of work. Trees will be dealt with by the high hedges law and that sets out the guidance on heights and so on. It depends on the situation and I will make sure the Deputy has that information about those limits.

**6.6.1 Deputy M.R. Higgins:**

Will he check why his department have not acted on the raised ground, which those trees have been put on, when they had previously said it was a breach?

**Deputy J.H. Young:**

I have already agreed to demand that be done and I have spoken to the householder concerned and advised that I have asked for that to be done.

**6.7 Senator T.A. Vallois:**

Minister, in terms of the role of the planning inspector, there have been concerns raised with me around whether that can or cannot be an employee of the States of Jersey. Could the Minister confirm whether that is the case or not?

**Deputy J.H. Young:**

The change that we had to do to the law to remove that exclusion was a technical one only and it is purely because we have the inability, from memory, to recruit inspectors. We need to be able to. If we cannot get any inspectors, we cannot hold it for ever. I will promise the Senator a fuller answer because I am struggling to remember the detailed reasons of why we had to do that law, but I will advise her separately.

**The Deputy Greffier of the States (in the Chair):**

That draws to an end our period of questions for the Minister for the Environment.

**7. Questions to Ministers without notice - The Minister for Housing and Communities**

**The Deputy Greffier of the States (in the Chair):**

Next up, I am aware that there is an error on the Consolidated Order Paper, there is some confusion as to who is up next for questions without notice for Ministers. I have on my list External Relations and Financial Services. But I believe that it could also be Housing and Communities. Are you expecting to be answering questions, Deputy Labey?

**Deputy R. Labey:**

I am.

**The Deputy Greffier of the States (in the Chair):**

Excellent, then we will go with you. Next up we have 15 minutes of questions without notice for the Minister for Housing and Communities.

**7.1 The Connétable of St. Helier:**

Would the Minister explain how he is going to juggle the competing demands for amenity space and housing on such brownfield sites as become available to the States to purchase?

**Deputy R. Labey (The Minister for Housing and Communities):**

Let us look at examples like the north of town cluster, especially as it is the Connétable of St. Helier who has asked the question. Andium have already juggled that quite neatly with the old brewery site. That application has been taken in so they can improve it even more. But there is a woodland in there, there are green areas. I think Andium have made a sensible decision to just bring that back to try and comply a little bit more with comments from the Jersey Architects Commission and also concerns from Historic Environment.

[16:15]

But they have not just looked at that site in isolation. They have looked of course at the problem they had, the disaster with no approval for Gas Place, and looked at it as an opportunity. Members might have seen plans for that whole area to be parkland, which would be fantastic for the area. Obviously there is an education review and I have not been briefed on that yet. That comes at the end of the week. It is likely that they would be looking at that site. But I am sure we will get a lot more park there. It is not just about the park either. It is about green pathways. It is about putting children first obviously and making sure they have space to grow and develop and places to socialise. But it is the green pathways that link the park, their schools, the shops they want to go to and their homes, which is so important. We might even get a green pathway over St. Saviour's Road and up to the schools at the top of Mont Millais. But yes, I have always been a proponent of it. My first term was defined by my fight for a pocket park at La Collette low rise. So I am fully on board.

#### **7.1.1 The Connétable of St. Helier:**

I am pleased that the Minister said that he thinks the idea of extending the town park is fantastic. Would he agree with me that this may be a unique opportunity to get marriage value in the existing Millennium Town Park, which is, although wonderfully used, is extremely small for the number of residents and visitors that it has to cater for? So would he support the extension of the Millennium Town Park across the whole of the Jersey Gas site, subject to those obvious criteria being met?

#### **Deputy R. Labey:**

Yes, I would absolutely. If you look at that park in the summer on hot days, you can hardly move on it. It is a massively important amenity. When you think about the extra units that are going along St. Saviour's Road through to Green Street, it is essential for that density, and of course the former warehouse, Play.com site. Any town planner would look at the map and tell you: "Put that in park." If a school or some of a school goes there, that is needed too, but we desperately need to increase the size of that park.

#### **7.2 Deputy S.G. Luce of St. Martin:**

Could I just ask the Minister about affordable homes? I know he said he was going to provide affordable homes for young families. Can he just explain very quickly his knowledge of modern methods of construction? Because that will be absolutely essential to finding ways to find homes that are affordable.

#### **Deputy R. Labey:**

I could not agree with the Deputy of St. Martin more. It is absolutely something we must scope now. It has been talked about an awful lot. In case people are wondering what we are talking about, it is M.M.C. (Modern Methods of Construction), we are talking about homes effectively constructed elsewhere in frame form and then assembled in the location. I am asking the Deputy of St. Peter, who has done some work on this, and the Deputy of St. Martin, who has done some work on this, and the Constable of St. Mary, to join with me in a working party. A short sharp exercise to look at the viability and feasibility. Because, if we can - using the Deputy of St. Peter's figures - get a 3-bedroom house to Portsmouth Docks for under £100,000, and if we can get it over that expensive stretch of water, build the foundations, assemble it with a construction partner here, buy the site of course, but these sites will have to be at affordable homes prices. If we can do that too for under

£100,000, we get a 3-bed unit for under £200,000 or thereabouts. That will help us with affordability absolutely. It is being done over there absolutely brilliantly. These are not flatpack homes that are substandard. These are top-quality, highly insulated, really well-manufactured, and that is what I am looking at and I would really love to bring forward.

**The Deputy Greffier of the States (in the Chair):**

Can I remind the Minister that concise answers are required? We have a few people wanting to ask questions.

**7.2.1 The Deputy of St. Martin:**

I am really grateful for the Minister's answer and I look forward hugely to working with him on this problem, which affects so many Islanders. But can I just ask him very quickly, does he also share my enthusiasm for shared equity in perpetuity? Just another string in the bow of making these houses affordable.

**Deputy R. Labey:**

Yes, absolutely. On my trip around the Parishes in preparation for the Island Plan, I have been to Trinity and heard all about that scheme and I think they are excellent.

**7.3 Deputy J.M. Maçon:**

While we know it is a smaller section of the housing stock, but a proportion nonetheless, does the Minister have a plan or strategy to deal with habitable but vacant properties?

**Deputy R. Labey:**

I have a budget allocation of £500,000 for work on this. At the moment I am at capacity with all my priorities. But I do have an idea. I do have a plan that I would like to see work. We are way behind other jurisdictions. In the U.K., if you leave a property empty for 2 years, your council tax gets whacked up 50 per cent and that figure is going to rise. There are also other enforcement measures. But there is also an initiative called No Use Empty. I would like to see a No Use Empty Jersey initiative. I am hoping that the new strategic housing and regeneration team will help me scope this. I am hoping that we might be able to make that a trust or a charity and make it a community initiative.

**7.3.1 Deputy J.M. Maçon:**

Can the Minister provide us with any type of timeline that he was working to?

**Deputy R. Labey:**

I have got £250,000 available from 2022 for this project and in 2023 another £250,000. I want to scope it, set it up, and hopefully get it running by the time I leave office in 2022.

**7.4 Deputy M.R. Higgins:**

The Minister has numerous priorities but he did promise by July to come back and tell us what he is going to do about the digital register of commercial and residential properties so we can find out who owns what. It is almost July. What can the Minister tell us?

**Deputy R. Labey:**

No, that was not a promise I gave. The responsibility for Deputy Higgins's P.93 has only just landed in my lap just a few weeks ago. So I would not have made that sort of promise. I am very sympathetic with Deputy Higgins because when the States makes a decision it should be actioned. The trouble is this one has not been, there is no money for it this year, there are no resources for it, officer time, this year. It could cost £500,000. We have to work it out. We have to work out how we are going to gather this information, who is going to gather this information, what is going to be done with it when it is gathered. It is a data protection nightmare. But I will try to get the money for it and the resources

for it for 2022. I will try to do that so that work starts on it in 2022. That is not a promise but I will give it my best shot.

#### **7.4.1 Deputy M.R. Higgins:**

Does the Minister accept that people have failed us on this one, considering it was passed in September of last year, and should have been actioned by now? It was supposed to be actioned by the end of this year.

#### **Deputy R. Labey:**

The Deputy has made his point, I take it.

#### **7.5 Senator T.A. Vallois:**

There has been much made over this particular term around regulation and responsibility for estate agents and the role they play with regards to the market in terms of rents and buying property within the Island. What is the Minister's view and dedication to ensuring the appropriate regulation for estate agents? Also in mind from that, the rents policy for the 90 per cent market rent that is determined by an unregulated entity?

#### **Deputy R. Labey:**

The Jersey Estate Agents Association want to see - and have been calling for it for some time - regulation to ensure that people working as estate agents in the Island have a qualification. It is an equivalent A-level qualification, but have a qualification. I support them. There are problems occasionally with gazumping. I was talking to the chairman of the Jersey Estate Agents Association just recently and he said in 40 years he has never had a case of gazumping because he knows what he is doing. If you have qualifications and you know what you are doing, then gazumping should not happen in theory. So I support their call for that. I am not sure what the second part of the question was.

#### **7.5.1 Senator T.A. Vallois:**

I am happy to use that as my supplementary. Bearing in mind the comments that you have made, Minister, around the regulation, how does that apply or support evidence around the need for applying an 80 per cent or 90 per cent rental policy to a market that has never been regulated and never been capped for a very, very long time?

#### **Deputy R. Labey:**

The Senator knows that social rent policy is my immediate and most important priority. The work on that is being undertaken right now. I understand my officers had a very good meeting with Andium Homes in the week. There is some number-crunching going on. It is good that we are doing this now in preparation for the Island Plan because there will be implications for resources, for a shortfall. So it is good that we are doing that now. I do not think it is going to take very long. We do have a little bit of time because the next rents would not be set until the September R.P.I. (Retail Price Index) figure comes out and that will come out in October. So we are using this time now to see if we can get a model after the P.31 debate that would satisfy those who voted for that element of P.31. We are working hard at it.

#### **7.6 Senator S.Y. Mézec:**

Given that there are around 2,000 applications on the Affordable Housing Gateway for first-time buyer properties and Andium's scheduled building programme will not deliver close to all of the homes needed to meet that demand, would the Minister agree that a housing project led by a Government developer such as, for example, South Hill, should aim to maximise the contribution of first-time buyer housing as part of that development?



**Deputy R. Labey:**

I hear the Senator, but the trouble is S.o.J.D.C. were given the brief in 2019 by the Regeneration Steering Group to maximise the financial potential of the South Hill site. There is potential because it commands one of the best views on the Island. So they were given that brief and instruction by Government 2 years ago. They have come back. They have done an architect competition; they have their plans. Is it good government to now say: "We want to change the brief now." I am not sure. Where I think I could live with this and could justify it is this: if revenue from the South Hill site, maximum revenue-raising potential, if some of that revenue goes to providing affordable homes or even into that pot I have for an affordable home product, or help with deposit or what have you, then I could justify it. Maybe that is the way to do it.

**7.6.1 Senator S.Y. Mézec:**

Is it good governance to allow a government developer to provide a category of home, for which there is no overwhelming demand, and not provide a category of home for which there is overwhelming demand by their own statistics that he collects as Minister for Housing and Communities? Does he not accept that there is a perfectly reasonable democratic argument for changing your instructions to a government-owned body to address the fact that the situation has changed?

**Deputy R. Labey:**

What if it can? I would just say this: supply of homes on the open market is absolutely vital. Revenue from the scheme in South Hill would go to the scheme on the waterfront. There will be open-market homes on that too, which will be more affordable. If we do not increase supply in the open market, it will self-inflate. What we do need to do desperately - and I am starting this conversation this week with my political oversight group - we need to have a buy-to-let conversation because that - ask any estate agent - is a real worry. If someone's nice-to-have 2nd, 3rd, 4th or 5th buy-to-let property as an investment, if that is depriving someone else of their necessity, their first foot on the housing ladder, then we have to sort that out. I think it is a big worry.

[16:30]

**8. Questions to Ministers without notice - The Chief Minister**

**8.1 Deputy G.P. Southern:**

Does the Chief Minister now accept that the agreement of the G20 to the G7 plans for a global minimum tax rate of 15 per cent for companies will, in the short or long term, render unviable our own zero per cent rate of tax? If not, can he explain why or how?

**Senator J.A.N. Le Fondré (The Chief Minister):**

The fundamental on that is we need to see what agreement comes through. We have always made the point that we are a co-operative jurisdiction, we are well-regulated and we fully participate in these type of matters. The right venue for this is at the O.E.C.D. and that a level playing field is important. So let us see how this runs. We have plans if necessary and we have plans in place that - should things change, and these things usually take a number of years to change - we can do while complying with not only O.E.C.D. proposals but also supporting all of our local industries. As I said, we should be proud of the financial services industry we have, of its reputation and also obviously the benefit to the Island. I would hope that, not only this Government, any Government going forward would be as supportive as well.

**8.1.1 Deputy G.P. Southern:**

The Chief Minister said that we have plans. Is he prepared to explore those plans with Members of this Assembly?

**Senator J.A.N. Le Fondré:**

Firstly, we need to know exactly what agreement comes through from the O.E.C.D. That is the critical point before we start reacting accordingly. But, as I said, as with any matters that we have had to deal with around taxation policy and financial services, we treat these things extremely seriously. We co-operate always on these things. We are generally regarded as a co-operative jurisdiction and I would hope that is part of our reputation. On that basis, let us see what the outcome is before we start running scared. We are fully supportive of the industry and the crucial thing is that a sensible discussion is had and that a level playing field ensues, which is appropriate for both large and small jurisdictions.

**The Deputy Greffier of the States (in the Chair):**

Thank you, Chief Minister. Can I again extend to Ministers the need to be concise in responding? It is 3 minutes for one question.

**8.2 Deputy R.J. Ward:**

Does the Chief Minister see the development of party politics as beneficial to our democratic system?

**Senator J.A.N. Le Fondré:**

I am sure it will be an evolution and we will have to see how it evolves. I am concerned that opposition politics is not supportive of the system that we have. Constructive challenge is always a good thing in any system.

**8.2.1 Deputy R.J. Ward:**

Will he or other Members of the Council of Ministers let the public know if they have any party-political alliances in order to have a full disclosure about factors that may influence decision-making?

**Senator J.A.N. Le Fondré:**

I am sure that, as and when people's allegiances are properly defined, that will be required.

**8.3 Deputy M.R. Higgins:**

The Chief Minister has heard from the Minister for Housing and Communities that there is going to be no progress on the proposition which I brought to the States and was passed in September for a digital commercial and residential property register. Will the Chief Minister, to honour the promises that were given originally, either give resources or money to the Minister for Housing and Communities to enable it to be completed by the end of this year as was originally agreed?

**Senator J.A.N. Le Fondré:**

I have been as equally disappointed as the Deputy on this and I have been having discussions. I am very keen to see the register that the Deputy proposed put in place. It is complementary to various things, including population, and also other matters around property registration. I believe the Deputy's approach was sensible. So on that basis I am extremely supportive of it and am in discussions - and had discussions even today briefly - with the Deputy of St. Peter around this area. I am keen to see it carried forward.

**8.3.1 Deputy M.R. Higgins:**

Just to confirm with the Chief Minister, I appreciate what he just said, but will he be prepared to put money or manpower to it, to achieve its completion by the end of this year as originally planned?

**Senator J.A.N. Le Fondré:**

What I cannot, as ever, guarantee is that it will be completed this year. I certainly would like to see work commencing, and that is something I am actively exploring. However, bear in mind the answers

that I have previously given to questions from the Deputy, I am actively taking up some of the information I was given with the relevant officers.

#### **8.4 Deputy G.J. Truscott of St. Brelade:**

Scientists recognised early on that the Delta or Indian variant was significantly more efficient in transmission than its counterparts, some 60 per cent more efficient to be precise. Can the Chief Minister explain the rationale behind his Government's decision to relax the rules around the wearing of facemasks, knowing that Delta was on-Island with the potential to spread fast?

#### **Senator J.A.N. Le Fondré:**

I need to apologise because I have been lapsing into using "Sir" and I do very humbly apologise. I am sure I will do it again. As the Deputy correctly states, we are in essentially guidance territory on most of the use of masks except for transport. Transport is still governed by law. It is still a legal requirement to wear masks on a bus. I just want to make that point quite clearly. In terms of the use of masks, the spread that we are seeing at present is mostly around younger people, households and areas of social contact. So, in the context of having a very, very good vaccination take-up across all those we want to be protecting, the view to date - but we continue to review the evidence on a very regular basis - that masks would be unlikely to have had a significant impact on the present wave. Because that it is unlikely to be particularly mitigated by the use of masks in this context. What is very important is having a very good test and tracing regime and having the isolation regime, which Members have just been briefed on, and which announcement has gone out. As a guide, we are now at around 15,000 P.C.R. (Polymerase chain reaction) tests, I think last week, and that is excluding the lateral flow devices, which is probably another couple of thousand. That is even bigger than we saw in November/December. So that gives an indication of the level of testing and tracing that we are putting in place. That to date is the view that is the most significant way of trying to mitigate the impact. Bearing in mind it is also a matter of proportionality. At the point the masks were released, obviously the levels were significantly low, and then we had to take advice on was it proportionate to keep it in place.

#### **8.4.1 Deputy G.J. Truscott:**

Many of us have loathed wearing face masks but have done so for the greater good. With COVID cases rising at an alarming rate, at what point will the Chief Minister consider reversing his Government's decision and place masks back on a mandatory footing, as popular as that may prove to be?

#### **Senator J.A.N. Le Fondré:**

As I said earlier, the view at the moment is that introducing a mask is unlikely to impact upon the present wave that we are seeing. That is why I spent a bit of my answer on the testing and tracing regime. That to date is the advice that we are receiving. What I will say is I think it is likely that numbers will continue to increase. As we know, the spread will be quite swift, or can be quite swift in these instances, but in general - not exclusively - it is in the age ranges that are less impacted by the virus itself. That is where we are likely to be in that territory of getting closer to being in that new normal of living with COVID, i.e. treating it like a flu infection, rather than the pandemic we are presently in. We are not quite there yet but on that basis that is the view we are taking. Again, emphasising I really encourage all Islanders (a) to adhere to guidance that we give, but (b) please take up the vaccines when they are available.

#### **8.5 Senator T.A. Vallois:**

I would like to ask the Chief Minister, considering the number of questions that have been made to Ministers today around R.105 and the transfer of approximately £18 million to the hospital, which I am not arguing or suggesting is wrong. But I am going to challenge the forecasting and expectations of that funding that was agreed in the Government Plan under the capital expenditure to spend on the

specific requirements for the capital programme and why was it determined appropriate for those to be deferred or areas where it was no longer necessary for those funds to be needed?

**The Deputy Greffier of the States (in the Chair):**

Senator, questions also have to be concise as well as the answers from Ministers.

**Senator T.A. Vallois:**

I literally was just finishing, sorry. So R.105 refers to the delay and there were some areas where funding was no longer needed. So I just want to understand from the Chief Minister, from that question, across the board, why that was deemed necessary?

**Senator J.A.N. Le Fondré:**

Apologies. What was the question in that lot? Could the Senator just repeat the question?

**Senator T.A. Vallois:**

I will do it as quickly, as clearly as I possibly can. R.105 clearly referred to deferrals and area of expenditure in capital spend that was no longer needed. I want to understand from the Chief Minister, in terms of the forecasting of capital expenditure and the funding for those areas, considering the amount of money that was transferred as a head of expenditure, whether consideration for that funding was appropriate?

**Senator J.A.N. Le Fondré:**

If the question is: “Was consideration of the funding appropriate?” the answer is yes. Probably one of the most critical projects we have is the hospital project. We are on a tight timetable. As we made very clear in the debates that were held in December, delays in the project did have consequences. The consequence - as we have alluded already to - that was covered by the Senator, for example, in the Scrutiny hearing I attended late last week where this question was also raised. As we have said, this is basically a cashflow issue where, because the delays that came through from the debates - which is absolutely fine but we made it very clear that this would be the consequence - that occurred towards the end of last year, the next stage of approval was delayed. That has caused a slippage, a gap in the timing of cash that can be applied to the project. It is not an increase in expenditure. It is not an increase in cost. It is purely a timing on the availability of cashflow. That is why we have taken the decision we have. In general terms, it applies to projects that were either undisputed, we have utilised the money in a different way, or a project for example may have been delayed because of COVID. Because of that delay, the money was not being spent and therefore has been utilised, in the intention that there is no overall increase in expenditure. It is purely a timing issue, which Ministers have co-operated together.

[16:45]

**The Deputy Greffier of the States (in the Chair):**

I am not going to allow a supplementary question on that one. We are going to move to the next question. I am going to give another 2 minutes of extra time for the delays and also for the time taken in saying “Ma’am” instead of “Sir” and “Sir” instead of “Ma’am” an extra half a minute. So, Senator Mézec, you have the last question.

**8.6 Senator S.Y. Mézec:**

Could I ask the Chief Minister when he became aware that the I.o.T. business was to be sold by J.T. and when he became aware that the C.E.O. of J.T. would be moving to the now-privatised I.o.T. and whether he considers that appropriate.

**Senator J.A.N. Le Fondré:**

The first point would have been a few weeks ago. I would have to check the date. Obviously then briefed accordingly. The movement, I cannot say exactly when, it has not come as a surprise to me. So ultimately it is a matter of a private employment contract between a company, which we own, and obviously a company that is being created.

## **PUBLIC BUSINESS**

### **The Deputy Greffier of the States (in the Chair):**

That draws to a close questions without notice to Ministers. We move to Public Business. Before we start Public Business, decisions need to be made about whether to reduce the minimum lodging period in respect of several matters on the Order Paper.

### **9. Reduction of lodging periods**

The first item is the proposition entitled Jersey Police Complaints Authority: Appointment of Member, P.55/2021, which is lodged by the Minister for Home Affairs. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

#### **9.1 Deputy G.C. Guida:**

Yes, please.

### **The Deputy Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does anybody wish to speak on the proposition? Very well, we will do this in a version of the standing vote. If anybody wishes they can ask for a vote on the chat, but otherwise I shall give a few moments for people to put any messages on the chat to the contrary, otherwise we will take it as read that that matter has been agreed. No contrary view ...

#### **Deputy M. Tadier:**

Can I ask for a vote, please? Sorry, I have not had time to type it.

### **The Deputy Greffier of the States (in the Chair):**

Deputy Tadier, you would like there to be a vote on the matter.

#### **Deputy M. Tadier:**

Yes, please.

### **The Deputy Greffier of the States (in the Chair):**

Very well, I will ask the Greffier to put a vote into the chat channel of this meeting and the vote is whether or not to allow this matter to be debated at this sitting under Standing Order 26(7). The voting link is now in the chat. I ask Members to cast their votes accordingly.

#### **Senator S.Y. Mézec:**

Ma'am, as it might take a bit more time, can we just have a little bit more time to fill this one? Thank you.

### **The Deputy Greffier of the States (in the Chair):**

No problem. If all Members have had an opportunity to cast their votes, I will ask the Greffier to close the voting.

#### **Senator S.Y. Mézec:**

Not yet, sorry.

### **The Deputy Greffier of the States (in the Chair):**

Is it still open, Greffier?

**The Assistant Greffier of the States:**

Yes.

**The Deputy Greffier of the States (in the Chair):**

Yes, it is still open.

**Senator S.Y. Mézec:**

Sorry, I needed a verification text. I am all done now, thank you very much, Ma'am; very much appreciated.

**The Deputy Greffier of the States (in the Chair):**

We can close the voting now, Greffier.

<b>POUR: 35</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator S.C Ferguson		Deputy R.J. Ward (H)		
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
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 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 G.J. Truscott (B)				
Deputy J.H. Young (B)				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The proposition is adopted.

**The Assistant Greffier of the States:**

The Members voting contre: Deputy Tadier, Senator Vallois and Deputy Ward.

**The Deputy Greffier of the States (in the Chair):**

The other item which is needing to have a reduction in lodging period is the item that has been lodged by the Minister for Health and Social Services, the Draft COVID-19 (Election of Jurats) (Jersey) Regulations 202-, P.60. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

**9.2 The Deputy of St. Ouen:**

Yes, Ma'am, if I may and briefly explain the reasons why. This arises from the retirement of a Jurat earlier this month. The election of Jurats is governed by the Royal Court Law 1948 which provides only a limited time period for an Electoral College meeting to be called to elect a replacement. Such a meeting is required in short order. The regulations I propose are needed to put in place a framework within which that meeting can be carried out in a COVID-safe manner or delayed until such time as the COVID situation is no longer a concern for large gatherings. Due to the constitution that the Electoral College meetings do have the potential to be very large, over 500 I understand if all attended, held in facilities with limited space, that is usually the Royal Court and it is also open to the public. Quite rightly, the Bailiff has considered COVID safety to be of considerable importance. Therefore, I am asking the Assembly to suspend the Standing Order to allow the shortened voting period to get the regulations in place before the time limit requires that an Electoral College be called and cause difficulties for the Bailiff, who could not thereby keep to the legal requirements in a COVID-safe manner.

**The Deputy Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Deputy Tadier, I notice in the chat you have put a question, does that mean you want to speak on the proposition?

**9.2.1 Deputy M. Tadier:**

Yes. I guess the question, first of all, is what happens if we say no to the lodging period reduction and this does not get debated today? What is the default position? I think that would be helpful to know in order to determine where the public interest lies. I think there is a wider question here, which is I am not sure it is probably slightly beyond the auspices of this debate. Yes, I am going to leave it there because I think I do not want to go off into a tangent on perhaps comments on the main debate, so that is my question really to the Minister.

**The Deputy Greffier of the States (in the Chair):**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I call upon the Minister for Health and Social Services to reply.

**9.2.2 The Deputy of St. Ouen:**

I understand that the default position would be that if this matter cannot be debated and regulations passed this week and has to wait until the next sitting of the Assembly, in the interim period the time limit for calling an election will have expired. This leaves the Bailiff, who convenes the meeting of the Electoral College, in the position of having to decide to convene the college in the normal way with the risk that numbers of people attend in a way that is not safe or to defer. But if he chose to defer he would be not within the Royal Court of Law. The Island would be left in breach of the law because a meeting had not been called and the Island would be without one of the 12 Jurats who are essential to the administration of justice in the Island. It is not as if this matter has been lodged at the last minute. There has been a period, some weeks in which this has been lodged. I have received no objections from Members or members of the public. I consider this an appropriate piece to ensure that meetings of the Electoral College can proceed in a COVID-safe way. I hope Members will agree.

**The Deputy Greffier of the States (in the Chair):**

In a moment the Greffier will add a vote into the chat channel of this meeting. The vote is now there, I ask Members to cast their votes. If all Members have now had the opportunity of casting their vote, I will ask the Greffier to close the voting. The proposition has been adopted:

<b>POUR: 35</b>	<b>CONTRE: 3</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator T.A. Vallois	
Senator L.J. Farnham	Deputy M.R. Higgins (H)	
Senator S.C Ferguson	Deputy R.J. Ward (H)	
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
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 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 G.J. Truscott (B)		
Deputy J.H. Young (B)		
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **10. Draft Taxation (Partnerships - Economic Substance) (Jersey) Law 202- (P.47/2021)**

### **The Deputy Greffier of the States (in the Chair):**

Then we move on to the first item of Public Business, which is the Draft Taxation (Partnerships - Economic Substance) (Jersey) Law 202- lodged by the Minister for External Relations and Financial Services. For the purposes of this debate the main respondent will be the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read the citation.

### **The Assistant Greffier of the States:**

Draft Taxation (Partnerships - Economic Substance) (Jersey) Law 202-. A law to impose an economic substance test on Jersey resident partnerships. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

The Draft Taxation (Partnerships - Economic Substance) proposes the means by which a commitment to which I gave on behalf of the Government of Jersey to address concerns of the E.U. Code of Conduct Group regarding the economic substance of partnerships can be met. This law gives effect to that commitment. The law ensures that partnerships are within the scope of economic substance consistent with the requirement of companies and the economic substance law that the Assembly approved previously. We are one of the most stable and successful international finance centres in the world and that reputation is well deserved. It is the responsibility of Government and this Assembly to continue to drive excellence and adherence to international standards in what we do. Jersey has a proven record of adapting to and also shaping the development of international standards in tax transparency and tax good governance. This law is vital for promoting and protecting the Island's reputation as a well-regulated jurisdiction that is committed to international standards and to maintain Jersey's listing as a co-operative jurisdiction by the European Union Code of Conduct Group. The law requires that unless specifically excluded, partnerships resident in Jersey have sufficient substance in terms of people, assets and expenditure in Jersey and that they are both managed from Jersey and conduct their income-generating activities in Jersey. The exclusions are for partnerships of individuals subject to Jersey tax, partnerships which are neither part of a multinational enterprise and whose activities are wholly domestic and, of course, for this partnership. The summary of this law is the later stage in Jersey's compliance with international standards and maintains the Island's well-deserved reputation as a co-operative jurisdiction. I commend the principles of this legislation.

### **The Bailiff:**

Thank you very much, Minister. Are the principles seconded? [**Seconded**]

#### **10.1.1 The Deputy of St. Mary:**

On behalf of the Economic and International Affairs Scrutiny Panel I simply wish to confirm that we have been fully briefed on this matter. We fully accept the rationale behind what is, effectively, an extension of the other laws to this situation. We, therefore, endorse the proposition.

[17:00]

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I call on the Minister to respond.

**10.1.2 Senator I.J. Gorst:**

I am extremely grateful for the Deputy of St. Mary's comments in his role as chair of the Scrutiny Panel. I am grateful to him and that panel for undertaking the review of this legislation and, of course, other pieces of legislation that my ministry has before the Assembly at this sitting. I, as I said earlier, commend the principles of this legislation to the Assembly and call for the appel.

**The Bailiff:**

Thank you very much, Minister. I will ask the Greffier to put a link into the chat. The link is in the chat. I ask the Greffier to open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
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 L.M.C. Doublet (S)				
Deputy R. Labey (H)				

Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
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)			

I am assuming, Deputy of St. Mary, that your Scrutiny Panel does not wish to hook all this in.

**The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):**

No, Sir, we do not.

**The Bailiff:**

Thank you very much indeed. How do you wish to deal with the matter in Second Reading, Minister?

**10.2 Senator I.J. Gorst:**

I wish to take the Articles *en bloc*, Sir, but I will just talk through the parts, unless there are questions or concerns, culminate with one vote in the Second Reading, Sir.

**The Bailiff:**

Yes.

**Senator I.J. Gorst:**

Part 1 is the interpretation and it deals with the term partnership and resident partnership. Part 2 is the actual economic substance test. These Articles describe the requirements under the law which resident partnerships must meet in order to satisfy the economic substance test. Of course in part 2 as well there are penalties for not dealing with those tests and complying with the legislation appropriately. Part 3 deals with the requirement of partnerships to provide information and there are fines described in those Articles as well for failure to provide the required information. Parts 4 and 5 describe the Comptroller's duties and powers, appeals and enforcement. These also include the dates from which the law is effective, being accounting period starting on or before 1st January 2022 for partnerships existing on 1st July 2021 and for all new partnerships beginning from the date they are formed. I endeavour to answer any questions that Members may have.

**The Bailiff:**

Are the Articles seconded in Second Reading? **[Seconded]** Does any Member wish to speak on any of the Articles?

**10.2.1 The Deputy of St. Peter:**

More of a question really for the Minister: our compliance departments within the financial services organisations are already quite heavily overworked, shall we say, in maintaining our reputation as a highly compliant organisation. Would the Minister just share very quickly, I do not want to know all of these, what additional burden that will be on those compliance departments, if at all?

**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 Senator I.J. Gorst:**

I thank the Deputy of St. Peter for his question. It is a good question and of course those compliance departments will already largely be required and are required by legislation passed by this Assembly to comply with the economic substance requirements for the companies that they administer and this is now extending, with those exceptions that I outline and the law makes clear, to partnerships as well. It will be extra work but I would expect in most cases that companies dealing with these matters will now have sufficient systems in place to deal with them and, therefore, it should be solved from a systems perspective and they, of course, are used to submitting information to Revenue Jersey. Perhaps the Deputy though does refer to a wider issue whereby the role of compliance, individuals and functions within businesses and firms is needing to grow and strengthen. One of the issues that I will be speaking to Members about and dealing with in the strategic refresh that is being undertaken for financial services is necessary training, courses, support, right across industry to ensure that we continue to meet the very highest standards and have the very best people undertaking these functions in the future, as we have had in the past. I maintain all parts through to 5, which is all the parts and call for the appel in the Second Reading.

**The Bailiff:**

Thank you, Minister. The appel is called for. I ask the Greffier to place a vote into the link into the chat and I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
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 St. Peter				
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 of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
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 matter in Third Reading?

**10.3 Senator I.J. Gorst:**

Indeed I do, Sir, thank you and I stand ready again to answer any questions that Members may have.

**The Bailiff:**

Is the law seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

**10.3.1 Deputy R.J. Ward:**

May I ask the Minister, it says in Article 10, it is on page 28: “The maximum amount of the penalty a partnership is liable to under paragraph (3) is  $A = £50,000 \times (B + 1)$  where B is the number previous consecutive financial periods.” Is there a minimum fine? Could that be, effectively, zero if it is felt to be? Is there no link to the income of the partnership, i.e. that could be, to put it succinctly, peanuts for a company?

**The Bailiff:**

Does any other Member wish to speak in Third Reading? I should say, Deputy Ward, that is technically not a matter for Third Reading because it is on the adoption of law, as passed in Second Reading. Any question about the Articles should be raised in Second Reading but I am sure if the Minister wishes to respond he will do so if he wishes to.

**Deputy R.J. Ward:**

Sir, I got my timings wrong there.

**The Bailiff:**

If no other Member wishes to speak in Third Reading, then I close the debate and call upon the Minister to respond.

**10.3.2 Senator I.J. Gorst:**

This is a test that partnerships that meet the criteria have to comply with to be a partnership. It is not about the income that is generated within the partnership, so they must meet the test to be partnerships here in Jersey, as I say, with the exceptions. Therefore, it is extremely important that they meet the test. If they fail to meet the test, then the fine, as Article 10 outlines, will be applied. If the fine is not met, the partnership then has at least 30 days to pay the fine. But the ultimate sanction is that the court would be involved in the process and may even *in extremis* dissolve the partnership but that will be rightly a decision for the court to make, taking into account all the facts of the individual case. I maintain the law in Third Reading.

**The Bailiff:**

I ask the Greffier to place a voting link into the chat. The vote is on the adoption of the law in Third Reading. 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.

<b>POUR: 37</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
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Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
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)			

There was some discussion about finishing a little early today because of the C.P.A. (Commonwealth Parliamentary Association) A.G.M. (annual general meeting), which is scheduled for 5.45 p.m. Of course I am in the hands of the Assembly as ever as to whether that might be the case but I wondered before we move on to the next item if now might be a convenient time. I would just ask if any Member wishes to propose the adjournment at this point. Is that seconded? **[Seconded]** Does any Member wish to speak on the question of whether or not we adjourn?

**The Deputy of Grouville:**

Sir, could I ask if there is any indication of States Members coming in for the A.G.M., any indication of who is travelling in?

**The Bailiff:**

I am afraid I do not know the answer to that off the top of my head. We were expecting some to travel in, I believe, Deputy, but we have made arrangements to deal with it over Teams against the eventuality that we might be at risk of being inquorate, which obviously would be a bad thing. I do not think I can assist you any further than that. If no Member wishes to speak, then I will take this on a standing vote. Could anyone who wishes to have an appel called for and put in the link, could they indicate in the chat now? No one indicates, therefore, to the contrary. I will take this as an approval on a standing vote and the Assembly stands adjourned until tomorrow morning at 9.30 a.m.

**ADJOURNMENT**

[17:15]