

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 8th OCTOBER 2019

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[9:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

First of all, I am very pleased, on Members' behalf, to welcome His Excellency to this sitting of the States. [Approbation]

1.2 Dual role of Bailiff

Communications from the Presiding Officer under part A of Standing Orders often seem to me to be a bit like notices which the Dean might give on a Sunday service: the Bishop's doing confirmation on a particular day, or there is a special service at 4.00 p.m., or something like that. But the purpose of the Standing Order is to enable the Presiding Officer to share information with Members and while, on this last occasion, I would really have preferred to avoid controversy, the timing of the publication of the last report of the Independent Care Inquiry is such that I had to do so today, if I am to defend the Office of Bailiff, which I hold. I think it is my duty to defend it from unfair criticism and I am doing so now, in this place, as a courtesy to Members. With a focus solely on the role of the Bailiff, I want to comment on the recent report the Inquiry has published. The report in 2017 included a recommendation that consideration should be given to removing the Bailiff's dual role. This was a surprising recommendation, because it was outside the terms of reference of the Inquiry, which the Panel itself recognised. However, the criticism of the Panel for that recommendation is more substantial than simply a technical one that it was outside their terms of reference. The Inquiry took not a scrap of evidence from any of the local witnesses, who might be thought to know something about the Island's constitution and the way in which the dual role was managed. Instead, it merely arrived in the Island with what looks very much like preconceived notions and prejudices as to what a proper constitution should look like. It accepted, unquestioningly, the complaints of the present system, often expressed by those who had no real knowledge of how it worked. Members may understand perhaps, therefore, why I take the view that bad as the Inquiry's recommendation number 7 was in July 2017, the most recent report, presented only 2 weeks, or so, ago, is even worse. I do not think the following summary of what the Panel set out in paragraphs 69 to 74 of its report is unfair, although, of course, it is my summary. It is said that there is a strongly perceived "Jersey way" in the Island. The Inquiry describes, at paragraph 69, how the expression was most commonly used: "As a shorthand to describe a lack of transparency and fairness in decision making, a reluctance to challenge the *status quo* and an absence of redress for those who suffered what were considered to be injustices. At paragraph 71, there is a further statement that there is still a strongly perceived "Jersey way" in the Island. At paragraph 72, the Panel describes how decision-making processes should be clear, consistent and demonstrably impartial. By implication, currently, they are not. At paragraph 73, the Panel moves seamlessly on to say that the role of the Bailiff needs attention, because retaining the current arrangements is a further indication of a failure to recognise the importance of these systems having evident impartiality and transparency at their heart. At paragraph 74, the Panel then returns to the need to avoid a further perception of there being a "Jersey way". There is an assumption by the Panel that the perceived lack of separation between the judicial and legislative, or executive, powers, in other words, the office of the Bailiff, is part of this alleged culture of cover up, unfair decision taking and decision making

in secret. The juxtaposition of these paragraphs bears no other reasonable interpretation. I cannot accept that a lawyer, of the Chairman's experience, would inadvertently have drafted such an unfortunate juxtaposition of words. I am sure that the way in which Jersey receives her Panel's report matters greatly to her. Her linkage of the allegations of lack of fairness and transparency in decision taking by the Bailiff to historic child abuse was a grave error. I reject that linkage and the underlying assumptions absolutely. The Inquiry had no basis for saying it and it is not true. There are respectable arguments that can be advanced for changing the present role of the Bailiff, not that I agree with them, but this one is not. The Inquiry has spoken publicly and I have not done so to date, but before I leave office, I think I owe a duty both to Members and to the public to say what I think of this last report. It is a particularly egregious recommendation for me personally, because, on the one hand, the Inquiry absolves the Law Officers' Department generally - and me - in respect of any cover up, or impropriety, in relation to the child abuse investigations and prosecutions in 2008 and 2010; and, on the other, asserts that there is a perception of impropriety in the Office, which I now hold. Can I just focus Members' attention on paragraph 71 of the recent report? The Inquiry say this: "We do not consider that this [the 'Jersey way'] is by any manner a simple issue to deal with, since much is based on perception, rather than tangible evidence." Let me put that another way. The Inquiry was saying that it had no tangible evidence of a "Jersey way" which represented decision taking behind closed doors, a lack of transparency, or a lack of fairness in decision making. It was right in that respect. It had no evidence to justify those conclusions as to a Jersey way of doing things. But, unfortunately, that lack of evidence did not act as a constraint. Instead, the Inquiry makes the comments and recommendations it does based on the perceptions and assertions from a few former politicians and a disaffected senior police officer, which, undoubtedly, affected those who suffered abuse. The Inquiry had every opportunity to test its views and indeed the evidence of the abused victims and others, which it did here, by asking questions of other politicians, including the Chief Minister and his predecessors, or other leading politicians of the time, or of the Bailiff, or the Deputy Bailiff, or the Law Officers, or former Bailiffs. It did not do so. Regrettably, that suggests the Inquiry was not interested in receiving answers which might contradict the assumptions which it brought with it in this connection. That was true in 2017 and it remains true of the last visit. Now, of course, I could have addressed the Inquiry myself, although I rather assumed that the Inquiry would have been aware of my letter to the former Chief Minister in the summer of 2017, immediately after the publication of the July report to defend my office against recommendation 7 in that report.

[9:45]

Equally, however, the Inquiry could have asked questions on this occasion. It is not obvious that it did so and it certainly did not do so of me. In being critical of the Inquiry, I want to make one thing absolutely clear: there is a world of difference between criticising the Inquiry and its report and criticising those who suffered abuse. The abuse, which many victims spoke of to the Inquiry, was real and appalling. I condemn it and every right-thinking person condemns it. The failures in the administration at the time, whether at civil service, or political level, were failures from which the Island needs to learn and there is no doubt about that. However, as I said, the focus of my words today is solely on my Office. It is important that none of us merely adopt the entirety of what is, in some ways, a flawed report simply because the substance of the abuse, which was put to the Panel and on which they did have evidence, was as bad as it was.

Deputy M.R. Higgins of St. Helier:

Point of order, Sir. [**Approbation**] You are condemning the Jersey Care Inquiry for the comments they have made, but Members, perhaps, would like to know, it has taken 4 days for

you, for example, to approve a question that I put to you last Thursday. Every time I have asked a question about the police, judiciary, or the Attorney General, you have delayed many of those questions. It calls into question the position of Bailiff being in the Chamber, as a judge, ruling on those types of questions.

The Bailiff:

What is the point of order you wish to raise?

Deputy M.R. Higgins:

I am just saying that I think it is ...

The Bailiff:

No, what is the point of order you wish to raise.

Deputy M.R. Higgins:

I am saying I think it is inappropriate the statement you have made, because, again, you have slurred the Care Inquiry and I think wrongly, considering the fact that your office has blocked questions in the past and Propositions in the past before this Assembly.

The Bailiff:

Deputy, your questions have been sometimes refused and sometimes amended, at the suggestion of the Chair, because they were out of order.

Senator S.Y. Mézec:

Point of order, Sir. After a political statement, there is usually an opportunity for 15 minutes of questions. Will we get that opportunity of you?

The Bailiff:

No, this is a communication from the Presiding Officer under part A of the agenda.

Deputy M. Tadier of St. Brelade:

May I raise a point of order? Standing Orders say that matters which are not directly found within Standing Orders may be ruled on by the Chair and I think Senator Mézec has quite rightly asked whether the Assembly, if it wishes to, could have a 15-minute period to question the statement that has been made because, normally, that statement would be seen as political, if it was delivered by a Minister and the Assembly would have the right to then drill the person delivering it further for some supplementary questions. Could you, in your wisdom, weigh up whether, or not, you would be minded to give us a 15-minute period of questions to yourself, to ask questions on what you have deemed to be a very important matter?

The Bailiff:

One of the difficulties with that, Deputy, is that there is no one then to decide whether the questions are in order, or not, so I am afraid it is not possible.

Deputy M. Tadier:

Could we elect a person for that temporary 15 minutes? There is a convention whereby a States Member can assume the Chair when the Bailiff, or Deputy Bailiff, are not available. That is a precedent which is well-established in our constitution.

The Bailiff:

I am afraid not, there is no provision in Standing Orders for questions to the Presiding Officer and that is the way it is.

Connétable A. S. Crowcroft of St. Helier:

I am not sure if this is a point of order, or a point of clarification, but in your statement you referred to a former senior police officer as disaffected. I wonder if that is an appropriate remark, given that this person is not, of course, able to defend their reputation and perhaps you will consider withdrawing that particular epithet.

The Bailiff:

I should make it perhaps clearer, Connétable. I am grateful for that observation. The police officer in question was, unquestionably, doing an extremely fine job in the investigation of child abuse and I said that to the child abuse inquiry and I say it again to Members now. There is absolutely no question about that, at all. He was right to carry out the investigations that he did. When I use the word “disaffected”, it is in relation to his relationship with the authorities, with the Attorney General, in particular, which was me at the time. There is nothing further under A.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Resignation of the Connétable of St. Helier from the Education and Home Affairs Scrutiny Panel

The Bailiff:

Chairman, is there anything you wish to take to the Assembly today about the resignation of the Connétable, or the appointment of a ...?

2.1 Deputy R.J. Ward of St. Helier (Chairman, Education and Home Affairs Scrutiny Panel):

Just to say thank you very much for the Connétable’s work and I understand he is drawn in many ways and we accept the resignation. Of course, that means there is an opportunity to join the marvellous Education and Home Affairs Scrutiny Panel and if you would like to contact me in the appropriate way.

QUESTIONS

3. Written Questions

Deputy J.H. Perchard of St. Saviour:

Point of order, Sir? I wonder if you might review the answer to my Written Question 410 on page 19. Thank you.

The Bailiff:

By what process were Caring Cooks chosen to provide school meals? I will do that and come back to you at a later stage.

Deputy J.H. Young of St. Brelade:

I just wanted to apologise to the Assembly, Written Answer 32, the answer that has been circulated refers to a table. Unfortunately, the table has not been attached. So, my apologies for that. I am sure that will be rectified, but I just draw Members’ attention to it.

3.1 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING GOVERNMENT SPENDING ON TRANSPORT: (WQ.392/2019)

Question

Will the Minister consider the methodology employed in the U.K. by the Institute for Public Policy Research in establishing per capita spending on public transport (both historic and planned), as evident from its most recent report, 'Transport Investment in the Northern Powerhouse – 2019 Update', and supply similar such information for Jersey on planned Government spending on transport per head of population?

Answer

The Institute for Public Policy and Research (IPPR) undertake their own analysis of the latest UK Nation Infrastructure and Construction Pipe Line spending projections for national infrastructure, produced by the UK Government's Infrastructure and Projects Authority (IPA).

The pipeline brings together planned and under construction national infrastructure projects and programmes, which are funded by a mix of Private, Public, and Private/Public investments. The pipeline contains projects and programmes across multiple-sectors and 14 UK regions. In terms of Transport, head line projects include priority rail projects, including High Speed 2, national roads, airports and ports, as well amalgamated local authority investment and regional city transport authorities, such as 'Transport for London'.

The IPA analysis does not provide an exhaustive view. It only includes investment that is currently captured in the pipeline; for example, the pipeline does not currently include all local authority infrastructure investment outside of London or investment in rolling stock by train operating companies.

The IPPR in their economic analysis 'Transport Investment in the Northern Powerhouse – 2019 Update', differ again and include capital spending only, not revenue, and in how they recognise national government investment, as opposed to local government. This is amongst other important differences, such as how they treat spending and projected overspends on trans-regional projects such as the HS2 rail project.

Having reviewed in outline the methodology, it is my opinion that would not appear to provide a useful indicator for the Jersey's transport investment and the effort required for its application to the Island's need would be disproportionate to benefit provided. However, I can confirm that the Government of Jersey continually reviews the performance measures used to improve its business management and provide meaningful information within the publications it makes.

3.2 DEPUTY I. GARDINER OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING BLIND RECRUITMENT POLICIES IN RESPECT OF THE CIVIL SERVICE: (WQ.393/2019)

Question

Will the Chair advise what blind interview, or blind recruitment, policies are currently in place in relation to the recruitment of civil servants and when any such policies were introduced; and if there are no such policies in place at present, will the Chair state what plans, if any, there are to introduce them?

Answer

The SEB has no current policies on anonymised (blind) applications for employment at present. In response to the Scrutiny Panel's work on the Gender Pay Gap across Jersey, we committed to look at it, and how we would introduce such a policy.

As part of the Government Plan, we are looking to a number of improvements and enhancements within People and Corporate Services, including the introduction of Talent Link, a recruitment module that will allow us to introduce anonymised applications as well as monitor any bias within our recruitment processes.

However, we are currently not looking to introduce anonymised interviews, although we will be implementing unconscious bias training for those responsible for interviews.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Group Director x 5 mins £7

TOTAL: £7

3.3 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE RECOMMENDATION OF THE HR LOUNGE IN RELATION TO BULLYING AND HARASSMENT: (WQ.394/2019)

Question

Will the Chair advise –

- (a) what outcomes, if any, have been achieved in addressing the recommendations of The HR Lounge report on bullying and harassment and how have these outcomes been measured;
- (b) whether the States Employment Board will commit to an urgent review of progress from those who produced the report; and
- (c) how the Board is ensuring that staff are protected from bullying and harassment during this period of significant change?

Answer

The Deputy will recall that the SEB accepted all of the recommendations contained within the HR Lounge Report. Subsequently with effect from 21 January 2019 the Government of Jersey published a new bullying and harassment policy.

This policy coupled with the work already begun by Team Jersey around our values has meant that there have been a number of positive improvements, not only to the way the organisation responds to issues of bullying and harassment but also raising an awareness of what is and isn't acceptable behaviour in the workplace.

Measures within the policy, such as the emphasis on swift informal resolution, the use of mediation and the introduction of the independent speak-up line, provided independently by ExpoLink, are examples of positive improvement. Since January when the new policy was implemented, 22 issues of bullying and harassment have been lodged with Expolink and we

are seeing successful resolution through information measures, with only two cases requiring referral to the formal process.

The use and outcomes of the current reporting channels are monitored regularly by senior management.

The above measures provide a high degree of comfort to the board that a robust process exists to protect employees from bullying and harassment during a period of significant change

The impact of the policy and the new measures adopted are scheduled for the SEB to receive an annual report about the effectiveness of the policies in December 2019. At this stage the board will review the necessity and benefits of further engagement with HR Lounge.

The Government of Jersey is committed to taking all issues of bullying and harassment seriously and dealing with them swiftly. The robust procedure outlined in the new bullying and harassment policy reinforces this commitment and fully supports any employee effected by issues of this nature

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 12 x 15 mins: £9

Group Director x 5 mins: £7

TOTAL £16

3.4 DEPUTY R.J. WARD OF ST. HELIER OF THE ASSISTANT CHIEF MINISTER REGARDING THE FUTURE-PROOFING OF I.T. PROJECTS: (WQ.395/2019)

Question

What action, if any, is being taken to ensure IT projects in the Government Plan are future-proofed (for example, projects for ambulance staff to record patient information digitally and the development of new patient record systems in the future hospital) and what measures are specifically being taken to avoid the unnecessary duplication of systems and any incompatibility of systems with the projects for which they are being used?

Answer

The Chief Operating Office's Modernisation and Digital ('M&D') function are seeking to introduce a best practice, rigorous, operational risk management process. This will include undertaking exercises to both log and fully assess the Government of Jersey ('GoJ') Technology estate, creating a meaningful asset register. The asset assessment will enable the GoJ to reduce its risk exposure, by enabling the removal of, and future prevention of, system duplication and incompatibility issues. In addition, the M&D Business Architecture function, which will be fully functional in early 2020, will be monitoring all new IT initiatives, to ensure the prevention of deviances from GoJ architectural standards moving forwards.

Increasingly technology solutions will be implemented using a Service as a Solution (SAAS) or Platform as a Solution (PAAS) approach. Purchasing solutions through this method will create an environment which is automatically updated by the Supplier. This will reduce the GoJ reliance on bespoke development which invariably requires major system refresh programmes to ensure alignment with future developments.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Consultant: £37

Civil Service Grade 12 x10min: £5.30

Civil Service Grade 15 x15min: £11.25

Director (Tier2) x 10min: £10

Director Tier1 x 10min: £13.50

Total £77.05

3.5 DEPUTY R.J. WARD OF ST. HELIER OF THE ASSISTANT MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE ESTABLISHMENT OF A PERMANENT SITE IN ST. HELIER FOR LIVE MUSIC TO BE PERFORMED OUTDOORS: (WQ.396/2019)

Question

Will the Assistant Minister consider, and actively pursue, the development of a permanent site in central St. Helier for weekend outdoor live music to be performed, in order to promote events such as that in the Royal Square on Saturday 28th September 2019 to commemorate the 250th anniversary of the Corn Riots?

Answer

This is something that the Assistant Minister will be actively pursuing. However, there are a number of questions that need to be answered first.

The Public Entertainment Panel license events in order to ensure that appropriate public safety measures and insurance are in place, as well as wider safety considerations including those relating to environmental health and health and safety.

The challenge is who would be responsible for ensuring that all events are run safely under a P.49 Entertainment Licence – the Parish, the Arts Centre, who currently undertake the process, or a private organisation.

The Assistant Minister has been in dialogue with the previous Town Centre Manager to identify designated and visible sites for busking, such as in other cities, perhaps with access to power. He will continue to liaise on this matter. He has also been approached by some business owners at Wests Centre with a view to getting a permanent stage there. As this is in private ownership, he will be looking at options and consulting with the owners and merchants in the area.

3.6 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIR OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE SUPPORT PROVIDED TO STATES MEMBERS AND TO SCRUTINY: (WQ.397/2019)

Question

Following the recommendation for increased support for States members and Scrutiny in the two-year review of the Independent Jersey Care Inquiry, what urgent actions, if any, are being

taken to enable backbenchers who form these Panels to undertake the role as professionally as required; and how will the comments in Paragraph 68 of the review (regarding the Care of Children Review Panel) be addressed and to what timescale?

Answer

Additional resources for scrutiny panels are included in the financial allocations to the States Assembly, set out on page 137 of the Government Plan 2020-23 (P.71/2019), following a request put to PPC by the former Chairmen’s Committee earlier this year. It is proposed that four additional project officers will be added to the scrutiny team and the budget for commissioned research and advice will be more than doubled to £210,000. In addition, it is proposed that a new team of up to four staff will be recruited to provide research and casework support to individual States Members: this team will also be available to assist scrutiny at times of peak demand. Subject to the Assembly’s approval of these funding allocations it is envisaged that additional resources will be provided to the scrutiny function during Q1 2020.

In the meantime, the provision of additional research support to the Care of Children Review Panel is a matter for the panel to raise with the Scrutiny Liaison Committee and, if necessary, the Greffier of the States.

A budget is also proposed for training and development for States Members, which could be deployed in this area, for example in relation to training on corporate parenting.

3.7 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING A MECHANISM TO CHECK NEW POLICY, PROCEDURE OR LEGISLATION AGAIN THE POTENTIAL PERCEPTION OF THERE BEING A ‘JERSEY WAY’: (WQ.398/2019)

Question

How will the recommendation contained in Paragraph 74 of the two-year review of the Independent Jersey Care Inquiry, namely that “a mechanism be established whereby all new policy, procedure or legislation is checked as to whether it has the potential to create a further perception of there being a ‘Jersey Way’”, be addressed and to what timescale?

Answer

The two-year review (R.123/2019) is a welcome, independent assessment of the work undertaken to meet the eight headline recommendations set out in the 2017 Independent Jersey Care Inquiry Report (R.59/2017). The Panel’s review is encouraging when it states: “we commend the progress which has been made in respect of our inquiry recommendations to date and recognise that a huge amount of effort has been put into starting that change”. However, there remain several areas in the response to date that the Panel recognise need to be strengthened. The Government is currently working through each recommendation in detail and aims to provide a fuller response to the review before the end of the year.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Service Grade 15 x 30min: £21

Total £21

3.8 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE SETTLED STATUS SCHEME: (WQ.399/2019)

Question

Will the Minister advise –

- (a) how many people have currently registered for Settled status;
- (b) what is being done to encourage people to apply; and
- (c) how long it is currently taking, on average, for applications to be fully processed, including the verification of identity?

Answer

- (a) There are now more than 7,000 applicants to the Jersey Settlement Scheme.
- (b) The scheme has had considerable exposure via all types of media and through Government run events. Representatives from the Customs & Immigration Service have given talks to numerous employers and businesses. In order to reach more vulnerable people there has been considerable engagement with all island-based EU consuls, numerous charities and Government departments that deal with vulnerable people. A postal drop to every island address is in progress with information on the scheme. Communication and engagement will continue through 2020.
- (c) The online application process takes as little as 4 minutes to complete and has received a 92% positive rating from applicants. Of the 6,300 applications approximately 2,000 have been received in the last 2 months, therefore applicants are now being advised that it may take up to 90 days before being invited to attend an appointment to verify their identity. More than 80% of applicants are granted a status without having to provide any supporting documentation. On average the appointment to verify identity takes less than 4 minutes.

3.9 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING BULLYING AND HARASSMENT PROCEDURES WITHIN THE CIVIL SERVICE: (WQ.400/2019)

Question

What measures are put in place to inform employees of procedures relating to bullying and harassment; and what processes, if any, are in place that allow employees to go to Human Resources staff directly should they feel uncomfortable about going to their line manager?

Answer

The Deputy will recall the Report prepared by HR Lounge into issues of bullying and harassment within the Government of Jersey and that SEB accepted all of their recommendations. Subsequently a new bullying and harassment policy was published, effective from 21 January 2019.

This new policy calls on all employees to come forward and speak out if they witness inappropriate behaviour in the workplace. There are a number of ways that employees can do this;

- 1) If the employee feels able to do so, they can approach the individual themselves to explain the situation and how it made them feel.
- 2) If they do not comfortable doing this, they can report the issue to their line manager, HR business partner, or union representative.
- 3) The policy has also introduced a further reporting option for employees, via an independent *speak-up line*, which is provided by a company called ExpoLink. The speak-up line is available 365 days a year, 24/7 and there are three secure methods of contact; by telephone, through Expolink's website, or by downloading their app to a smart device. The employee can also remain anonymous if they chose to use the speak-up line.
- 4) Since January when the new policy was implemented there have been 25 incidents logged. Of these there have been 22 issues of bullying and harassment. We are seeing successful resolution through information measures, with only two cases requiring referral to the formal process.

To support the implementation of this new policy, a robust communication plan was executed, including internal communications to all staff, posters and screen savers, as well as a press release to local media.

A large number of face-to-face line manager briefing sessions were held to accommodate the organisation's 900 managers. Topics included in the sessions included, a comprehensive overview of the policy, the shift in culture required, and the importance of a swift resolution. They were held between January and June 2019 and took place across a variety of locations. After the session line managers were responsible for ensuring that the new bullying and harassment policy featured on the agenda of their next team meeting and they began discussions about acceptable behaviours in the workplace and how issues can be reported.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 12 x 15 mins: £9

Group Director x10 mins: £14

Total: £23

3.10 DEPUTY C.S. ALVES OF ST. HELIER OF THE ASSISTANT CHIEF MINISTER REGARDING ACCESS BY GOVERNMENT OF JERSEY EMPLOYEES TO THE INTRANET DESIGNED FOR SUCH EMPLOYEES: (WQ.401/2019)

Question

Will the Assistant Chief Minister advise whether or not all Government of Jersey employees are able to access the internal intranet pages designed for employees; and if not, will he state which groups of employees do not currently have access and what, if anything, is being done to ensure that all such employees are able to access the intranet?

Answer

Most Government of Jersey employees can access 'MyStates', our current intranet. However, there are a number who cannot as their role does not require or provide them with access to

Government issued IT (such as desktop PCs or laptops). With no access to Government IT, they are unable to see content on the intranet.

A new intranet homepage which is in its final stages of development will address this issue by permitting Government of Jersey employees to access key parts of the Government of Jersey intranet using their personal devices like smartphones or tablets. The homepage, accessible via secure login and identity verification, will provide access to news, policies that affect them, (e.g. HR policies), and a 'marketplace' site, which builds on the popularity of the current 'Classifieds' section in MyStates. Full access to the wider legacy intranet content on MyStates will continue to be restricted to those using Government of Jersey IT accounts, pending a long-term solution for the intranet and content management system.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

2x Civil Service Grade 15 x20min: £30

Director (Tier 1) x 5min: £7

Director (Tier 2) x7min: £7

Consultant x 10min: £10

Total £54

3.11 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INVESTIGATIONS REQUESTED, AND SPECIMENS PROVIDED, BY PRIMARY HEALTH CARE PROVIDERS: (WQ.402/2019)

Question

Will the Minister advise –

- (a) under what circumstances, if any, requests for investigations submitted by primary health care providers are rejected or not processed by the Hospital and the reasons why this may occur; and
- (b) under what circumstances specimens taken by primary health care providers would be rejected or not processed by the Hospital and the reasons why this may happen?

Answer

- (a) Some investigations (for example, x-rays) can have a negative impact on people's long-term health as well as a short-term diagnostic benefit. Choosing to conduct these investigations involves weighing up the clinical benefits against the risks. The hospital follows national and local evidence-based best practice to decide whether a requested investigation is clinically effective and in a patient's best interests. Occasionally, a request from a GP may not be accepted if another clinician who is expert in that field feels the risks to the patient outweigh the benefits. Some investigations are only available to specialist clinicians because interpretation of the results is required.
- (b) Requests for analysis of specimens are assessed in the same way as other investigations. In general, requests are reviewed in the light of national evidence-based best practice.

If occasionally a request is not fulfilled, it will be because such best practice shows it to be clinically ineffective or not in a patient's best interests.

Apart from occasional inappropriate requests, a reasonable number of specimens are rejected because:

- i. the wrong type of specimen has been sent;
- ii. the specimen has been inappropriately stored or transported and is now unsuitable for analysis;
- iii. the specimen is not labelled sufficiently well to precisely identify which patient it is from;
- iv. the requested investigation is not in the laboratory's repertoire; or
- v. the request is a repeat of investigations already performed.

The hospital continues to work with GP surgeries to reduce the number of instances of these issues. Most recently, the hospital has started a GP newsletter promoting good practice in laboratory requesting. A project is underway to introduce electronic test requesting. It is hoped that this will reduce sample mislabelling, create an opportunity to provide guidance to GPs at the point of requesting and give better visibility to GPs of what has been requested previously.

3.12 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE REGISTRATION OF DOG-WALKERS: (WQ.403/2019)

Question

Will the Minister state the reasons why dog-walkers are not required to be registered, and are not regulated, in the way that dog-groomers and dog kennels / day-care providers are?

Answer

Dog grooming, dog kennelling and day care providers are by their nature all undertaking commercial activities involving some structural requirements. These physical restrictions can have significant welfare implications if the facilities are not inspected and to a minimum standard and they are rightly regulated both here and in the UK. Dog walking may not involve any restriction regarding space and may be as simple as walking a single dog belonging to a neighbour for very little financial compensation. There is no specific national legislation controlling this in the UK or in the Channel Islands at present. To introduce legislation which is not disproportionate will involve further work, but is being considered. There is already legislation in place which would cover being in possession of a dog not under control or allowing a dog to be subject to unnecessary suffering, which are the main complaints against irresponsible dog walkers.

Guidelines for dog walkers are currently in draft.

3.13 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE NUMBER OF PEOPLE EMPLOYED BY THE STATES OF JERSEY: (WQ.404/2019)

Question

Will the Chair provide the most up-to-date number of people currently employed by the States of Jersey (including office holders such as the Greffier of the States)?

Answer

According to current records, there are 8,323 employees of the States of Jersey. However, we are continuing to review the systems that hold this information for accuracy.

This is broken down by contract type:

- 6,424 permanent employees (5799.0 Full time equivalents)
- 518 fixed-term contracts (383.9 FTE)
- 1,381 zero/nil hours contracts.

Zero/Nil hours contracts include a range of sessional workers in youth services, bank nurse arrangements, out of hours workers, seasonal workers and supply teachers.

This information relates to employees of the Government of Jersey, States of Jersey Police and Non-Ministerial Departments.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 8 x 45 mins £20

Group Director x 15 mins £21

Total: £41

3.14 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE WORK UNDERTAKEN BY THE BOARD IN RESPECT OF SUCCESSION PLANNING: (WQ.405/2019)

Question

Will the Chair set out the work undertaken to date by the current States Employment Board on succession planning for senior roles in the States of Jersey, including the roles of Chief Executive, the Directors General and the Greffier of the States?

Answer

During the recruitment to tiers one and two of the One Government Target Operating Model all candidates, internal and external undertook psychometric and technical assessments. These assessments have since been followed up with personal development sessions with the individuals and their line manager to identify development and progression for the individual.

Additionally, at a team level, the chief executive and director generals have had initial development sessions. Director generals have an objective to develop their teams and succession plans are in place. Some have chosen to use Team Jersey to support them in this, others are underway.

Every line manager in tier one and two are required to look further into their teams to identify their succession plans.

The work planned in 2020 on talent management programmes will address the issue of succession planning in more detail with objectives being set in this respect for all senior management.

The Greffier of the States was tasked with identifying and training his successor at the time of his contract being renewed by the assembly

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Group Director x 5 mins £7

TOTAL £7

3.15 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ADULTS PLACED IN A PLACE OF SAFETY IN RELATION TO THEIR MENTAL HEALTH: (WQ.406/2019)

Question

Will the Minister state how many adults have been placed annually in a place of safety in relation to their mental health in 2017, 2018 and 2019 to date, breaking the figures down by the age and nationality of the people concerned and the location of the place of safety?

Answer

The term ‘place of safety’ is a legal definition in the Mental Health (Jersey) Law 2016 (enacted 1 October 2018, but previous legislation had broadly similar terms), Article 34, which states:

“place of safety” means –

- (a) an approved establishment;
- (b) in a case where, for the purpose of preventing harm to the person in question or to any other person, a police station is the most secure or suitable place, a police station; and
- (c) any other place –
 - (i) which may be designated as such for the purpose by the Minister, or
 - (ii) the occupier of which consents to receive a person for a specified temporary period;

Article 36 of the Mental Health (Jersey) Law 2016 states:

36 Urgent removal of persons found in public places

(1) Paragraph (2) applies where a police officer finds, in any place other than a private dwelling, a person who appears to the police officer –

- (a) to be suffering from mental disorder; and
- (b) to be in immediate need of care or control.

(2) Where this paragraph applies, and the police officer thinks it necessary to do so in the interests of that person or for the protection of other persons, the police officer may remove the person to a place of safety.

(3) A person who is removed to a place of safety under this Article may be detained there for a period not exceeding 72 hours beginning with the admission of the person to that place, for the purpose of making an admission application in respect of the person under Part 3, or of making any other arrangements for the person’s care or treatment.

The Police Station and Emergency Department have been used as a place of safety, but there are plans to develop more specific provision at Clinique Pinel within the current Clinique Pinel and Orchard House capital plan.

Health and Community Services (HCS) captures the data on the number of Mental Health Law Assessments (MHLAs) undertaken by HCS staff in the Emergency Department (ED) or the Police Station. It should be noted that these data include those that required MHLA for purposes other than “preventing harm to the person in question or to any other person”, and there is no means to stratify which patients were transported to ED with reference to Article 36.

Location of Assessment:	2017	2018	2019 (to Sep)
Emergency Department	58	74	58
Police Station	18	26	21
Grand Total	76	100	79

Although age at assessment is collected, providing such a breakdown could potentially identify individuals due to the small numbers involved. Nationality data is not collected.

A Place of Safety joint protocol between the Police, HCS and the Ambulance Service has been drafted and a pilot project has been underway between the departments since 16 September 2019 to support a clear and consistent response to those people subject to Article 36 of the Law. The specific figures requested by this question will be available in the future due to the new data capture process that commenced with this protocol.

3.16 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE MINISTER’S PLANS FOR FUNDING OF, AND POLICY IN RELATION TO, THE ARTS IN JERSEY: (WQ.407/2019)

Question

What steps, if any, have been taken in response to the recommendations of ‘Jersey Culture, Arts and Heritage Strategic Review and Recommendations’, published on 27th November 2018, and the adoption by the States of ‘Proposed Government Plan 2020-23: Increase in Revenue Expenditure on the Arts, Heritage and Culture’ (P.40/2019); and what are the Minister’s current plans for future funding of, and policy in relation to, the Arts in Jersey?

Answer

Relevant key Government departments and grant-funded arms-length organisations in the sector have been briefed on the findings of the Jersey Culture, Arts and Heritage Strategic Review in order to consider how the sector can assist in the delivery of wider government policies and priorities.

As a result of P.40/2019, growth funding for culture, arts and heritage is included in the proposed Government Plan 2020-2023. Work is under way to determine how the funding should be apportioned across the sector if the Government Plan is approved by the States Assembly.

The funding for 2020 includes a sum for the development of a new Culture and Arts Strategy that will build on the recommendations of the Strategic Review. This new strategy will subsequently guide how the funding for 2021 to 2023, proposed in the Government Plan, could be used to support culture, arts and heritage in Jersey. Consultation will continue throughout the process.

A separate Heritage Strategy will also be developed.

3.17 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PLACEMENT OF YOUNG PEOPLE IN PLACES OF SAFETY IN RELATION TO THEIR MENTAL HEALTH: (WQ.408/2019)

Question

Will the Minister state how many young people (a) in care and (b) otherwise have been placed in a place of safety in relation to their mental health in each of 2017, 2018 and 2019 to date, breaking down the numbers by the age and nationality of the people concerned, the location of the place of safety and the length of time any such people remained in a place of safety?

Answer

The term ‘place of safety’ is a legal definition in the Mental Health (Jersey) Law 2016, Article 34, which states:

“place of safety” means –

- (a) an approved establishment;
- (b) in a case where, for the purpose of preventing harm to the person in question or to any other person, a police station is the most secure or suitable place, a police station; and
- (c) any other place –
 - (i) which may be designated as such for the purpose by the Minister, or
 - (ii) the occupier of which consents to receive a person for a specified temporary period;

“premises” includes any vessel, vehicle, aircraft or hovercraft.

(2) Any person required or authorized by virtue of this Law to be conveyed to any place or to be kept in custody or detained in a place of safety, is deemed to be in legal custody while being so conveyed, kept or detained.

(3) Nothing in this Part shall prevent a person detained under Article 35 or 36 from being conveyed from one place of safety to another

There were no looked after young people placed in a place of safety in terms of the above Act in any of the years 2017-2019.

Similarly, there were no other young people who had been admitted to a place of safety for mental health reasons during the above years.

3.18 SENATOR S.C. FERGUSON OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DISTRIBUTION OF CHANNEL ISLANDS LOTTERY FUNDS: (WQ.409/2019)

Question

Will the Minister –

- (a) detail the rationale and explanation of the proposed policy for the distribution of Channel Islands Lottery Funds;
- (b) list the total amount of proposed grants to –
 - (i) Charities;
 - (ii) Sports associations;
 - (iii) Community groups; and
 - (iv) Heritage organisations;

in the Government Plan for 2020 and the estimates for 2019;

- (c) list the source of the funds for the grants (such as departmental budget, Channel Islands Lottery etc.); and
- (d) list the organisations included in each of these groups shown in Part (b)?

Answer

- (a) P87/2019 Channel Islands Lottery: Allocation of proceeds from 2018, now withdrawn, stated:

Having seen proceeds from the Channel Islands Lottery grow significantly in recent years, the aim is to widen the distribution to increase benefits for the local community. It is proposed that future proceeds will be distributed as follows –

40% to registered charities and voluntary groups

20% to arts and culture

20% to heritage

20% to sport and active living.

- (b) Lottery funds are independent of the Government and the Government Plan, which does not include any proposed grants for lottery funds.
- (c) All lottery grants are funded through the sale of lottery tickets.
- (d) The lottery funds are currently distributed by the Association of Jersey Charities in accordance with a service level agreement, once they have received applications from interested local organisations. Details of all grants allocated by the AJC are available on their website.

3.19 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROVISION OF SCHOOL MEALS FOR PRIMARY SCHOOL CHILDREN: (WQ.410/2019)

Question

By what process were Caring Cooks chosen to provide school meals for primary school children?

Answer¹

This initiative was a natural next step in the context of work already being undertaken by Caring Cooks in local primary schools. The project did not arise from a specific directive but it had long been recognised that there was insufficient provision for nutritious meals for primary school children and especially for the most vulnerable families. Caring Cooks was already making a significant contribution via its ‘Let’s Get Cooking’ and ‘Let’s Get Growing’ programmes.

The ‘Flourish’ programme was proposed at the end of 2017 to the then Minister of Education, to deliver a vehicle for the Government to evaluate the viability of a primary school meals service. In support of both the department’s and the wider Government strategic objectives - the healthy eating in schools and States/Island wide nutrition strategy.

In June 2018, Caring Cooks met with the Children’s Commissioner, myself and senior officers from across Government to discuss the wider benefits of a pilot of hot school lunches, that not only met the Food and Nutrition Strategy but also put Children First. Subsequently a new proposal and financial model was developed and progressed through CYPES and SPPP.

Therefore, in order to comply with the Government’s financial directions an exemption from competitive tendering was sought and approved via procurement in August 2018, with the joint objectives of gauging the level of uptake from parents and evaluating the benefits for the children taking part in the pilot scheme.

Subsequently in February 2019 the Minister for Treasury and resources approved the recommendation of the Investment Appraisal Board to provide funding of the pilot from central contingencies.

It was always agreed that a successful pilot and subsequent programme for wider rollout will result in a formal competitive tendering process.

NB

The pilot scheme for Janvrin and Samares primary schools will run during the first year with a planned extension to St Luke’s school in 2020. The data collected during the pilot will be evaluated and used to determine the next phases of the project, one of which could be a full tendering process on a commercial basis depending on financial thresholds and in line with the Government directives.

3.20 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE MAINTENANCE OF DATABASES OF ISLANDERS’ FACES: (WQ.411/2019)

Question

Does any Government department or arms-length organisation possess and maintain a database of Islanders’ faces for use in facial recognition systems for either overt or covert operations?

Answer

¹ Please note that this is a revised version of the written answer, which was circulated after the meeting of the States, following a ruling by the Bailiff.

The Government of Jersey, nor any organisation acting on behalf of the Government of Jersey, have not used overt facial recognition technology on any of their sites and as such maintain no database for this purpose. The Government of Jersey and any organisation acting on behalf of the Government of Jersey, can neither confirm nor deny that any facial recognition technology has been used for covert law enforcement work or if any database is maintained.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

This question has required a Civil Service Grade 15 minutes to produce, costing approximately £11.

3.21 DEPUTY K.F. MOREL OF ST. LAWRENCE OF H.M. ATTORNEY GENERAL REGARDING THE LEGALITY OF MAINTAINING DATABASES OF ISLANDERS' FACES: (WQ.412/2019)

Question

Is it legal for the Government, States-owned entities or arms-length organisations to maintain a database of images of Islanders' faces for use in facial recognition systems and, if so, what is the legal basis on which this is possible?

Answer

The Deputy will be aware that the Immigration (Relevant Biometric Information (Jersey) Regulations 2019 (the "2019 Regulations") were adopted by the States Assembly on 29 January 2019 (P.12/2019) to provide the legal authority for immigration officers and certain other authorised persons (including police officers) to require applicants under the Jersey EU Settlement Scheme to provide a photograph with the application. When these Regulations came into force Appendix EU(J) of the Jersey Immigration Rules imposed a requirement for an application to the settled status scheme to be accompanied by a photograph. Where an individual does not comply with that requirement their application may be treated as invalid.

The 2019 Regulations were made under section 126 of the Nationality, Immigration and Asylum Act 2002, as extended to Jersey by the Immigration (Biometric Information) (Jersey) Order 2018, which came into force on 28 December 2018. The extension of section 126 to Jersey was approved by the Assembly on 6 November 2018 (P.105/2018).

The 2019 Regulations include safeguards in relation to photographing children, and also require the Minister to destroy any record of a photograph after it is no longer needed in connection with functions relating to immigration laws or nationality. A photograph is no longer needed for this purpose if the applicant becomes a British Citizen and is issued with a passport, or a Commonwealth citizen who has a right of abode in Jersey. For so long as it is retained for those purposes, the photograph and any information derived from it may also be used in connection with criminal investigations or prosecutions, and for the purposes of national security, as well as for identifying dead persons or persons suffering from illness or injury. It may also be used to ascertain whether someone has acted unlawfully, or tried to obtain something to which they were not entitled.

To the extent that images of Islanders' faces are held in a database by the Government or by its agents in accordance with the 2019 Regulations, those regulations provide a sufficient and clear legal basis for processing this information. To process this information using facial

recognition software does not require a separate legal basis, provided that any such processing is for the purposes set out in the 2019 Regulations.

The processing of this information will also be subject to the requirements of the Data Protection (Jersey) Law 2018, compliance with which is regulated by the Information Commissioner.

3.22 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE REPORTING OF CHILD SEXUAL EXPLOITATION: (WQ.413/2019)

Question

How many instances of child sexual exploitation, if any, have been reported to the police annually in 2017, 2018 and 2019 to date; and will the Minister make available to States members the policy for dealing with such reports of child sexual exploitation?

Answer

During the last 3 years, the number of suspected child sexual exploitation (CSE) cases addressed on a multi-agency basis has been 22, 19 & 11 (year to date) respectively.

The police deal with these cases alongside Children's Services. Indeed, all suspected cases of CSE are managed through a joint Multi-Agency Sexual Exploitation (MASE) meeting – where possible involving both suspected victim & parents/guardian. Suspected perpetrators are dealt with by the police.

The multi-agency guidance for CSE is published on the Safeguarding Partnership Board website, as is the current strategy and action plan for child sexual abuse (CSA) and CSE for 2018 – 2020.

3.23 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE COST OF ANSWERING WRITTEN QUESTIONS: (WQ.414/2019)

Question

Further to the answer to Written Question 381/2019 on 24th September 2019, what estimate, if any, has the Chief Minister made of the cost of estimating the cost of answering that question?

Answer

The cost was negligible.

Cost of Producing Answer

The cost was negligible

3.24 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE COST OF PURCHASING TEAM JERSEY LANYARDS: (WQ.415/2019)

Question

How much has been spent to date by the Government of Jersey on the purchase of Team Jersey lanyards?

Answer

To date £357.00 has been spent purchasing Team Jersey lanyards.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Service Grade 15 x15min: £11

Director of Team Jersey Programme x 30min: £40

Total £51

3.25 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE TRIAL USE OF AN ELECTRIC DOUBLE DECKER BUS BY LIBERTY BUS: (WQ.416/2019)

Question

Will the Minister advise whether, when agreeing to the trial by Liberty Bus of an electric double decker bus, the Department ensured that the operator undertook appropriate due diligence with regard to the vehicle's service history and if so, did the vehicle have any history of breaking down?

Answer

Under the Contract, LibertyBus as the bus operator is responsible for procurement of the vehicles. It is their responsibility and risk to ensure the vehicles are fit for purpose. This recognises their experience and expertise in bus fleet maintenance, management and financing

LibertyBus had approached several manufacturers for use of a demonstrator electric vehicle and Optare, a nationally recognised reputable manufacturer, was the first to offer a double-decker vehicle to showcase its technology. Reviews of other potential vehicles and manufactures continue.

LibertyBus is familiar with operation of Optare vehicles, their performance and reliability, as they already provide 35 single-decker vehicles within Jersey's bus fleet. The demonstration bus was two years old and had previously been used in London, under the Transport for London franchise. Two years old is relatively young in terms of a bus's service life, public service vehicles (PSV) in the UK are subject to rigorous maintenance regimes and independent inspection, as in Jersey.

It is not in the interest of the manufacturer to provide a demonstration vehicle which might breakdown. From Optare's perspective, the provision of a demonstration vehicle is part of a marketing pitch, similar to when a domestic dealership provides prospective buyers the opportunity to test drive a car. While the appraisal of specialist trade and technical literature form part of the due diligence for commercial fleet investment, requesting the service history of the visiting demonstration vehicle would not, unless the vehicle itself was under consideration for purchase.

Offering excellent customer service is something LibertyBus pride themselves on, it would not be in their interests to engage with a manufacturer if they considered the vehicles to be unreliable and risk reputational damage through poor customer service.

3.26 THE CHIEF MINISTER WILL TABLE AN ANSWER TO A QUESTION ASKED BY THE CONNÉTABLE OF ST. MARTIN REGARDING THE IMPLEMENTATION OF ONE GOV PROPOSALS: (WQ.417/2019)

Question

Further to a Quarterly Public Hearing with the Corporate Services Scrutiny Panel on 20th September 2019, in which he outlined that Growth, Housing and Environment may be split into separate Growth and Housing and Environment departments following the completion of a consultation process, and that plans to make the Government of Jersey a single legal entity are still in place, will the Chief Minister –

- (a) provide an update on these two initiatives, setting out the progress Ministers and officers have made to date; and
- (b) publish a timetable setting out when these two initiatives will be brought to the States Assembly for debate, and indicate any legislative changes they will both require in order to be implemented?

Answer

During the Scrutiny hearing I made it clear that both these areas were works in progress.

With regard to the Target Operating Model arrangements for Growth, Housing and Environment (GHE), as I outlined in my response during the hearing, when the consultation originally started, Ministers had made it clear that there were some potential changes that could result in part of the department's proposed structure changing. The formal consultation has now closed. In accordance with our policies and procedures, we are considering and reviewing the outcome of the consultation. Again, as I made clear at the meeting, I anticipate the outcome of that being published in the next few weeks; at which time an update will be prepared for all Members.

Draft Regulations are required to implement the move to a single legal entity for the Government of Jersey, as decided by the States Assembly in March 2018. These draft Regulations update the whole of Jersey Law to replace existing references to individual ministerial offices with references to the Government of Jersey as a single legal entity. This is a considerable piece of work that required every law in Jersey to be reviewed, which officers are continuing to progress. At this stage, it is not expected that draft Regulations will be ready for consideration by the Council of Ministers until early in 2020.

3.27 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT OF STAFF BY THIRD SECTOR HEALTH AND SOCIAL CARE PROVIDERS: (WQ.418/2019)

Question

Given the challenges experienced by Third Sector health and social care providers when trying to recruit suitable staff to deliver services, will the Minister state whether he is working with the Third Sector to help resolve these difficulties and, if so, what new initiatives are under consideration to address them?

Answer

The Minister has met with representatives from the Third Sector, including the Jersey Care Federation, to discuss recruitment difficulties. As a result of these and other discussions in relation to recruitment within the care sector, Skills Jersey has engaged with all sectors of health and social care to create a skills working group with representatives from the industry. The group was formed on 1st August 2019 and has identified five key objectives:

1. Reduce level of staff turnover (churn)
2. Increase the number of workers with relevant qualifications
3. Investigate new sources of staff e.g. older workers, parent returners, thereby challenging traditional 'gender' roles
4. Increase industry support and involvement with education
5. Increase the flow of 'entitled' applicants wanting to work in the industry.

The group has also set the following short-term goals to tackle the recruitment difficulties:

1. Establish a 'Care Village' at the Jersey Skills Show to promote the industry to future generations and career changers
2. Run a social media campaign through December to promote care as an attractive option for career changers. Case studies of local workers and success stories will be used to drive this campaign. This promotion will work in coordination with action 3. below
3. In January, run induction training that covers all certificates needed to be able to start working in the care industry – funded by the business licensing skills fund.

The Minister will continue to engage with Third Sector providers on this important issue.

3.28 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MENTAL HEALTH PRACTITIONERS WITH SPECIALIST TRAINING TO DEAL WITH THE EFFECTS OF TRAUMA: (WQ.419/2019)

Question

Will the Minister advise –

- (a) whether there are any mental health practitioners employed by the States who have specialist training that is specific to the needs of individuals suffering the effects of trauma (i.e. Post-Traumatic Stress Disorder);
- (b) if such practitioners are employed, what the waiting times are to be seen by them and, thereafter, to receive treatment; and
- (c) if there are no such practitioners, what plans, if any, exist to train mental health practitioners in this specialist area?

Answer

- (a) It is normal to experience traumatic stress symptoms in the days following a traumatic event. For most people these symptoms subside naturally with time. For a proportion of people the symptoms persist causing significant distress and/or interference with day to day functioning, to the point of meeting the criteria of Post-traumatic Stress Disorder (PTSD).

For children and young people there are four Clinical Psychologists based in the Child and Adolescent Mental Health Service (CAMHS) who are appropriately trained and competent in delivering evidence-based psychological interventions for PTSD such as trauma-focused Cognitive Behavioural Therapy (CBT) and Eye Movement Desensitisation and Reprocessing (EMDR).

For adults experiencing symptoms of trauma, there are eight (full-time) Psychological Therapists in Jersey Talking Therapies and more than ten (full-time and part-time) Clinical & Counselling Psychologists in the Psychology service and within multi-disciplinary teams across Health and Community services who are appropriately trained and competent in delivering evidence-based psychological interventions for trauma symptoms and PTSD, such as trauma-focused CBT and EMDR. Several of these clinicians are also trained to deliver psychological interventions that are appropriate for Complex Post-traumatic Stress Disorder (C-PTSD) such as Cognitive Analytic Therapy (CAT) and Dialectal Behavioural Therapy (DBT).

- (b) The waiting times for psychological intervention for trauma symptoms or PTSD vary across all services, depending on the severity of the symptoms and clinical need. Clients with the most severe difficulties are prioritised.

For children and young people presenting with trauma symptoms or PTSD, waiting times vary between two and nine months.

For single event trauma, the approximate waiting times for an adult to be assessed and start treatment with a Psychological Therapist are four months and 13 months respectively. For complex trauma, the approximate waiting times for an adult to be assessed and start treatment with a Clinical or Counselling Psychologist are seven months and 14 months respectively.

- (c) As noted above, Psychological Therapists and Clinical and Counselling Psychologists working with children, young people or adults who present with trauma symptoms or Post-traumatic Stress Disorder are appropriately trained to deliver evidence-based psychological interventions.

3.29 THE CONNÉTABLE OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE DISTINCTION BETWEEN THE STATES OF JERSEY AND THE GOVERNMENT OF JERSEY: (WQ.420/2019)

Question

Will the Chief Minister –

- (a) provide a breakdown of the structure of the Government of Jersey and advise which areas of the Government, if any, continue to be referred to as the States of Jersey (indicating whether or not this is done exclusively or in addition to being referred to as the Government of Jersey); and
- (b) advise whether or not any additional work will be undertaken on clarifying the distinction between these two terms?

Answer

In February 2019 the Council of Ministers adopted “Government of Jersey” as the official identity for the Executive and administrative departments, both in the island and overseas. The Council also agreed to adopt the Jèrriais “Gouvernement d'Jèrri” parallel identity where appropriate.

All entities outside of the Executive and administrative departments including the States Assembly and scrutiny functions, Law Officers' Department, and all entities named States of Jersey [Entity] in law continue to use the "States of Jersey" nomenclature, including:

States of Jersey States Assembly

States of Jersey Ambulance Service

States of Jersey Customs and Immigration Service

States of Jersey Fire and Rescue Service

States of Jersey Police Service

States of Jersey Prison Service

The reasoning for the change was communicated publicly at the time the decision was made and provides a clear timeline and rationale:

Before the States of Jersey Law 2005, the States of Jersey was the legal entity encompassing both the Legislature (the States Assembly) and the Executive (government and public administration). Until this point, under Committee-led government, the Assembly, government and administrative departments were all within the same legal body, the States of Jersey.

The 2005 reforms, which created Ministerial government, separated the Executive and administrative departments from the Legislature in law. However, the 'States of Jersey' continued to be used as the identity for both the government and the States Assembly, and it remains part of the official name of the States Assembly today.

In July 2014, the Council of Ministers adopted the 'Government of Jersey' identity for use by Ministers in business cards, official correspondence and for use overseas, although in Jersey the government and administrative departments continued to use the States of Jersey identity.

The wider adoption of the Government of Jersey identity by this Council of Ministers earlier this year, therefore, now reflects the constitutional decisions taken by the States Assembly in 2005.

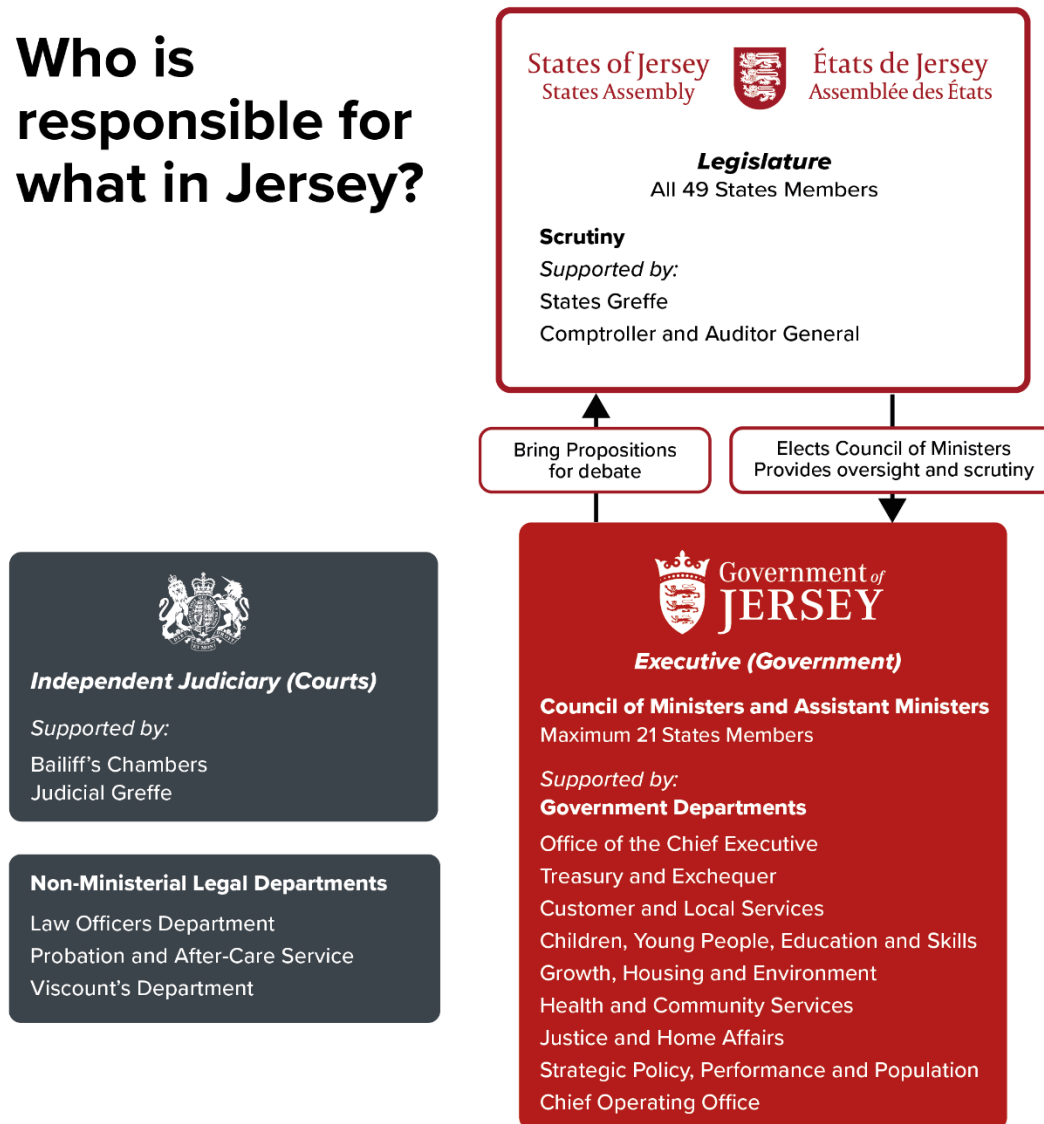
It is also worth noting that in March 2018, the States Assembly approved the P.1 Machinery of Government Law 2018, such that the executive itself would be reformed to create the 'Government of Jersey' as a single legal entity for Ministers and administrative functions. The status of this work is outlined in WQ.417/2019.

The attached infographic was also published at the time the change was implemented. No additional communications exercise is currently planned to distinguish between the two entities.

Cost of Producing Answer

The cost was negligible

Who is responsible for what in Jersey?



3.30 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX REVENUE YIELD THROUGH INVESTMENT IN DOMESTIC COMPLIANCE: (WQ.421/2019)

Question

Will the Minister advise the Assembly what the total additional tax revenue yield through investment in domestic compliance was for the years 2017, 2018 and 2019, and what it is forecast to be in 2020 and 2021, in comparison to the total investment for each year?

Answer

Additional forecasted revenues arising from Revenue Jersey's domestic compliance activities are largely made up of taxes not previously correctly declared.

Compliance activities before 2017 were relatively light. While data was not routinely reported, the Comptroller estimates that additional revenues from compliance activities was in the region of £1 million yearly in the years immediately preceding 2016.

Different approaches to compliance activities began to be tested in 2017; an investment in 2017 of £200,000 has focused specifically on testing corporate tax compliance. This has seen compliance yield increase (see table).

In preparation for increasing compliance activities, supported by a new legal framework (the Revenue Administration Law 2019), a Tax Disclosure Opportunity (“tax amnesty”) operated in 2017. Around 200 taxpayers took advantage of that scheme.

The only additional investment in domestic tax compliance during the period 2015 to 2019 was the £200,000 mentioned above and approved by the Council of Ministers and Minister for Treasury and Resources in 2017.

During the same period, Jersey invested around £13 million to replace its 35-year old ITAX computer system and to modernise the tax administration (now Revenue Jersey) and key aspects of the administrative tax law.

This investment has now safeguarded the collection of tax revenues (currently over £700 million yearly) for the longer term; provided the capability to offer online-filing services; and to collect social-security contributions and other revenue streams in the longer run. It has also delivered over £1 million of cost savings from associated reductions in manual processes; computer-maintenance costs; and other measures.

An investment of around £1.6 million yearly is now proposed in the Government Plan from 2020 to improve tax compliance across Jersey’s economy.

Table : Additional Compliance Revenues 2016 to 2023

	2016	2017	2018	2019	2020	2021	2022	2023	
	£ million (assessed)			£ million (forecast)					
Additional Compliance Revenue	<£3	£5.5	£6.8	£7	£7	£9.6	£11.9	£13	
Tax Disclosure Opportunity			£1.65						

3.31 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING EFFICIENCY SAVINGS TO BE ACHIEVED IN 2020: (WQ.422/2019)

Question

Will the Chief Minister –

- (a) inform members what measures, if any, he has under consideration to meet the target figure for “efficiencies to be allocated” in Summary Table 3(i), ‘Proposed 2020 Revenue Heads of Expenditure’ in ‘Government Plan 2020-2023’ (P.71/2019);
- (b) state when he will be in a position to inform members what the savings involved in delivering the full £40 million of efficiencies will be;

- (c) advise what evidence, if any, he has to demonstrate that any impact of the efficiencies on Health and Community Services has been mitigated; and
- (d) advise to what extent, if any, the efficiency savings for Health and Community Services in particular will involve a reduction in staff numbers either through non-replacement of retirees or through delaying recruitment to vacant positions?

Answer

- (a) The Council of Ministers received proposals from officers for c£32.7m of efficiencies on the 18th September, with Scrutiny receiving this information on 27th September. The Council will receive proposals for a further c£7.3m of efficiencies on 16th October bringing the total of efficiencies identified for 2020 to £40m, as set out in the Government Plan. Proposals include the allocations to 2020 Revenue Heads of Expenditure.
- (b) An Efficiencies Plan will be presented to the Council of Ministers for approval on 16th October for intended publication on or about the 21st October. This plan will describe in detail how £40m of efficiencies will be delivered in 2020 and will set out the activities, the departmental and Ministerial impacts. The plan will also describe the approach to delivery of efficiencies over the remainder of the Government Plan. The publication date provides over five weeks of review time ahead of the start of the Government Plan debate.
- (c) Health and Community Services have taken a robust and unwavering approach to quality impact throughout the development of their programme of modernisation. All projects have been developed through an intelligence and people led, data driven approach and have made extensive use of benchmarking with peer organisations to inform potential areas of work. All proposals go through a comprehensive ‘Quality Impact Assessment’ which are signed off by the relevant professionals to ensure that the organisation has assurance that any risks are identified, managed and mitigated. If a proposal is deemed to have a potential negative impact on services; whether that be quality, service delivery or the workforce, they are not progressed. Any identified low level risks are managed on an ongoing basis through the development and delivery of the project.
- (d) The Department’s TOM may necessitate the use of such means, but this will be determined as the year progresses and, in all cases, clinical need will remain paramount. That said, in the longer term, we do expect headcount to reduce in some areas as a consequence of improvements in services, systems and processes, including as a result of investment of modern technology, which will automate a range of tasks that are currently done manually and through ensuring that we make the most productive and best value use of our services for the benefit of islanders.

3.32 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PROSPECTIVE REVERSAL OF DECISIONS TAKEN BY THE PLANNING COMMITTEE: (WQ.423/2019)

Question

Further to the response to Written Question 366/2019, will the Minister advise members on how many occasions, if any, consideration by Planning Officers of a revised proposal that had previously been considered by the Planning Committee have led to a reversal of the Committee’s initial decision, providing the number for each year over the last five years; and

will he give in each such case the detailed reason for the Committee's decision, the detailed reasons for the Officers' reversal of the decision and the time interval between the Committee's decision and the Officers' decisions?

Answer

Planning officers do not hold information in the manner sought by the question. As part of the current data retention schedules, only one year of Planning Committee agendas is retained.

For this single year, the information has been collated and is shown in the table below.

Further information would need to be obtained by comparing the agendas of the Planning Committee for the previous 4 years, held at Jersey Archive, with subsequent decisions listed on the Planning Register at www.gov.je/planning

Although not specifically stated, the question has been interpreted to identify occasions where a previous *refusal* by the Planning Committee has been followed by an approval by the department, under delegated powers, on a subsequent application.

App ref and date of Committee refusal	Address	Brief description of proposal	Reason for Planning Committee refusal	New app ref and date of department approval	Brief description of proposal	Reason for department approval.
P/2018/0104 19 th Sept 2018	Shangri-la, Le Clos de la Mare, St. Clement	Create one dwelling to west.	Impact on character of streetscape and overlooking neighbour's amenity. Overbearing on neighbour.	P/2018/1318 19 th Dec 2018	Create one dwelling to west.	Proposal reduced to single storey scheme, removing the neighbour impact and reducing impact on street.
P/2018/0786 15 th Oct 2018	Beaulieu, La Grande Route de St Clement	Remove hedge and install wattle fence	Proposal introduces an obstruction in the visibility splay of a sub-standard access	P/2018/1521 30 th Nov 2018	Remove hedge and install wattle fence	Fence position was moved to avoid obstructing visibility splay.
P/2018/0785 18 th Oct 2018	Beauvoir, La Route de Petit Port, St. Brelade	Retrospective - Remove part of wall to create turning area to west	Need for proposed access not demonstrated. Impact on	P/2018/1547 6 th Dec 2018	Reinstate wall and install pedestrian gate to west	Wall was reinstated, closing up vehicular access and removing danger.

			highway safety.			
P/2019/0353 13 th June 2019	Vale View, La Profonde Rue, Trinity	RETROSPECTIVE; Install fence on top of existing western boundary wall.	Height, location and design of fence impacts on Listed Building.	P/2019/0856 28 th Aug 2019	Install fence inside garden approx 800 mm from existing western boundary wall.	Height of fence was reduced and its location moved, so impact on Listed Building was reduced.

3.33 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIR OF THE PLANNING COMMITTEE REGARDING THE COMMITTEE'S RELATIONSHIP WITH PLANNING OFFICERS: (WQ.424/2019)

Question

Further to the response to Written Question 366/2019, will the Chair advise members how the Planning Committee liaises with, or monitors the actions of, the Planning Officers considering revised proposals that have previously been considered by the Committee; if it does not, will he explain why not; and if it does, will he explain how this monitoring or liaison is evidenced?

Answer

Like all States Members, Committee Members are apprised of the list of new planning applications each week and are able, through the Chairman, to request any particular item to come before the Committee. The Chairman of the Committee and Director of Planning regularly exercise their own judgement to assess whether a matter needs to be put before the Committee again. There are no formal arrangements in place for the liaison with Officers or monitoring of applications which have been previously considered by the Planning Committee and which might be the subject of a revised application as it would be inappropriate for Planning Committee involvement at this stage in the process.

3.34 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING ENFORCEMENT NOTICES: (WQ.425/2019)

Question

Will the Minister list the number of enforcement notices issued each year over the last five years, specifying –

- (a) the reason for the enforcement notice;
- (b) the time given for the person on whom it was issued to comply with the notice;
- (c) whether the notice was complied with and by what date,
- (d) if the notice was not complied with by the initial specified date, whether the person concerned was given extra time (or multiple periods of extra time) to comply; and
- (e) if the notice was never complied with, whether or not the person was prosecuted for their failure to comply with the notice; if not, why not; and if so, the penalty imposed by the Courts for not complying?

Answer

Please see attached table which provides answers to Deputy Higgins's questions.

Reference No and Address	Reason for serving	Time given for compliance	Whether notice complied with within time period	Extra time for compliance	Any resulting prosecution
ENF/2015/00004 – United Foods Ltd - Centrestore, La Route de la Trinite, Trinity	Warehouse operating as a shop without permission.	28 days.	Yes – 21.5.15		
ENF/2015/00006 – Field 818, L'Avenue de la Reine Elizabeth II, St Peter	Without planning permission the erection of a loggia-type structure, the siting of a pool and surround and, the changing of ground levels and associated siting of garden sleepers.	28 days	No. Subsequent appeal to Greffe. Appeal upheld	Yes – Notice complied with.	
ENF/2015/00007 – Field No. 744, Le Mont des Louannes, St Peter	Numerous timber frame structures have been erected. The field is also being used for unauthorised storage of numerous and varied non-agricultural items and materials. Considered to be a material change of use of the land.	3 Months	No.	Yes – Notice complied with.	
ENF/2015/00009 - Field No. 273A La Petite Sente, St Clement	Creation of car park within field.	2 months	Yes – 15.6.15		

ENF/2015/00010 - Field No. 1004, Hautes Croix Farm, La Grande Route de St Jean. St John	Importation of soil with increase in ground levels.	2 months	No	Yes – Retrospective planning application submitted.	
ENF/2015/00013 – Field No. 433 & 456, La Rue de la Marais a La Cocque, Grouville	Importation of soil and creation of track.	2 months	No.	Yes – Retrospective planning application submitted.	
ENF/2015/00116 – Oaklands Manor/ Field 1383, Oaklands Lane, St Helier	Excavation and ground works to create a lake.	3months	No.	Yes – Retrospective planning application submitted.	
ENF/2015/00017 – Field No. 1013 and 1014, La Rue du Feugerel, Trinity	Change of Use of Field to builder's yard.	28 days	No.	Yes - Further Notice submitted and complied with.	
ENF/2015/00018 – Field 804, Fountain Lane, St Saviour	Non-agricultural vehicles on field.	3 months	No	Yes – Notice complied with 12.4.16	
ENF/2015/00019 – Land at: Le Cotil Cottage, Field 615 and	Excavation and ground works.	2 months	Yes – Notice withdrawn as previous		

627, La Rue St. Julien, St Martin			planning application.		
ENF/2015/00020 – Broughton Lodge Farm, La Verte Rue, St Mary	Removal of windows and internal features	3 months	No	No. Retrospective planning application submitted and subsequently refused.	Yes - £50k fine in Royal Court
ENF/2015/00021 – Voisins Department Store, King Street, St Helier	Internal works without Building By- Laws.	30 days	Yes – 29.2.16		
ENF/2015/00022 – Field No 423, La Rue du Rondin Sud, St Mary	Operation of a haulage business. Storage of building materials and non- agricultural vehicles	28 days	No	Enforcement Notice withdrawn following appeal and completion of main farmhouse works.	
ENF/2015/00023 – Field No. 405, Le Pont au Bre, St Peter	Unauthorised storage of stone.	28 days	Yes – 4.1.16		
ENF/2015/00006 – Field 818, St Peter	Erection of timber framework structure, pond and raised area in field	6 months	No	Yes – Notice complied with. March 2017.	

ENF/B/2014/0042 – 26 Grosvenor Street, St Helier	No safety barrier to first floor. No Structural Engineer Report submitted.	90 days	Yes – 12.4.16		
ENF/2015/00307 – Land behind 14 Clos du Ruisseau, St Martin	Storage of builders materials within field	2 months	Yes – 14.4.16		
ENF/2016/00003 – The Powder Magazine, Les Vieilles Charriere, Trinity	Various structures. New driveway and concrete pillars.	6 months		Yes – Retrospective planning application submitted.	
ENF/2016/00004 – Elmore, La Grande Route de Rozel, St Martin	Non-compliance with Condition on planning permission regarding fencing.	3 months	No	Yes – Compliance 19.10.16.	
ENF/2016/00005 – 9 Parade Road, St Helier	Removal of traditional windows and replacement with upvc.	3 months	No	Ongoing discussions with site owner.	
ENF/2016/00006 –	Erection of timber fencing	2 months	No	Yes – Retrospective planning application submitted and approved.	

Land at Les Marais House, La Rue a Don, Grouville					
ENF/2017/0000 – De Montford House, La Route de la Cote, St Martin	Non-compliance with Condition 5 of P/2008/1432 regarding privacy screen	28 days	Yes – 3.2.17		
ENF/2017/00003 – Ferncliff & Tomona, La Rue des Barraques, St John	Excavation and ground works. Extension to Pool House and erection of roadside wall.	3 months	No	Two applications submitted and not yet determined.	
ENF/2017/00005 – The Powder Magazine, Les Vieilles Charriere, Trinity	Various structures. New driveway and concrete pillars	6 months	No	Yes – Retrospective planning application submitted.	
ENF/2017/00006 – Flat 3, Battery House, St Martin	Erection of raised decking to cotil	3 months	Yes – 5.10.17		
ENF/2017/00008 – 5½ Commercial Buildings, St Helier	Replacement Roof	3 months	No	Yes – Retrospective planning application submitted.	

ENF/2017/00014 – Key Largo, La Rue des Pigneaux, St Saviour	Raised balcony and creation of hardstanding.	28 days	No	Yes – Retrospective planning application submitted.	
ENF/2017/00010 – Jersey Oak Ltd, La Rue des Marettes, St Martin	Erection of marquee.	3 months.	Yes – 28.2.18		
ENF/2017/00013 – Progressive School of Music, 13 Cattle Street, St Helier	Non - completion for Building By- Laws purposes.	28 days	Yes – 20.12.17		
ENF/2017/00015 – Kara Mia, La Rue de la Corbiere, St Brelade	The retrospective erection of a polytunnel	2 months	No	Ongoing discussions with site owner.	
ENF/2018/00003 – Sea Wyndes, Noirmont Lane, St Brelade	Balcony Extension	2 months	No	Yes – Retrospective planning application submitted.	

ENF/2018/00004 – The Shed, La Girette, La Rue de la Mare des Pres, St John	Site used for storage of boats and vehicles	2 months	No	Yes – Retrospective planning application submitted.	
ENF/2018/00005 – Art Block, Highlands College, St Saviour	Building work completed without Structural Engineer Registration Scheme Certificate.	35 days	Yes – 25.2.18		
ENF/2017/00010 – Jersey Oak Ltd, La Rue des Marettes, St Martin	Extension to showroom	3 months	Yes – 5.5.18		
ENF/2018/00006 – Fields No's G230, G234 & G234A (Paddock End) La Rue a Don, Grouville	Unauthorised storage and hardstanding.	Storage 1 month. Hardstanding 3 months.	No	Yes – Retrospective planning application submitted.	
ENF/2018/00010 – Land to the East of Field B351, St Brelade	Storage of granite and erection of buildings on site.	3 months	No	Enforcement Appeal upheld. Prosecution underway against non-compliance.	
ENF/2018/00013 –	Creation of vehicular access.	3 months	Yes – 23.11.18		

Field No. P864, Le Vieux Beaumont, St. Peter					
ENF/2018/00014 – 2 Le Pont Marquet Close, St Brelade	Installation of heating oil storage tank.	14 days	Yes – 28.11.18		
ENF/2019/00001 – Les Arbres, La Rue des Cateaux, Trinity	Installation of spiral stair.	90 days	No	Prosecution underway against non-compliance.	
ENF/2019/00002 – Claremont Coach House, St Helier	Bedroom formed at first floor. Work not undertaken by a competent electrician.	28 days	Yes – 12.4.19		
ENF/2019/00005 – Unit 1, Field J1007, La Grande Route de St Jean, St John, JE3 4FN	Works to create a food preparation station not satisfactorily cleared.	14 days	No	Prosecution underway against non-compliance.	
ENF/2019/00005 – Unit 8, St Peters Technical Park, St Peter, JE3 7ZN	Breach of condition relating to working operations	14 days	No	Planning application under consideration.	

				Prosecution underway against non-compliance.	
ENF/2019/00006 – Unit 8, St Peters Technical Park, St Peter, JE3 7ZN	Breach of condition relating to working operations	14 days	No	Planning application under consideration. Prosecution underway against non-compliance.	
ENF/2019/00007 – Land west of La Rive Cottage, Field MN115, La Vallee de Rozel, St Martin	Operational development involving timber structures, fencing and raised decking.	2 months	Yes – 2.8.19		
ENF/2019/00011 – Skyline Watch, Old St Johns Road, St Helier	2no. satellite antennae on top of building.	28 days	No	Yes – Retrospective planning application submitted.	
ENF/2019/00003 – Vale View, La Profonde Rue, Trinity	Conversion of second floor to habitable accommodation. (Building By-Laws).	90 days	No	Enforcement Appeal yet to be considered and determined.	
ENF/2019/00012 – Vale View, La Profonde Rue, Trinity	Change of use of loft space to habitable accommodation. (Planning).	90 days	No	Enforcement Appeal yet to be considered and determined.	

ENF/2019/00008 – Field J1003, La Rue des Peupliers, St John	Works not undertaken in accordance with approved drawings. Running of commercial scaffolding business from site.	2 months	No	Enforcement Notice to be re-issued.	
ENF/2019/00013 – Alfonso Bakery & Coffee Shop, 8 Cheapside, St Helier	Installation of 1.3m flue extension.	28 days	Yes – 21.8.19		

3.35 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE USE OF POLICE CAMERAS: (WQ.426/2019)

Question

Will the Minister advise members of the rules and regulations governing the use of police cameras and the retention and dissemination of any footage taken by them; and will he also state the rights of those filmed to have access to the footage and who determines how much, or what part, of the footage they can be supplied with?

Answer

The States of Jersey Police utilises both external CCTV and internal custody systems for law enforcement, public safety and welfare, and for legal proceedings. The use of CCTV is governed by the Data Protection (Jersey) Law 2018 and the Human Rights (Jersey) Law 2000. Officers engaged in the management and operation of the networks are expected to observe strict confidentiality in respect of information gained during the course of this work, and not to discuss with, or disclose to, unauthorised personnel.

Police use of external CCTV respects individual entitlement to go about their lawful business and this is the primary consideration in the operation of the external networks. Cameras are not used to monitor progress of individuals in the ordinary course of their lawful business.

Custody CCTV is not used when detainees are strip searched unless the detainee's violence or own vulnerability requires monitoring for the safety of the detainee and officers. When this is deemed necessary, monitoring is only conducted by a single officer of the same sex as the detainee. The use of officer body worn video cameras is not permitted during a strip search. The States of Jersey Police follows the College of Policing's Approved Professional Practice (APP) and internal policies and procedures are aligned to this.

Retention - Footage that has not been identified of relevance to an investigation is automatically disposed of after 90 days. This is soon to be reduced to 60 days to ensure that personal data is not kept longer than necessary.

Only those officers with a genuine policing need are entitled to access footage. Recorded footage is only provided to those officers directly involved in the particular investigation and is only shared for legitimate law enforcement purposes or for legal proceedings.

Retention periods for recorded footage are in the line with national policing standards known as "Management of Police Information", and vary according to the type and seriousness of the offence.

Persons whose images are recorded by the States of Jersey Police are entitled to make a subject access request for recordings under the provisions of the Data Protection (Jersey) Law 2018. Any such requests received must be forwarded to the Data Protection Officer who will determine whether such images need to be edited either to protect the right to privacy of other individuals, or where an exemption, as provided by law, may apply.

3.36 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE REMOVAL OF CLOTHING FROM PEOPLE DETAINED IN POLICE CELLS: (WQ.427/2019)

Question

Will the Minister advise members how many people who were arrested or detained in police cells over the last five years, if any, have had their clothing completely removed from them whilst they were in custody, giving details of the reason for their detention and the reason for removing their

clothing and stating how many of any such people were examined by a doctor before such actions were taken?

Answer

The table below shows how many people who were arrested or detained in police cells over the last five years went through a strip search or an intimate search.

A strip search is a search involving the removal of more than outer clothing. An intimate search is a search which consists of physical examination of a person’s body orifices other than mouth. Intimate searches are extremely rare and normally conducted by a doctor. Strip search and intimate search are governed by Code C of the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004.

Year	Strip searches	Intimate searches
2014	138	
2015	65	
2016	63	
2017	50	
2018	49	1
2019	19	
Total	384	1

Information regarding the details of a person’s detention, the reason for removing their clothing and whether they were examined by a doctor is contained within that person’s custody record and is not held centrally. It has not been possible to review all 385 custody records to extract this information.

The most common reasons for a person to be strip or intimate searched is if a police officer, of appropriate rank, has reasonable grounds for believing that the person has a weapon or drugs concealed on their person or that they are threatening self-harm and it is believed to be necessary for their safety.

Please note: the following oral question was due to be asked by Deputy C.S. Alves to the Minister for Infrastructure at the current meeting. The time allocated for oral questions ran out, so the Minister has provided the answer that he would have given, if time had allowed.

3.37 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE, REGARDING WARNING SIGNES FOR HAZARDOUS MATERIALS IN STATES-OWNED BUILDINGS: (OQ.249/2019)

Question:

What requirements, if any, are currently in place regarding the placement of warning signs for hazardous materials present in States-owned buildings?

Answer

All signage follows the States approved guidelines.

For asbestos:

Labelling for Asbestos is undertaken in line with the Corporate Asbestos Policy. Where it is decided to leave Asbestos Containing Materials (ACMs) in place they are be clearly labelled, except where this may cause undue alarm, such as in public places.

The presence of, or absence of, a warning label does not determine the ACM status of a material alone.

Where it is not appropriate to use asbestos warning labels, the details of where Asbestos can be found is documented and communicated to building users and contractors through the Property Log Books.

For other Hazardous Material:

The labelling is completed in line with legislation where applicable. In the absence of legislation chemicals are risk assessed under the UK Control of Substances Hazardous to Health Regulations (COSHH) and signage is used as indicated by the assessments.

4. Oral Questions

The Bailiff:

We come now to Oral Questions and Members will see that we have 24 oral questions, which is many more than usual. In order to have our best attempts to get through as many as we can, I will be cutting individual questions short in some cases, particularly where the Minister for Health and Social Services and the Minister for Education are concerned, because they are up for questions without notice and, therefore, if Members have further questions they can ask them during that period.

4.1 Connétable K. Shenton-Stone of St. Martin of the Minister for Health and Social Services regarding the creation of ‘health hubs’ around the Island to help reduce the number of hospital admissions: (OQ.227/2019)

Further to reports that the new Jersey Care Plan will include the creation of “health hubs” around the Island, to help reduce the number of hospital admissions, will the Minister advise whether these hubs will offer minor outpatient surgeries; what consultation, if any, he intends to undertake with the Parishes; and how these hubs will be funded and fit with the objectives of the Government Plan and its efficiencies programme?

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

Minor operations are already provided in some G.P. (general practitioner) surgeries on the Island. The Jersey Care model will seek to provide outpatient care closer to Islanders’ homes, where that is deemed clinically appropriate by all the clinicians involved in a patient’s care. As to the proposed Jersey Care model, there is a planned schedule of public engagement with all Islanders, if this is approved by the Council of Ministers and I am sure Constables will be involved in that engagement.

[10:00]

Changes in the care pathways, as a result of the Jersey Care model, will be funded within the existing health envelope. In other words, funding should follow activity.

4.1.1 The Connétable of St. Martin:

Where will these health hubs be situated? Are they going to be situated in G.P. surgeries? I would just like to say that we keep hearing about health hubs and in St. Martin we have space to set up a health hub and we have the will for the healthcare in the Parish. I have spoken with the Minister for Health and Social Services and I have spoken to the Chief Minister, I have spoken to the Chief Executive and I think I have invited all of them to St. Martin to have a look at our prime unit ready for fitout. All we need is a decision to be made. We have waited so long for the hospital to take place, I just would like to ask the Minister whether he would like to come and visit our unit and whether he would like to think of having the golden opportunity of setting up a health hub in St. Martin.

The Deputy of St. Ouen:

I do thank the Connétable for her invitation and I would be very pleased to take up that invitation. I am very impressed with all that St. Martin has done to service the Parish community. I can visit and I can bring appropriate officers to see if it might be possible to establish a hub there. A hub could be established anywhere, so anywhere that is appropriate for its purpose. So, it might be a G.P.'s surgery, it might be a building owned by a Parish. It could be a church hall somewhere. As long as it is appropriate and accessible and has the agreement of the community, it seems to me.

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

I buy into this particular initiative and to a degree it makes sense but, obviously, it is happening out there at the moment. We have doctors surgeries doing a lot of the procedures, testing for blood pressure, *et cetera*. I cannot square the circle *vis-à-vis* the Government, in one sense, is wanting to bring all of the departments into one building to save on efficiencies and duplication and then we have the Health philosophy of going out there and spreading the infrastructure. Can the Minister help me square that circle?

The Deputy of St. Ouen:

I hope I can. I feel that a health service should be delivered in an entirely different way to a public service. So, there might be synergies of bringing public servants together, but I think the model of asking everybody to come into a single building in St. Helier - we have almost 200,000 outpatients appointments per year in Jersey and that seems a ridiculous number - all of them coming into town, often repeatedly and, of course, there are 30,000 people in town. They will need their own centre, or centres, for their care. Equally, those hubs might be placed at strategic points in the Parish and in the questioner's Parish we have established a service at Communicare that now provides certain health services and advisory services and has been a great success and we will build on that.

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

Would the Minister mind informing Members how many hubs he has established so far, or is in train of establishing and how many is his target for hubs around the Island?

The Deputy of St. Ouen:

We are at a very early stage of this planning and the Jersey Care model will be presented to the Council of Ministers as a strategic vision, but the detailed planning will be undertaken after approval, if given, by the Council of Ministers and public engagement. So, there are no numbers as yet. We have begun, of sorts, with the enterprise at Communicare, which brings closer to home some of the services that we would like to offer.

4.1.4 Deputy K.F. t. Lawrence:

Could the Minister just clarify, because in a recent Future Hospital Review Panel meeting I remember being told by officers that the Health Department is no longer considering a hub and spoke model to deliver health services. Would the Minister please clarify whether it is, or is not, considering a hub and spoke model as we are discussing today?

The Deputy of St. Ouen:

We are here discussing very precise terminology. I wonder what the Deputy might mean by "hub and spoke". Hub and spoke to me seems to infer a large central operation, which is directed outwards. We want to ensure that people can access healthcare needs in appropriate places and for the lower level of need that could well be provided within a hub, which is closer to their home.

4.2 Deputy G.P. Southern of the Minister for Education regarding the impact of the Target Operating Model and efficiency savings on the library service: (OQ.240/2019)

Will the Minister inform Members what impact, if any, the target operating model and efficiency savings will have on the number and grade levels of staff involved in delivering the library service in 2020 and beyond; and what assurances, if any, can the Minister provide that the standards and range of activities delivered by this service will not be reduced over the period of the Government Plan?

Senator T.A. Vallois (The Minister for Education):

The proposed library service target operating model is still under consultation, which closes tomorrow. Feedback from staff will then be considered and further changes to the proposal may follow. The T.O.M. (target operating model) aims to modernise the service and bring it more in line with the Customer and Local Services departmental structure and One Government principles. In doing so, we will be ensuring a more effective and efficient service that will make it easier for our customers. The net reduction in staff posts proposed through the T.O.M. currently stands at 2.9 full-time equivalents and the majority of staff reduction will be in managerial roles, as the new structure seeks to introduce a reduction in management layers. I can give an assurance that standards and a range of activities will not be reduced in the period of the Government Plan and I am pleased to report that the new T.O.M. will see an increase in opening hours of the library and a greater focus on community activities across the Island. The proposal is to extend the opening hours from one evening to 4 evenings each week and to extend Saturday opening until 5.30 p.m. through a year-long trial period that, if successful, will be made permanent.

4.2.1 Deputy G.P. Southern:

Will the Minister inform Members, when she refers to a 2.9 staff cut, that is 2.9 out of a total staffing number, what is that number? Secondly, what saving on what size of budget is going to be made by this change?

Senator T.A. Vallois:

It is proposed that it is a 2.9 full-time equivalent and the savings are approximately £140,000.

Deputy G.P. Southern:

On a budget of what size?

Senator T.A. Vallois:

I do not have the complete full budget here, but I am happy to pass that to Members.

4.2.2 Deputy G.P. Southern:

Can the Minister inform Members whether library staff have been asked to reapply for their posts and whether those posts have been downgraded as part of this process?

Senator T.A. Vallois:

As I understand, the target operating model is currently under consultation, which is seeking feedback from relevant stakeholders and staff and which does not close until tomorrow. That process would not go ahead until the closure of that consultation with the relevant individuals.

4.3 Deputy G.P. Truscott of the Chief Minister regarding the size of the future hospital: (OQ.229/2019)

Given that it is projected by Statistics Jersey that, by the year 2035, there will be approximately 128,800 people living in Jersey, of whom 35,000 will be over the age of 65, what size of future hospital is currently being considered and how many operating theatres and additional beds will have to be provided to safely accommodate the projected clinical demand of such demographics?

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

Senator Farnham is answering the question.

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

The exact site of the Future Hospital and the detail of services it provides will be determined by a range of factors. These will include the population and demographic profile of the Island and the model for how health and social care is provided in the future. This is currently being discussed by the Council of Ministers. The new hospital will provide all the essential services needed for our population, but it will also be part of the way our Island provides healthcare in the future. We will ensure that we provide the full range of services needed by Islanders across the new model. A strategy is being prepared for this and the Minister for the Health and Social Services will provide full information about the new Jersey Care model as soon as details are finalised. This will inform the design, the size and shape of the new hospital, so it meets patients' needs. We have set out a timetable for when each stage of the Our Hospital project will take place and I will ensure, as Chairman of the Hospital Political Oversight Group, that there is a regular flow of information as we pass each milestone.

4.3.1 Deputy G.P. Truscott:

I was now hoping that the Minister could close this question down quite quickly by providing me with the amount of beds that are being considered and the amount of theatres that are being considered. Currently, there are 219 beds in our General Hospital. There are 6 operating theatres. You have got to take into account, surely, that there are going to be 35,000 over-65s and these are the people that are losing ... the knees are going, the hips are going, *et cetera*; are they going to need clinical and excellent clinical attention? I am disappointed, after spending £30 million of taxpayers' money, that you are not in a position to give this Deputy and the Assembly and the Island any indication of the future shape of the hospital. But I do look forward to the plans going forward. Does the Minister agree? **[Laughter]** Does the Minister agree that work needs to be done on the demographics.

Senator L.J. Farnham:

Absolutely and this time we are going to do it properly. The exact size of the Future Hospital and the needs of Islanders and the detail of the services it will provide, as I said, are being determined by a range of factors. That includes the population demographic profile, but, most importantly, the new care model. Once we have agreed that, we will then be able to start finalising the numbers. But I would like to assure the Deputy and Members that our new hospital will fulfil all of the needs of the Islanders.

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

The Minister referred to a timetable. He also referred to the need for the new care model to inform the size of any new hospital. Could he tell us when this new care model needs to be produced in order to keep to the timetable?

Senator L.J. Farnham:

The timetable was provided to all Members in the Chief Minister's report R.54/2019 and I have recently provided an update to Members in R.116/2019 in September of how the Oversight Group was progressing. The 3 key stages are putting the care model in place and a sort of detailed length of stakeholder work, because in the past we did not, I believe, consult with all of the relevant stakeholders properly and that is now happening. The care model - and I am trying to read from the review - but the outline objectives started in July and there are a lot of parallel workstreams now in place. But I believe - I am looking to the Minister for Health and Social Services - we are aiming to have the care model agreed pretty much by the end of this year to keep to the timetable.

4.3.3 Deputy J.H. Perchard:

I am quite surprised the Deputy Chief Minister did not jump on the premise of the question. The figures in the question are based on a population projection of plus 1,000 per year, which is the current rate and the rate we have been talking about for the last 10 years.

[10:15]

Given that that premise of the question was accepted by the Minister by way of it not being refuted, will the migration policy, which he has linked to hospital size, can we therefore expect to see that migration policy and subsequent hospital size be based on projected figures of plus 1,000 residents a year and for how long will that last and when will we need a new hospital, if that is so?

Senator L.J. Farnham:

No, I do not think we can, but that is the very issue that the group, chaired by the Constable of St. John, are wrestling with at the moment. I do not believe population increases of that level are sustainable, but we have to wait for the group to complete its work.

4.4 Deputy J.H. Perchard of the Chief Minister regarding the diversity of boards appointed by the States: (OQ.234/2019)

Further to the answer to Written Question 264/2018, when does the Chief Minister plan to start the online tracking of the diversity of boards appointed by the States?

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

The Connétable of St. Ouen is answering this question.

Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - *rapporteur*):

I thank the Deputy for her question. The Chief Minister did not give a specific commitment to track the diversity of boards online in his response to Written Question 264. However, the Chief Minister did commit to discuss the arm's length bodies, the level of data that will be held and how to provide this information publicly. Ultimately, this may be one of the agreed outcomes. Subsequently, I recently attended a meeting between the independent boards and the Jersey Appointments Commission where the importance of keeping and establishing data of this nature was emphasised. The Jersey Appointments Commission guidelines, discussed at this meeting, clearly require principles of equal opportunity and diversity must be inherent in the recruitment and selection process of these boards. The necessity of ensuring good practice was discussed and emphasised with the arm's length board representatives, including the need for diversity in recruitment and appointment of selection panels and the need to work closely and involve the Jersey Appointments Commission in the board and senior appointments of those bodies.

4.4.1 Deputy J.H. Perchard:

Can the Minister confirm whether he will be presenting the diversity of boards to the public at regular intervals in the future and from when?

The Connétable of St. Ouen:

Yes, the answer is probably yes. I would just remind the Deputy, we did undertake an exercise in March, or May, of this year, analysing the gender composition of 80 arm's length boards and their 592 members appointed by the Assembly, or the Minister. That found that the gender balance was 39 per cent female and 61 per cent male and, in short, we can do better than this. This is part of the discussion that we are having with these boards. It was also noticeable that some boards were more gender-balanced than others, so it is our intention to share this data in March 2020 and I will be

discussing with the Deputy of St. Clement, who has political responsibility for this board, how we can also publish other data going forward.

4.4.2 Deputy J.H. Perchard:

Can the Minister please define “diversity”, because he spoke there about gender balance, which is not the same as what my question pertains to. So, if he could just, perhaps, rephrase his answer to my previous question and give a clear definition of what he means by diversity?

The Connétable of St. Ouen:

I thank the Deputy for her question; as always challenging. The Deputy knows what we mean by “diversity”. It means sexual and other methods of diversity, racial as well and we do have laws in place that make sure that boards do have those policies in place. So, yes, we are looking at the full range of diversity, how much of that information will be published needs to be discussed with the boards in question, but I can give her an undertaking that the S.E.B. (States Employment Board) will be pushing hard to make sure that all forms of diversity are appearing statistically on the composition of board members.

4.5 Deputy K.F. Morel of the Minister for External Relations regarding the Guide to Preparing for Brexit: (OQ.226/2019)

Is the *Guide to Preparing for Brexit*, that was recently distributed to households in the Island, only being provided in English? If not, will the Minister detail the other options and languages available to non-English readers?

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

The *Guide to Preparing for No-Deal Brexit* has been distributed to all Jersey households in English; this is because we cannot easily differentiate between the native language spoken in each household when delivering a flier. In addition, translations of the guide are being produced in Portuguese and Polish and will be uploaded to the gov.je website as well as provided to Government officials in the Customer and Local Services Centre and the Citizens Advice Bureau.

4.5.1 Deputy K.F. Morel:

On the guide itself, there is a small part in English, which says: “Please use Google Translate to translate this document.” Does the Minister accept the absurdity of writing in English instructions to use a computer programme, which many people may not have access to, depending on their own computer literacy capabilities, does he see the absurdity in that situation?

Senator I.J. Gorst:

Absolutely not. It is a common approach to a cost-effective and reasonably accurate way of providing translation services, as the Deputy will know. It is used around the globe these days. As I said, there will be Portuguese and Polish versions uploaded and there will be also a small number of hard copies of those versions printed and available at those sites that I just mentioned.

4.5.2 Deputy M. Tadier:

I understand the relative complexity of this area, but would it not have been a wise idea to at least have had a small box on the printed version that went to every house in the 4 main minority languages perhaps of Portuguese, Polish, Romanian and French, in the Island, which says that: “If you are affected by any of these issues and if you have queries, for example, about the settlement scheme [in that language] then you can visit this website and you can get more information.” Was that perhaps an omission in hindsight?

Senator I.J. Gorst:

Hindsight is always available to us to improve, perhaps, what we have done in the past. Whenever one is communicating, one can, after the event, always think of improvements that might have been made. But let us remember the E.U. (European Union) Settled Status Scheme is available in all 27 languages on the Government website, so that largely deals with the Deputy's question. We will all have different opinions about exactly how something should have been worded, or the typeset, or the approach that we might have taken to language.

4.5.3 Deputy M. Tadier:

Are there any ads taken out with the Government Communications Unit on social media to target different minority language groups in their own language with, as I have said, targeted online adverts and, if not, why not?

Senator I.J. Gorst:

I assume the Deputy meant to refer that question to the Chief Minister, who is responsible for the Communications Unit, unless he was specifically referring to Brexit.

Deputy M. Tadier:

I was specifically referring to Brexit and with the general presumption that we have a OneGov system in place, where silo mentalities are supposed to be broken down, but I may be wrong.

Senator I.J. Gorst:

As the Deputy well knows, he would not wish to be held responsible for the actions of this Government, or any previous Government that he might have been a part of. We have taken out adverts in other languages during the course of the last 3 years when it comes to Brexit. If the Deputy is asking us to consider whether now might be a good stage to do that again, of course, we are very prepared to consider that.

4.5.4 Deputy K.G. Pamplin of St. Saviour:

I only just rise to ask the Minister was he aware that with the organ donation scheme that was launched a few months ago, a leaflet was produced in Portuguese and Polish and distributed and just maybe there is a bit of synergy going forward for future projects where we are reaching out to wider aspects of our community about big moments in our society.

Senator I.J. Gorst:

I have already answered that, in hindsight, there are always improvements that one could have made but, for my part, the officials that drafted that document and worked on that document, it is clear, it is concise, it provides the relevant information and it also signposts to those who perhaps English is not their first language.

4.5.5 Deputy K.F. Morel:

It is clear and it is concise, as long as you speak English, otherwise it is gobbledygook. Would the Minister accept that, as he has a 30-strong communications team at his disposal, hindsight should not be necessary on this occasion, they are there precisely to do the job of ensuring that people are communicated to. In this case, does the Minister accept that it is the most vulnerable people who are not receiving the communications that they should be, because they have not been translated into their languages?

Senator I.J. Gorst:

I can give the polite parliamentary answer to that question; sometimes it is a little frustrating that the communications team, who are hardworking - the individual who has led the particular team that produced this document works 24/7, so he worked all last weekend and they do a first-class job. **[Approbation]** Certainly, on my part, when it comes to Brexit and it comes to External Relations,

other Ministers can answer on their part for the work that they have undertaken and it is a little bit disappointing that Members of this Assembly choose to take side shots at them when they cannot answer for themselves. With hindsight, of course, we can always make improvements; that is not something that we should be criticised for, so I am a little bit surprised that they Deputy would take that course in regard to these Brexit leaflets and particularly in regard to the work that my officials have done in communicating with Islanders, which we now see is copied and mirrored in the United Kingdom and in our fellow Crown Dependencies. So, if he is wishing to take a target at Government staff, perhaps he should move his sights slightly.

4.6 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding the policies and practices applied to the registration and administration of key life events: (OQ.241/2019)

Will the Minister advise whether there are any policies, or practices, applied within his department, associated with the registration and administration of key life events such as births, civil partnerships and marriages whereby men and women are treated differently; and if so, will he explain why?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

Yes, I can confirm that policies and practices associated with the registration and administration of key life events may differ in relation to men and women, but this only occurs where it is appropriate. There are no differences between sexes, or genders, in relation to birth, civil partnerships and deaths; differences mainly feature in marriage. For example, men and women are treated differently when they want to remarry. Unless a man getting remarried has changed his name by deed poll, he will only have to include one surname on the marriage certificate. If a woman remarries, she will have to include all her previous names, including her maiden name and her previous married name.

4.6.1 Deputy L.M.C. Doublet:

Can the Minister confirm that for the registration of births that men and women are now treated equally in the department in terms of the policies and specifically that women, who take their husband's name, do not need to go through a deed poll process to take their name and men who take their wife's name? Can the Minister confirm that men do not need to go through a deed poll process and they should not be treated differently to women and that these documents will not be requested of either sex at the birth registration process?

The Connétable of St. Clement:

That seemed quite a convoluted, long and complicated question, which I would rather have notice of before giving a definitive answer, because I did not really understand the question.

Deputy L.M.C. Doublet:

I can rephrase. When a couple go to register the birth of a child, is there any difference in treatment between the father and the mother? For example, is the father required to produce extra documentation that the mother is not?

The Connétable of St. Clement:

I really would need notice of that question to check the facts of that, because I am not 100 per cent sure. As the Deputy will understand, I do not deal with the day-to-day administration in the Registrar's office.

4.6.2 Deputy J.H. Perchard:

Can the Minister confirm whether it is the case that same sex couples, registering the birth of their child, are treated differently from non same sex couples when registering the birth of their child?

When will he end the practice that has been reported that is the case that same sex couples cannot, in fact, put both parents' names on the birth certificate of their child, even if they are intending to raise the child in a household as a family unit together?

The Connétable of St. Clement:

I regret again I would have to check the situation. As far as I am concerned, everybody should be treated equally, but there are cultural differences, historic differences, traditional differences, why women take their husbands' names and so on, but before I can give a definitive answer to that I would need to have to check the facts.

[10:30]

4.6.3 Deputy L.M.C. Doublet:

Would the Minister commit to reviewing the policies and practices within this area of his department, to ensure that neither men, nor women, are discriminated against in the registration of key life events?

The Connétable of St. Clement:

I can confirm absolutely that there is no discrimination carried out in any department under the Home Affairs banner and if the Deputy has any evidence of discrimination, I hope she will bring it to my attention, or the attention of the appropriate officer within the department.

4.7 Deputy M.R. Higgins of the Minister for Home Affairs regarding an external peer-review of the States of Jersey Police: (OQ.244/2019)

Will the Minister advise Members whether he intends to have the States of Jersey Police externally peer-reviewed by Her Majesty's Inspectorate of Constabulary, or a similar body and, if so, when; and if he is not planning such a review, will he explain why not?

The Connétable of St. Clement (The Minister for Home Affairs):

Her Majesty's Inspectorate of Constabulary and Fire Services carried out a review of the States of Jersey Police earlier this year and I expect the report to be published within the next few weeks.

4.7.1 Deputy M.R. Higgins:

Will the Minister tell us when the last review was carried out?

The Connétable of St. Clement:

I believe the last review was carried out in 2007, or 2008.

4.7.2 Deputy M.R. Higgins:

As the last report was 2007, or 2008, which is when the former Chief of Police, Graham Power, was suspended politically - and that is the only way it can be described - is it not the case that various bodies, including the Metropolitan Police, have been refusing to do reports on Jersey, because of the way it was abused, the Metropolitan Police interim report, for example? Is it not the case that they did not want their report used in any of the proceedings and it has caused problems for the Jersey Police since?

The Connétable of St. Clement:

I am unaware of the Metropolitan Police being asked to conduct a review into the States of Jersey Police. That is a matter for Her Majesty's Inspectorate of Constabulary and Fire Service and, as I say, that review has been carried out earlier this year. As I said just now, the report will be published within the next few weeks.

The Bailiff:

There is a lot of distracting jingling going on somewhere.

Deputy J.A. Martin of St. Helier:

Can I raise the *défaut* on Deputy Labey so you can fine him? **[Laughter]**

The Bailiff:

Fortunately, the *défaut* has already been raised, so if it were Deputy Labey, he can consider himself fined. Any further questions?

4.7.3 Deputy M.R. Higgins:

Just to refresh the Minister for Home Affairs' memory, the Metropolitan Police report of 2008 was brought as part of the political suspension of the former Chief of Police and, if the Minister can refresh his memory, he will find that the Metropolitan Police did not want it used for disciplinary purposes; it was not supposed to be used for disciplinary purposes and they have refused, since then, to get involved with the States of Jersey Police. Is that not correct?

The Connétable of St. Clement:

I was not the Minister for Home Affairs in 2007 and 2008, but can I reiterate that inspections of the States of Jersey Police are carried out by Her Majesty's Inspectorate of Constabulary and Fire Services, not the Metropolitan Police.

4.8 Deputy M. Tadier of the Minister for Children and Housing regarding the impact of residency rules on children in the Island: (OQ.246/2019)

Is it the Minister's assessment that the 5-year and 10-year residency rules for access to income support and housing mean that some children are disadvantaged compared to other children; has he undertaken any assessment in that regard of Jersey's compliance with Article 26 of the U.N. (United Nations) Convention on the Rights of the Child and, if so, what changes, if any, does he consider are required to ensure compliance?

Senator S.Y. Mézec (The Minister for Children and Housing):

This question is in 2 parts and I will answer each part separately. The first part asks if children are at a disadvantage compared to other children, depending on the qualification status of their parents. The answer to that has to be yes by very definition, because they will be children living in families that have a severely restricted choice of what properties they can rent. That is clearly a disadvantage. The second part of the question asks if I have undertaken any assessment of this compared to the U.N.C.R.C. (United Nations Convention on the Rights of the Child). The answer to that is no, I have not undertaken this assessment, but that is because we are doing one better and we have asked the Children's Commissioner to co-ordinate a legislative gap review to measure Jersey's compliance with the U.N.C.R.C. and these aspects of our legislation. I have my next briefing on the progress of that review on Friday this week.

4.8.1 Deputy M. Tadier:

I thank the Minister for that helpful answer. Article 26, in child-friendly language, specifically says: "You have the right to help from the Government if you are poor and in need" obviously talking to children. This is demonstrably not the case for certain children in our society, if their parents have not been here for 5 years. They cannot access social housing, even if they might be in need of that and they cannot necessarily access income support either, which might be an issue for the Minister for Social Security, but it nevertheless has an impact on the Minister's portfolio. Would he arrange to meet with other corporate parents in the States to look at whether the current residency

requirements are best serving the wider population and see what changes can be brought forth in relatively short order?

Senator S.Y. Mézec:

I am glad that he has asked that question. I did have a very brief conversation with the Minister for Economic Development as I walked in this morning, who is interested in having that conversation. Obviously, there is an economic angle to this, as well. But there is ongoing work that is going to be helpful in addressing the important issues that the Deputy has raised with this question. When we have a report published, as a result of this legislative gap review, we will be in a position to have a clear discussion on what action we may need to take as a result of that review. But, also, the Deputy will be aware that the Government is looking at introducing a due regard model for incorporation of the U.N.C.R.C. and there will be lots of work that we will need to do in assisting Members of this Assembly understanding what that means and also knowing what we, as a Government, will have to do to react to various policies and legislations where it is clear that they need change.

4.8.2 Senator S.C. Ferguson:

It seems to me that there is an assumption that children come to Jersey on their own. Is the Minister not holding the parents responsible, in the first place, for bringing the children to Jersey and putting them in a position where they are not getting their rights? There is a parental responsibility here, I think.

Senator S.Y. Mézec:

Of course there is a parental responsibility, but we are talking about the United Nations Convention on the Rights of the Child, not the United Nations Convention on the Rights of the Parent. It should not be the case that children have to live with a disadvantage, or lack of service provision, for something that is not their fault, which is ultimately down to decisions made by others. Yes, of course, we have to assist families to be in the best position possible to support their children and that will be sometimes difficult and sometimes different approaches will need to be taken, given whatever the parents' status happens to be. But the point of this is this is about the rights of the children, who often have no say in these matters and do not have the agency to change their own position.

4.8.3 Senator S.C. Ferguson:

Yes, but my point is that the children ... we are not holding the parents responsible for putting the children into a position where they need to start questioning their rights.

Senator S.Y. Mézec:

Of course and that is why we are conducting this legislative gap review, or why we have asked the Children's Commissioner to co-ordinate this review, which will put us in a better position of being able to measure whether the legislation we have is compliant with the Convention on the Rights of the Child. Where it is not compliant, or enables procedures, or these qualification systems, which are problematic, we will be in a position to change it, so that we can meet everybody's needs.

4.8.4 Deputy S.M. Wickenden:

Will the Minister let the Assembly know what his views are on having any type of residency rules for income support and housing?

Senator S.Y. Mézec:

Can I get away without answering that, given that I am not the Minister for Social Security?

The Bailiff:

You should only answer within the scope of your ministry. If it falls within the U.N. Convention on the Rights of the Child, it would seem to fall within your scope.

Senator S.Y. Mézec:

This will be a discussion that will need to be had. When you look at the U.N.C.R.C., it does have a *caveat* in it, which says that member states should attempt to meet their obligations to the best of their abilities, bearing in mind the financial constraints that all countries will have and bearing in mind that there are countries, that are substantially poorer than Jersey, that will still need to do their bit in meeting their U.N.C.R.C. obligations. The Deputy will not be surprised to know that I find these sorts of qualification periods philosophically problematic.

4.8.5 Deputy L.M.C. Doublet:

Could the Minister advise whether there is any ministerial discretion in terms of granting housing rights where children are in need? Can he describe the process by which this is undertaken in which Ministers are involved?

Senator S.Y. Mézec:

That is right; there is a process by which people can ask to have qualification status granted to them on the grounds of hardship and, obviously, the position of their children and their family will be a consideration. I believe, ultimately, the responsibility for granting those qualifications lies with the Chief Minister. That is currently delegated to the Assistant Chief Minister, the Constable of St. John, who, when dealing with appeals, consults with members of the Housing and Work Advisory Group, of which I am a member, the Minister for Social Security is a member and the Assistant Minister for Economic Development is also a member.

4.8.6 Deputy L.M.C. Doublet:

Are there any figures on how often these applications are made and how many are granted?

Senator S.Y. Mézec:

I suspect those figures will be easy to collate but, of course, I cannot do that off the top of my head, but if she would like me to I can ask officers to try to get her those figures; I am sure that will be possible.

4.8.7 Deputy M. Tadier:

Just to clarify some of the issues that Senator Ferguson touched on: would the Minister clarify that he has political responsibility for all children in Jersey and their welfare, irrespective of whether those children were born in Jersey of local parents who already live in the Island; or whether they are born in Jersey of non-local parents, who have lived in the Island less than 5 or 10 years; or if they are brought to the Island by people who were not born here and that he does not discriminate against the rights of those children, even if some of our laws do?

Senator S.Y. Mézec:

The Deputy is absolutely right. This is the United Nations Convention on the Rights of the Child, not the rights of qualified children, or locally-born children, it is about all children. It is a fact that, in many parts of our legislation, services are freely provided to children, irrespective of their status, education being the obvious one in that every child is entitled to a place in school from the moment they arrive in Jersey. It also makes reference to refugee children, for example, in the U.N.C.R.C., this is about all children, not distinguished between where they were born, or where their parents were born.

4.9 Deputy K.G. Pamplin of the Chief Minister regarding cost statements included in responses to States members' written questions: (OQ.230/2019)

Will the Chief Minister advise whether any thresholds have been set in relation to the cost of work undertaken when answering States Members' written and oral questions; and, if so, what are those thresholds and how will they be used?

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

No, no thresholds have been set. I assume this is in reference to a set of decisions I put in play last time around in terms of putting the costs on certain questions. I just really want to clarify that over time, in terms of both now and in the past when I have been an Assistant Minister, it has been quite clear from officers' points of view that certain areas do generate a lot of questions and sometimes they take quite a long time to answer. I hold my hand up very particularly in the past as having asked some quite penetrating questions. I have been given some information previously about how the volume of questions has changed over the course of the Assembly, so I was just curious as to what that mirrors into in terms of the costs to produce. That is the only reason we are doing it, it was a curiosity and it is a trial basis and intending to run it from the point of view of the Chief Minister's Department out until Christmas and then we will see what that looks like. But it might also give us an indication as to whether we should be handling questions differently and we process that a bit better. So, it is purely an interest point of view, nothing should be attributed to it and, at the end of the day, it is absolutely clear it is the Assembly's right and duty to hold Ministers to account and, therefore, it would be clearly wrong to impose any form of threshold.

4.9.1 Deputy K.G. Pamplin:

So, doing a bit of research about this, other parliaments around the world, including the House of Commons, do have an advisory cost limit known as the proportionate cost threshold. Roughly, for written answers in the House of Commons, it is over £800; the average cost is £140.

[10:45]

So, I just raise that because I understand the Chief Minister's curiosity for penetration - I think I got that right - but it can be perceived that it is not all questions. One could be perceived that there is an objection to one written question to another, for example £41 for one question, where there is little detail and a long answer where there is no cost. Just the perception of this trial possibly, maybe, could have brought through via P.P.C. (Privileges and Procedures Committee) that the Assembly could have looked at this and I just ask if that is something he had broached.

Senator J.A.N. Le Fondré:

If P.P.C., at some point in the future, want to look at that, that is completely up to them. I have just wanted to do something and set it in motion, which is what we have done. Obviously, sometimes, with the greatest respect to the workloads that P.P.C. has, it can sometimes take longer to implement. I thought, from a ministerial point of view, it is something under our control, let us put the information out there and see what it is. P.P.C., obviously, do some very good works about recording the number of questions asked by Members and things like that and that is what they record in their work. Just for clarity, number one is the costs do not include what I will call admin time in terms of processing and deciding who goes where or, obviously, ministerial time; that probably would not be appropriate. Also, just to give a flavour, obviously this week we had about 36 written questions, excluding the last time around the previous 2 sittings were about 38 and 40. That is purely written questions. Obviously, technically and that is arguably around depending how long it takes and it is interesting that some of the questions are very quick to answer, but if that was an hour each time, which is not what we are seeing at the moment, that would be a working week. But, as I say, it was purely just to get some information. I thank the Deputy for his comments around other parliamentary views. I was not aware of that; that is again something we have learned out of the process. But, no, it is purely to see, by the end of Christmas and then we will get some feedback from Members and see where we

go. Obviously, I am discussing it slowly with other Ministers as well, but it was purely a curiosity question.

The Bailiff:

Both the question and the answer there were very long. We have lots of questions to get through.

4.9.2 Deputy J.H. Perchard:

Does the Chief Minister acknowledge that for information gathering purposes this could have been done as part of the work carried out by officers and gathered for his own personal perusal before, necessarily, just jumping straight into publicly publishing cost of questions? Does he acknowledge that for Members, particularly backbenchers, it could be perceived as a deterrent when it comes to asking about particular topics, or indeed for particular volumes of information?

Senator J.A.N. Le Fondré:

We live in the age of transparency is the obvious answer. There is that dilemma between do I get the information and hold it to myself, or do we just say let us see what it looks like. At the moment we are in the territory of let us see what it looks like. Members should not be deterred and, as I said, I will very happily point the Deputy at a very long question I put to Treasury, I think, 2 years ago and I do not know how many hours that took and I suspect it was a long time. But, no, it is purely, as I keep reiterating, just curious to see how it works and it generated a little bit of spark among certain Members, which is always good and, therefore, I think I will be damned if I do and damned if I do not, if I kind of held information to myself.

4.9.3 Deputy K.F. Morel:

If the Chief Minister was genuinely interested in the views of his parliamentary colleagues on this, would it not have been better for the Chief Minister to speak to his parliamentary colleagues, before embarking upon this course of action? Because, making the base of an answer to a question, suddenly, out of nowhere, appeared these cost descriptions; it only comes across as intimidating. Does the Chief Minister accept that and does the Chief Minister understand that, in order to get the views of parliamentary colleagues, you have to speak to parliamentary colleagues?

Senator J.A.N. Le Fondré:

You will find the Deputy will have, or various Members will advise that I do speak to colleagues. Over time, in fact, we had a useful conversation yesterday. But I refuse to believe that the Deputy would be intimidated by me and, if he did, (a) I would apologise and (b) he should not be.

4.9.4 Deputy R.J. Ward:

Would the Chief Minister not agree that this sends out the wrong message? It has put a monetary price on democratic involvement, which is so important for this Island, so important for this Assembly and subsequently it changes the dynamic of what we are doing in this Assembly and I will assure you I will not be put off writing questions to you.

Senator J.A.N. Le Fondré:

Good. No, the point is - and I am curious at the reaction of Members - it was purely to see how long it takes and, as I said, we have had some information that was given to me, roughly in 2019 we are about 30 per cent up on questions to the average over the previous 3 years and that just gives an indication ... that is not a bad thing, it gives an indication that Members are holding Ministers to account and I think that is good. But you will also find, in the past, Members kept lists of who was, or was not, present; Deputy Maçon used to be very diligent on that front, in terms of their attendance in the Assembly and also you will find that the Greffier will keep a record of the number of questions asked during the year. I believe Deputy Southern probably holds the record for many years. I might be wrong there, but he has never been intimidated by that and long may that last.

4.9.5 Deputy K.G. Pamplin:

I respond to Written Question 405, where the cost of producing the answer to my question was a total of £7. I think that is all I need to say on this; that the threshold also includes oral questions in other parliamentarians. It was ironic that I noticed this while in Uganda, with other parliamentarians across the Commonwealth and I just feel that the Chief Minister - though I appreciate and I honestly understand where he is coming from - there needs to be a review on his curiosity on this matter.

Senator J.A.N. Le Fondré:

We will look at it at Christmas. I would say that on some of the other questions the answer has been negligible and that probably should have been the answer around £7 exactly. Again, it is a trial and that is what we will learn from.

4.10 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding the facilities available to ex-servicemen and women suffering from Post-Traumatic Stress Disorder: (OQ.232/2019)

Will the Minister advise the Assembly what facilities, if any, are available to ex-servicemen and women who are suffering from post-traumatic stress disorder, or who have sustained injuries in the course of undertaking their duties?

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

I thank the Deputy for his question. Trauma can occur as a result of exposure to an extremely threatening, or horrific, event, or series of events, such as threats to life, serious injury, death or sexual violence, to oneself, or others. Most people have symptoms that subside naturally in time after a traumatic event and will recover without the need for any professional intervention. However, for a proportion of people, the symptoms persist, causing significant distress and/or interference with day-to-day functioning to the point of meeting the criteria of a diagnosis of post-traumatic stress disorder. It is known that the risk of developing P.T.S.D. (post-traumatic stress disorder) is higher in certain groups, such as military veterans. Military veterans experiencing symptoms of trauma and P.T.S.D. can access the same psychological support offered by Government to civilians. All psychological therapists in Jersey Talking Therapies and all clinical and counselling psychologists in the psychology service are appropriately trained and competent in delivering evidence-based psychological interventions for trauma symptoms and P.T.S.D. Such interventions might be trauma-focused C.B.T. (cognitive behavioural therapy) and eye-movement desensitisation and reprocessing. Several of these clinicians are also trained to deliver psychological interventions that are appropriate for complex post-traumatic stress disorder, such as cognitive analytic therapy and dialectical behavioural therapy.

4.10.1 Deputy S.M. Ahier:

There have been previous failures to afford appropriate after-care for returning soldiers from conflict zones. What help can now be provided to veterans, who are suffering physical and psychological needs, to enable them to return to full-time employment and to reintegrate into society?

The Deputy of St. Ouen:

I believe my answer outlined the help available within health services. The Deputy speaks of reintegration within society and, of course, there are services available in Customer and Local Services, which will help those veterans. I am also aware that the Jersey branch of the Royal British Legion can, through its charity the Royal British Legion, offer assistance and I have been on their webpage to see the sort of assistance that they do offer and support they give and, of course, every effort will be made within the resources and services available to help these people as we do try to help everyone in such a situation.

4.10.2 Deputy L.M.C. Doublet:

Is the Minister aware that victims of abuse and indeed women who have experienced traumatic births also frequently experience P.T.S.D. and what are the care pathways available for these groups?

The Deputy of St. Ouen:

I am aware of those persons and that P.T.S.D. can strike any person who might be exposed to a traumatic event, even such happy events as childbirth can turn such a way. I have set out, in my first answer, the psychological treatments available for P.T.S.D. and for complex P.T.S.D.; I have not specifically asked officers about the class of persons the Deputy referred to, as it is outside the ambit of the question, but I imagine those services are also appropriate.

4.10.3 Deputy L.M.C. Doublet:

Is the Minister aware that between 25 and 34 per cent of all births are classed as traumatic births and between 1½ per cent and 9 per cent of births annually, women giving birth annually, will develop P.T.S.D.? Would the Minister commit to checking with his department whether the care pathways are in place for women experiencing these symptoms and whether any improvements might need to be made?

The Bailiff:

Deputy, I was generous with your last question, but the question is about ex-servicemen, it is not about post-traumatic stress, in my judgment. It is ex-servicemen suffering from post-traumatic stress disorder and that is the focus. You cannot expect the Minister to be entirely up to speed with other types of post-traumatic stress disorder, which is the subject of your question.

Deputy L.M.C. Doublet:

It is the same illness, it is just different reasons, so I would expect the care pathways to be the same.

The Bailiff:

The question is about ex-servicemen, Deputy.

4.10.4 Senator K.L. Moore:

Will the Minister commit to opening a dialogue with the Armed Forces Steering Group, which is chaired by his colleague, the Minister for Home Affairs, in order to better understand the need for joined-up thinking and joined-up practices in this important area?

The Deputy of St. Ouen:

I would certainly want to engage in any dialogue that might assist the recovery of people in this position. The Senator talks of joined-up pathways and I am not aware that pathways are broken, but I will certainly undertake to speak with the Minister for Home Affairs about liaison with the ex-servicemen charities and support.

4.10.5 Deputy M. Tadier:

Does the Minister acknowledge that if ex-servicemen and women had a physical injury, which was obviously visible, then they would get treated with a great deal of urgency, but often when it comes to mental health issues they are left to their own devices? With that in mind, would he ensure that the full range of services, that are available to these people, be proactively offered, rather than just expecting them to self-refer, given the fact that there is a general reluctance and a general taboo still around these issues today?

The Deputy of St. Ouen:

The Deputy asked if I asked if I would accept the proposition he put. I do not accept that we would ignore, as he seems to be suggesting, mental health problems that occur. The services are available

to all members of society, none are refused access to psychological support and the normal pathways are to approach a G.P., who can direct their patient into the care pathways.

4.10.6 Deputy M. Tadier:

May I have a supplementary? I did not say that these issues were ignored, but does the Minister clearly accept that if a serviceman, or woman, has a leg blown off, they do not need to attend their G.P.; they will be given emergency treatment, whether, or not, they ask for it. But, if they have P.T.S.D., maybe the Minister can say how long does it take to get an appointment for mental health issues, whether, or not, you are an ex-serviceman, or woman, compared to how long it would take you to get treated for a leg that has been blown off; is there a difference?

[11:00]

The Deputy of St. Ouen:

Having a leg blown off, clearly, is a threat to life and is treated accordingly. We all know that there are pressures in mental health services and long waiting lists. We are doing all we can to address those waiting lists. I refer the Deputy to our response to the recent Scrutiny report and statements I have made. We are working to put together a team that can respond to a crisis and deal with levels of mental health before they reach a stage where they become acute and patients need to be brought into an inpatient facility.

The Bailiff:

I am going to say to Senator Ferguson and Deputy Ward: we have already had 9 minutes on this question, the Minister is up for questions without notice, you will be able to come back to him later.

4.10.7 Deputy S.M. Ahier:

P.T.S.D. is a threat to life. **[Approbation]** Last year in the U.K. (United Kingdom) 80 servicemen committed suicide and this year, up until September, 50 have already committed suicide, so I question the Minister's comments. Many veterans feel forgotten on their return from duty; Help for Heroes assist where they can, as does the charity Rock to Recovery. Veterans have been failed in the past. What measures will the Minister put in place to ensure that they receive the medical care, which they deserve?

The Deputy of St. Ouen:

Our ex-veterans are not forgotten by the Health Department. We do not fail them. We offer them the services that we do offer and I hope that they will all feel able to take up those services. We do not draw distinctions between ex-veterans and exclude them from anything that is available to others. I will commit, as I have done, to working with the Minister for Home Affairs with the charities concerned and always to try to enhance care pathways.

4.11 The Connétable of St. Helier of the Minister for the Environment regarding the Future St. Helier Group: (OQ.236/2019)

Is it the Minister's assessment that the Future St. Helier Group should be re-established; and, if so, will he commit to seeking its re-establishment?

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

I agree with the purpose behind the Constable's question. There is a need to establish a group that is responsible for the regeneration and future redevelopment of St. Helier, but also those urban parts of St. Saviour and St. Clement. So, it is essential that we are able to develop political consensus and also have a means and the resources to deliver the changes that need to take place. That is important for the whole Island and not just for St. Helier. Unfortunately, there is no current effective political

forum that fully achieves that and so, as I have advised the Constable previously, I agree we need to create one, particularly now to inform the Island Plan review. I had expected that the Regeneration Steering Group, which was formed by a 2010 States decision, would be the right policy vehicle with a widened membership, but this group also is the decision maker for the redevelopment of States land assets. Following my recent meeting with them, my short meeting, I discussed the perception with that group of the conflicts of interest of my role with the Chief Minister and we have agreed the principle for restructuring of that group and widening the membership to take on the task.

4.11.1 The Connétable of St. Helier:

I accept the Minister's comment that the other urban Parishes are, of course, included in the work of the Regeneration Steering Group; however, the Future St. Helier Group was established with specific targets to deliver States priorities in the Town area. I am not hearing the Minister saying that he is going to restart the Future St. Helier Group. Is he going to create some body that will deliver improvements in Town? Because we are more than a year into the life of this new Government and it has failed to deliver any schemes, whereas the previous Government, under former Chief Minister, Senator Gorst, did at least achieve schemes in Sand Street and Conway Street.

Deputy J.H. Young:

I certainly have found this a difficult area. I will be quite honest about this. I have spoken with it at the Scrutiny Panel on a couple of times. The issues about individual road improvement schemes, where the Constable refers to those, but that is not the entire task. What one is looking for is a big picture of the way in which we plan for the whole of the urban area, which is needed in the Island Plan, that does include the issue of road improvement schemes, but that has to be in the context of wider policies. That is why I saw the Regeneration Steering Group, because there is no finer way of achieving those visions than having resources and if we do not have the money, then the use of the States land assets, such as decisions on what we do with those assets, are crucial and they should be part of that plan. That is what I am trying to get to. I am making progress with it. I have discussed it with the Regeneration Steering Group and the meeting with the Chief Minister is going to give us the formula. It will need a wider membership and, yes, once we get that high-level picture, then we can have a working group on the procurement of individual detailed schemes of pavement widening and this sort of thing. That more is an implementation issue for the Minister for Infrastructure. So, it is a complex business, I am sorry about that, but it is very important we have joined-up policy rather than just form lots of *ad hoc* groups that do not connect with each other.

4.11.2 Deputy R.J. Ward:

I have a simple question. Can I just ask the Minister: whatever groups are set up, that the Assembly Members, who represent the area of St. Helier, are kept fully informed of all things that are going on? Sometimes developments happen, which are literally on the doorstep to my District, but I am not included in that information, but it impinges upon the lives of those members that I directly represent.

Deputy J.H. Young:

Absolutely, for example, very recently we had a debate about Green Street and so on and Members rightfully bring those issues here. But what they have dealt with is without the context of a broader-based plan into where are the primary routes, where are the secondary routes, where are you going to relocate facilities and so on? That is the kind of planning issues. On my list of restructured membership, I have written "Deputies". So, I am hopeful in my meetings with the Chief Minister - and I am sure he is listening to me - I have a list of Ministers, who are not currently part of those processes and Deputies and I think we should create that joined up. I give the Constable commitment, if I am allowed to, because the Chief Minister, it is his group, the Regeneration Steering Group, we

will get the show on the road. The Island Plan, if we do not have it by the time of the Island Plan we will have failed. So we must have it as soon as possible.

4.11.3 The Connétable of St. Helier:

I am partly heartened by the Minister's response and I thank him for it, but can I urge him that an implementation group should be up and running before Christmas. We have already wasted more than a year and while I accept his arguments that we must have a big picture and the Island Plan and so on, let us get some work done on the ground and let us involve all the stakeholders, including the Deputies, in the projects. Will he agree with that approach?

Deputy J.H. Young:

What I would like to see from the Constable is a list. If he says let us have some works on the ground, can I have a list of those works, because I want to make sure that we ... if he gives me that list I am sure we will make sure it is progressed in the right way.

4.11.4 The Connétable of St. Helier:

Just a quick further supplementary: is the Minister aware that a list of prioritised projects was requested from the Infrastructure Department at the last meeting of the Regeneration Steering Group, but they had not got it ready and will he press his fellow Ministers to take the needs of urban regeneration seriously if the Town is to accept the loading of the bulk of the population envisaged by the Council of Ministers?

Deputy J.H. Young:

If I may, I was not aware of that and I am pleased to hear it. Of course, had I been allowed to stay longer at the Regeneration Steering Group, I could have heard it. But, of course, I was asked to go because of the conflict of interest.

4.12 Senator S.C. Ferguson of the Minister for Education regarding the procurement of P.C.s by the Island's schools: (OQ.233/2019)

Will the Minister advise whether schools have been informed that they cannot link non-education purchased P.C.s (personal computers) to their networks and, if so, will she further advise how such a policy ensures that primary school children have access to the appropriate level of equipment and software to enable them to learn the skill of coding?

Senator T.A. Vallois (The Minister for Education):

The schools have been informed that they can link non-education-purchased P.C.s to their networks if they choose to do so and a number of schools have already followed this route.

4.12.1 Senator S.C. Ferguson:

Supplementary. According to one headmaster: "As I understand it, the Education Department are not giving us permission to link non-education-purchased P.C.s to the network." Who has decided they prefer to spend money, rather than take advantage of a generous 2(1)(e)?

Senator T.A. Vallois:

I would suggest that there are clearly some miscommunications happening, or going on here, so I am happy to look into that particular situation but I can confirm and I have been given an assurance by the team within C.Y.P.E.S. (Children, Young People, Education and Skills Department), that it is possible to link non-education-purchased P.C.s to the networks.

4.12.2 Senator S.C. Ferguson:

We are wanting to give our children the best start in life and we are clipping their wings before they start, as well as costing the taxpayer millions. Who is accountable for this?

Senator T.A. Vallois:

I would not suggest that we are not doing anything to support children, it is not just focused on I.T. (information technology) in terms of education, but we provide a selection of coding applications such as Python, Scratch, LEGO Education, WeDo, Lego Mindstorm, Co-Do, Game Lab, Flow Wall, App Inventor, Sonic Pi, a number of things that we have in place to support our children. We also have to allow and enable our teachers to provide the correct education and lessons that are deemed suitable for the children within their care and their provision during that school day.

Senator S.C. Ferguson:

Supplementary.

The Bailiff:

That was your final supplementary, Senator.

Senator S.C. Ferguson:

Absolutely, the final, the Minister ...

The Bailiff:

No, you just had it.

4.12.3 Senator S.C. Ferguson:

I was just getting another one in, because the Minister is ...

The Bailiff:

The Connétable of St. Helier attempted to do that.

Senator S.C. Ferguson:

... well aware that the facilities that are provided by the free computers, by this particular generous individual, put our children well ahead, not just with Python and Scratch, but HTML and Java and various other things. So, will the Minister try to sort out this problem, please, because we cannot afford to clip the wings of our children, as is being done by her department?

Senator T.A. Vallois:

With all due respect to the Senator, I have engaged with the individual that the Senator has referred to on numerous occasions. I have introduced him to the officers at the office of the Chief Executive, with the central I.T. team to identify what we can do going forward. I have already committed to consult with schools and review the current education information technology infrastructure arrangements by the end of June 2020, following a Scrutiny report from the Education and Home Affairs Panel on post-16. There is plenty of work going on. I do engage with the Senator and the individual that she has referred to. There is further engagement happening from central I.T. and Deputy Wickenden in terms of how we move this particular process forward and we are trying to ensure that we provide all the correct offerings and information to our students in the right format and in the right way.

The Bailiff:

We come to question 13 ...

Senator S.C. Ferguson:

Could the Minister report back to the States ...

The Bailiff:

No, Senator. Senator, you have already had 2 final supplementaries and you are about to be punished during questions without notice. [Laughter]

4.13 Deputy C.S. Alves of St. Helier of the Minister for Treasury and Resources regarding the charging of G.S.T. by online retailers based outside of Jersey: (OQ.248/2019)

Is the Minister aware of any instances in which online retailers, based outside of Jersey, have charged G.S.T. (Goods and Services Tax) on goods priced below the *de minimis* threshold; and, if so, what action does she propose to take to prevent this?

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

The Comptroller of Tax has informed me that a small number of offshore retailers have business structures, which require them to charge G.S.T. in Jersey and to pay that G.S.T. over to the Jersey Treasury. This is quite legal and we should applaud any such businesses, which are making a contribution to our Exchequer, to help us deliver our public services. As I have said before, in due course we expect that all offshore retailers will be adopting procedures to charge Jersey G.S.T. on supplies of goods to Jersey-resident consumers and to pay that over to the Jersey Treasury. I expect that this will happen after larger jurisdictions, especially the U.K. and E.U. member states, enact laws to charge V.A.T. (Value Added Tax) according to the consumer's jurisdiction of residence over the next few years.

4.13.1 Deputy C.S. Alves:

Is the Minister able to publish a list of those online retailers as I am sure, for the public, some members of the public have challenged it, as they are not completely aware whether it was legal for the retailer to do that?

[11:15]

Deputy S.J. Pinel:

It is a twofold question. The G.S.T. register, as such, is not in the public domain, but essentially if somebody is charging G.S.T. over here, they have an agent, or representative, in Jersey for their offshore online business that intermediates in the supply of goods and the goods are liable to the G.S.T. and the *de minimis* threshold does not apply, as the goods are essentially imported by the intermediary, not the consumer.

The Bailiff:

Final supplementary?

Deputy C.S. Alves:

No, thank you.

4.14 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the provision of facility time within the public sector: (OQ.238/2019)

Is it the Chair's assessment that the provision of facility time is equitable across trade union representatives and unions; and will he explain what allowance is made in existing policy to ensure this aspect of staff support is recognised and maintained?

Senator J.A.N. Le Fondré:

The Connétable of St. Ouen is taking this one.

The Connétable of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):

Firstly, if I can thank the Deputy for allowing me to answer this question; I appreciate it. Yes, the States Employment Board tasks officers to ensure that trade union officials are given sufficient paid time away from their normal responsibilities to fulfil their union roles. Officers also work with departments and unions, to ensure facility time is equitable across all trade union representatives and unions. This is important, because of S.E.B.'s commitment to support the unions in their work of representing their members to us. By way of example, my officers are currently working reviewing facility time in respect of the 2 teaching unions under a process agreed by both unions at regional level, which is currently running under the auspices of the Jersey Advisory and Conciliation Service.

4.14.1 Deputy R.J. Ward:

Can I ask the Assistant Minister whether the joint framework agreement, which was up for review in July 2018 - and I am referring to appendix 4, section 2 and in particular section 2.4 - whether that is still in force, which identifies level 1 to 3 facility time ranging from 0.5 full-time equivalent to 0.2 full-time equivalent? Is that the basis upon which these discussions are taking place, or has that agreement been annulled?

The Connétable of St. Ouen:

Unfortunately, I do not have an encyclopaedic memory and the Deputy has quoted a lot of subsections, so the answer is: I have not a clue, but I will get back to him with a formal response on that point, which I will circulate to the rest of the Assembly.

4.14.2 Deputy R.J. Ward:

Could the Minister - I am forgetting my words today - ensure that one particular union, as was reported, which has no facility time and the person representing them seems to be at the whim of their management in school, which is obviously difficult for that management and, therefore, are not able to represent their members fully and will be missing meetings that will be really important in the representation of their members?

The Connétable of St. Ouen:

I am glad the Deputy raised that issue, because that particular official has been quite vocal in the *Jersey Evening Post* about his lack of facility time and I would remind the Assembly that that official represents the National Education Union, who are very active in the dispute that we had to discuss with them. Clearly, he was present at meetings, which took place in working hours and clearly must have had facility time to do that. I can categorically assure the Deputy that wherever possible and where operational reasons allow, union members will be allowed facility time to attend meetings and if those meetings are arranged at times where it is not possible for union members to be present, we would do our very best to rearrange those meetings, so that union members can be present.

Deputy R.J. Ward:

A point of order, it is not that official, because that official is no longer the official in the union. It has changed and I was trying to point out it is the new official that is not getting facility time at all to represent their members and could the Assistant Minister look into that and get back to us?

The Bailiff:

I am sure you will look into that, Minister.

The Connétable of St. Ouen:

I am happy to get back to the Deputy, but I will just reassure the Deputy that, wherever humanly possible, union members are given facility time to attend meetings about union matters which involve the S.E.B.

4.15 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the recruitment problems facing the retail and hospitality sectors: (OQ.237/2019)

What steps, if any, is the Minister taking to address the recruitment problems faced by the retail and hospitality sectors?

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

The Migration Policy Development Board is actively considering the interrelated and complex issues required to produce a migration and population policy that ensures that the Island can strike the right balance between having a sustainable economy and a balanced population and meeting our businesses' needs. There is no single, or simple, answer to improve the Island's reliance on inward migration. We are not alone in looking to balance the needs of an ageing population, having a vibrant economy, protecting our environment and protecting the domestic workforce, while ensuring that gaps in the domestic skills and labour markets are filled appropriately and carefully through migration. The Board, which includes industry representatives, aims to make recommendations by the end of this year. In the short term, we continue to work in partnership with the Jersey Hospitality Association to develop solutions to assist with the recruitment problems some businesses in the sector are experiencing. As well as implementing a trial work permit scheme, we are looking at whether it is possible to provide a limited amount of accommodation through the Association. Dedicated support to the retail sector is also provided through Jersey Business and I would encourage any retailers, or any businesses, experiencing difficulties recruiting to contact these organisations in the first instance.

4.15.1 The Connétable of St. Helier:

I have heard from a former manager in retail of 18 years' standing, who told me that the staff she employed in a range of businesses were rarely born in Jersey. Does the Minister think that we should do more to encourage local youngsters, coming through the school system, to consider a career in retail and will he agree to talk to the Minister for Education about how that might be achieved?

Senator L.J. Farnham:

Yes; and the Minister for Education and myself have already been in lengthy dialogue about how we develop future local skills, because if we are to get on top of the population challenges and we are going to improve productivity, we really need to embrace our local, home grown talent, not just into financial services, but into all sectors of the economy.

4.15.2 Senator K.L. Moore:

The Minister tells us that the Migration Policy Development Board will come up with some suggestions shortly, but does the Minister accept that action is needed, rather than waiting for policies to be delivered at a later date, especially given the comments given of the Hospitality Association at the beginning of this summer season?

Senator L.J. Farnham:

Absolutely I do. Action is required and action will be delivered by the Group.

4.15.3 Deputy M.R. Higgins:

Following on the question of action, the Minister mentioned about a trial work permit scheme. We have been talking about work permit schemes for as long as I have been in the States, which is over 10 years. Why has it taken so long to bring in a work permit policy?

Senator L.J. Farnham:

The catalyst for this was the severe shortage of workers from Europe wanting to come to work in the sterling area, because of the economic shocks caused by the U.K. electorate's decision to leave the E.U. That meant it was important that we found another solution to help businesses and I am pleased to say that, with the support of the Department for Home Affairs and the Minister, a trial scheme was set up to allow the hospitality sector and the agricultural sectors to import labour from outside of the E.U. for up to 9 months per year. This is a trial scheme, that is going to be running for 2 years. We are monitoring it very closely and I very much hope that the scheme will be extended across other sectors of the economy, because I firmly believe that if we are to control our population, without negatively impacting businesses to the point that they cannot operate, we will have to fully embrace the scheme moving forward.

Deputy M.R. Higgins:

A supplementary, Sir?

The Bailiff:

Sorry, we have got to move on.

4.15.4 The Deputy of St. Martin:

In answer to a previous question, the Minister said that he thought that the current level of population coming into the Island was unsustainable and yet we have a hospitality industry, a retail industry, an agricultural industry all desperate for workers. How does he square that circle?

Senator L.J. Farnham:

That is easy to explain and it is a very good question, but I believe that those sectors are going to have to be far more reliant on temporary staff, 9-month-permitted staff to be able to run their businesses. That is the only way we can do it, by avoiding continued exponential growth in our population and in fairness to the sectors they are working with Government. They all understand the challenges ahead and they are working to ensure that permit scheme will work for them. It is going to take a bit of time to bed in, because we are currently exploring different labour markets around the world. It is not ideal in many circumstances, but there again we cannot continue to grow the population at such a level. To reiterate, we must embrace this permit scheme and expand it as soon as possible, so that businesses have access to the staff they need.

4.15.5 Deputy G.J. Truscott:

It seems bizarre that we are looking around the world to recruit people, when we have got, at the last count, 830 people locally registered unemployed. There are 1,000 locals, who are on the long-term unemployment list. Is there not more this Government can do to help these people get back to work? The Back to Work team is doing a great job, let me not discredit that in any way, but surely there is more and surely there is also an issue with the amount paid to these people, so we should be perhaps addressing the living wage and bringing that in sooner, rather than later.

Senator L.J. Farnham:

I too would pay tribute to the Back to Work team at Social Security. I would also pay tribute to the work the Minister for Education is leading on growing the skills opportunity in Jersey. I also cite examples recently of the opening of the new Digital Skills Academy, all first class and necessary examples of the Government leading on providing opportunities for local people to upskill and train. We are not alone. There is a general labour shortage of certain skills in Great Britain and the E.U. and, unfortunately, we are not immune from that here. That is why I believe that for the sectors that the Constable alludes to in his question, we need to develop the permit scheme, but I take on board his comments and we will continue to work as closely as we can with the industry to help to provide the solutions they need.

4.15.6 The Connétable of St. Helier:

The Minister has focused, perhaps quite rightly, on population control, as have most of the questioners to him. The purpose of my question, however, was to seek the Minister's strong support for these 2 sectors in our Island, that do so much to add to our quality of life as Islanders and to support our tourism industry and our finance industry. Will he join with me in pledging to do everything that he can to ensure that our wonderful range and variety of shops, restaurants and hotels across the Island are fully supported by this Assembly and that we will not put any more obstacles in their way, whether we are talking about annual impôts rises, more red tape, just making their operating more difficult? Will he pledge with me that we will do all we can, as an Assembly, to support retail and hospitality?

Senator L.J. Farnham:

I am happy to respond to the Constable by endorsing, wholeheartedly, his comments and I can assure the Constable that I will continue to provide strong political support, wherever I possibly can, to all of those sectors and perhaps he would consider joining me as we approach the Budget and possibly the Minister for Treasury and Resources too, to rethink the 20 per cent retail tax that is causing large retailers such difficulty at this time.

4.16 The Connétable of St. Martin of the Minister for Home Affairs regarding the vetting of officers and staff of the States of Jersey Police and the Fire and Rescue Service: (OQ.228/2019)

Further to the publication in the U.K. of the report *Shining a light on betrayal: Abuse of position for a sexual purpose*, by H.M. Inspectorate of Constabulary and Fire and Rescue Services, will the Minister confirm that all officers and staff of the States of Jersey Police and the Fire and Rescue Service have been correctly and rigorously vetted and not employed without adequate checks having been performed?

The Connétable of St. Clement (The Minister for Home Affairs):

I am pleased to assure the Constable that all officers and staff of the States of Jersey Police and the Fire and Rescue Service receive appropriate and rigorous vetting.

4.16.1 The Connétable of St. Martin:

I am delighted to hear that response. I would just like to say that our forces need dedicated resources to proactively look for warning signs and develop intelligence. In this report, unfortunately, 2,000 forces in the U.K. have insufficient capacity in their counter-corruption units. Forces need to be able to proactively detect the misuse of their I.C.T. (Information and Communication Technologies) systems and the information they hold, so my question, therefore, is: can the Minister assure the Assembly that the Government Plan will include sufficient provision for the I.C.T. resources needed?

The Connétable of St. Clement:

Yes, absolutely. Any abuse by a police officer, fire fighter or staff is abhorrent. We do have the safeguards in place, including a whistle-blowing procedure, so any member of staff who has concerns about a colleague, including a superior officer, can report it securely and anonymously. Should a situation occur, I very much hope that they would do so.

[11:30]

4.16.2 Deputy M.R. Higgins:

Following on from the Minister's answer, can he tell us when that policy came in? In the past, including at the Independent Jersey Care Inquiry, it was proved that officers had evidence of abuse

and officers were sitting on it and nothing happened. We are talking about people, who were dedicated police officers, who were complaining about abuse, had evidence, wanted it to be investigated and senior officers were sitting on it. When did that policy come in?

The Connétable of St. Clement:

As far as I am aware, the policy of investigating crimes that are reported to the States of Jersey Police has always been in place. I commend the States of Jersey Police as currently constituted under the current leadership for being very proactive in encouraging people, who claim to be the victims of crime and particularly sexual abuse, to come forward with the assurance that their complaints will be properly and rigorously investigated. I have no reason to suspect that anything other than that happens. I commend the way that the police tackle these issues.

Deputy M.R. Higgins:

Sir, the Minister has not answered the question, because I am referring to police officers referring their evidence to senior officers at the time and nothing was done on that evidence. No investigations followed from it and police officers, the good police officers that I am prepared to commend, are the ones who gave evidence to the Care Inquiry about those officers who are withholding the evidence.

The Connétable of St. Clement:

If there was any suggestion of withholding evidence, that would be a criminal offence and that would be investigated and dealt with and dealt with appropriately.

4.16.3 The Connétable of St. Martin:

My supplementary question was: can the Minister assure the Assembly that the Government Plan will include sufficient provision for the I.C.T. resources needed to be able to police this?

The Connétable of St. Clement:

Yes.

4.17 Deputy J.H. Perchard of the Minister for Economic Development, Tourism, Sport and Culture regarding the inclusion of the value of unpaid work in models of economic measurement: (OQ.235/2019)

Will the Minister introduce a model of economic measurement, which includes the value of unpaid work, such as caring and cleaning, that underpins the paid economy?

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

It is important to recognise the limitations of gross domestic product as a measure of output and income that does not include the value of unpaid work, including that within the home, such as child care, but also in wider society through volunteering and charitable work. The Economics Unit works closely with Statistics Jersey to ensure we have the right information to effectively monitor the economy. This is an issue that is not just about gender, because all genders provide unpaid work throughout our community and society, but the Gender Pay Gap Review Panel recently recommended that: "The Government of Jersey, with the support of Statistics Jersey, should collect data on the economic value of work done in the home, including child care, cooking, shopping, housework, odd jobs and gardening." I have spoken with the head of Statistics Jersey and asked him to consider how this recommendation could be implemented and achieved and I support it.

4.17.1 Deputy J.H. Perchard:

Simply, could the Minister tell the Assembly what timeframe he expects to have that advice back from the head of Statistics Jersey and could he pledge to, perhaps, report back to the Assembly by the end of the spring?

Senator L.J. Farnham:

Yes, I have asked the Statistics Unit to think about this and come back. I think it is unlikely that this work will form part of the overall work we are doing on developing the gross domestic product work - for example we need to work on improved trade statistics, better information on imports and exports are required and we need to understand more about the balance of payments and this is the work that is currently being prioritised - but they have agreed to set this up as a satellite of that work and I will let the Deputy know just as soon as they come back with timescales. It is potentially very difficult and could be a fairly costly piece of work to produce, because it is going to require a number of fairly complex assumptions. Yes, I am committed to working with Statistics and the Deputy and the economists to produce a better understanding of the sector, but it is not an easy, or quick, piece of work. I agree, the sooner we get it started, the sooner we can start understanding the trends.

4.17.2 Deputy L.M.C. Doublet:

Thank you to the Minister for highlighting the report from the Panel. I am pleased to see that this recommendation is being looked upon favourably. I want to refer to the second part of that recommendation: "... that consideration should also be given to changing the term 'economically inactive' in official reports when describing the above roles" and this is a change that I seek to be made immediately and will the Minister commit to doing this going forward?

Senator L.J. Farnham:

The short answer to that would be yes. I am not sure that is a term that accurately reflects the contribution of citizens to the economy and the community. I am not sure how I would achieve that, but I will do my very best.

4.17.3 Deputy K.F. Morel:

While I appreciate the Minister has been talking about the overall figures that give us a big picture view of the unpaid work that is done in our economy and for our society, does the Minister agree that, looking further down the line, if such statistics are collected and a better understanding of how much work is being done and the value of that work, that it could then be used to better target, or better measure, the amount of income support that people should get if they are caring for families and used to guide the benefit system and payments through the benefit system in that way, to reflect the value of the work that people are doing in economic terms?

Senator L.J. Farnham:

I think that is a very good aspiration, but we would have to understand the mechanics of how that would work. In principle, yes, but we do need to understand more in the detail and cost involved. I know it is not always about cost. We tend to know the cost of everything and lose sight of the value, but those will be important considerations, but the aspiration and the principle, yes.

4.17.4 Deputy K.G. Pamplin:

To underpin the seriousness of this matter, which I am sure the Minister is aware of, the unpaid housework, such as looking after children, caring of vulnerable adults, *et cetera*, is worth £1.24 trillion per year and more than the value of the U.K.'s retail manufacturing output combined. Having this information is so vital for our understanding of what is really happening on the ground of this Island, so using that sense of urgency with those figures available in the U.K., will the Minister commit to further looking at this?

Senator L.J. Farnham:

The U.K. have recently started to address this. There are not many other countries in the world that do. The U.K. is one of the first. I think we need to have somewhat of a culture change. It is not necessary to have these estimates to value the contribution of unpaid work in our society. I think, in

the first instance, while we are wrestling with how we do produce these figures, we must try to change our culture and start valuing and understanding more the unpaid work that goes on in our society. Yes, as I said, I will commit to working with the necessary departments to achieve this, but I want to reiterate we are going to do it properly and it is not going to be a quick piece of work.

4.17.5 Deputy J.H. Perchard:

Given what the Minister has just said about valuing unpaid work, will he take immediate action to remove the term “economically inactive” from the Government reports and documents referring to this kind of work and replace it with something that more aptly describes the contribution of unpaid work? That is something that could be done with great ease and with immediate effect.

Senator L.J. Farnham:

As I said to Deputy Doublet, yes. I am not quite sure how I would achieve that, but I will certainly do my very best.

4.18 Deputy L.M.C. Doublet of the Minister for Children and Housing regarding universal access to child health care: (OQ.242/2019)

How is the Minister prioritising universal access to child healthcare in the Island, in accordance with Article 24 of the United Nations Convention on the Rights of the Child?

Senator S.Y. Mézec (The Minister for Children and Housing):

Article 24 of the U.N.C.R.C. establishes a fundamental right for children to access healthcare services and facilitates for the treatment of illness and rehabilitation. This entails signatories to the U.N.C.R.C. to ensure that no child is deprived of their right of access to healthcare services and - before Senator Ferguson interjects - the U.N.C.R.C. includes an obligation for countries to ensure appropriate pre-natal and post-natal care for mothers, as well. The Government Plan makes clear a commitment towards meeting its obligations under the Convention and a whole chapter of the plan is dedicated to setting out how we will improve Islanders’ well-being, mental and physical health. More specifically, the plan commits to bring forward new models of primary care, including dental care for children and it also describes plans to improve outcomes for children using Child and Adolescent Mental Health Services.

4.18.1 Deputy L.M.C. Doublet:

Can the Minister advise how much money is being set aside to fund this and from which departments would the funding come from?

Senator S.Y. Mézec:

I would think that question might be better put to the Minister for Health and Social Services, who will be more able to draw those specific figures from the Government Plan, but that will be in the Government Plan and a breakdown should, I hope, be easy to come by.

4.18.2 Deputy G.P. Southern:

The Minister mentioned changes to primary healthcare. Is he of the opinion that a G.P. consultation, at the rate of £40 plus, somewhat excludes many young people from accessing adequate and good care in the primary sector?

Senator S.Y. Mézec:

Deputy Southern will be aware that I have a longstanding position that I believe that charging everyone - not just the vulnerable and not just children, but everybody - G.P. fees are regressive and something that I would like to see the end of. What was the second part of his question?

Deputy G.P. Southern:

Does the level of prices preclude many young people from accessing proper healthcare?

Senator S.Y. Mézec:

That is probably the case. It is the case that there are G.P. surgeries that offer either discounts, or free services, for children, but that is a voluntary thing. It is not something they are required to do and I would be of the view that that ought to be something we should secure for the future and the Government will have to work with G.P. services to deliver that. As I said in response to a question from Deputy Tadier earlier on, there is a caveat in the U.N.C.R.C. that says that we must seek to ensure our compliance to whatever degree we are able to, bearing in mind our own financial restraints, so if that is something we want to proceed with, to lower the cost and improve accessibility to primary care and for children, it is something that we, as an Assembly, would have to determine we want our funding to go towards to enable it.

4.18.3 Deputy R.J. Ward:

Would the Minister agree that this is an opportunity, with the development of community-based healthcare, to intervene at that level of G.P. costs, so that we develop a healthcare system with the new hospital that makes it much more accessible for people to go to the hospital and primary healthcare has its emphasis for all children on this Island?

Senator S.Y. Mézec:

The Deputy is absolutely right that when you provide better primary care, better early intervention, it ultimately saves you money later on down the line and does not allow people and, in particular, with chronic illnesses to end up costing more in the long run when their illnesses become worse. As part of that wider discussion that we are having on how healthcare is delivered in Jersey then I absolutely think that should be part of the discussion.

4.18.4 Deputy M. Tadier:

Could the Minister clarify the statement about the caveat of financial restraints and does he agree that it probably is put in there to apply to third world countries, or countries that have limited industry, rather than Jersey, which has a very well-placed finance industry and has other industries and that financial restraints are a question of political will and that there is no intrinsic lack of money in Jersey, were it only to be used in the right way?

Senator S.Y. Mézec:

The Deputy is certainly right that it is a political choice, what this Assembly decides to spend money on and what extent of services it wishes to provide and the Deputy knows my view on how far I think we should provide services in this area, but if I can help him with the exact quote from the U.N.C.R.C. Article 4 says: "With regard to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." I think that, as he says, probably is more directed at countries that do not have the resources that we do, but that means that we are in the fortunate position of being able to make these choices and if we are doing so within the prism of children's rights then I think that better empowers us to make good decisions.

[11:45]

4.18.5 Deputy L.M.C. Doublet:

Does the Minister also recognise the importance of the health visiting service in terms of children's health and does he see any scope to extend the offering there, for example offering clinics in schools and community centres?

Senator S.Y. Mézec:

It is difficult for me to offer a good answer to that question, as I had not anticipated it, but I think the Deputy raises a perfectly good point and certainly one that is worth considering.

4.19 Deputy M. Tadier of the Minister for Social Security regarding the potential impact of residency requirements on women in abusive relationships: (OQ.247/2019)

Further to recent statements made by the Jersey Women's Refuge and the States of Jersey Police that residency requirements to access income support and social housing are responsible for some women staying in abusive relationships, does the Minister's assessment of the situation concur with those statements and what action, if any, will she take in response?

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

Yes, I also read this article in the *Jersey Evening Post* about the reporting of domestic abuse, which can be for many factors and I would urge anybody to approach the police and other services if they have concerns for their safety. The Women's Refuge is an excellent facility and both men and women can get support through Jersey Independent Domestic Violence Advisers. The report also went on ... the policeman speaking said he did not think that reporting is any more under-reported in Jersey, but domestic violence is the most under-reported crime in the western world, so U.K., Europe, it is one of those. There is a lot of shame, there is a lot of worry, there are a lot of other issues. The Deputy asked me what actions I can take. I think this goes back to the philosophical. We need to look at our own domestic rules. I can make exceptional cases. Out of the 367 reported last year, 15 did not have residential qualifications to get income support. I cannot go into those because, as I say, we could identify these people, but at the end of the day this Assembly needs to look at the overarching policies and we need that debate early and we need to decide what we want to do.

4.19.1 Deputy M. Tadier:

I thank the Minister for that helpful answer. Given the fact that we have had an earlier indication from the Minister for Children and Housing that there are conversations and ideas around changing the residency rules, would the Minister take it upon herself to also engage - and I am not saying she is not already - in those conversations, to find out what the intended and unintended consequences are of our current housing and income support rules and whether any changes to those may be brought forward, to make it more functional and perhaps, let us say, less discriminatory?

Deputy J.A. Martin:

It is also interesting when I read the *J.E.P. (Jersey Evening Post)* on Saturday, because the Deputy seems to think that under the Migration Policy Board work permits will solve it and that day one people will be entitled to social housing and income support. I am on that Migration Policy Board. I want to know what this Assembly thinks. Maybe the Deputy thinks it is time, because I know he has concerns, we have an in-Committee debate on this. I do not know. I need direction, I need to see this report from the Children's Commissioner. Again, the Minister for Children and Housing says: "We work within our rules." I am told income support is out there, it is a safety net, it is for people who have contributed and nobody minds it is 5 years. I have only seen one report about whether that is the right amount of time and that was by Deputy Le Hérissier, who wanted to put it up to 7 years. In 20 years nobody has had this debate. I really need it and I need to know where we go and I want to cost it as well.

4.19.2 Deputy G.P. Southern:

Has the Minister used her discretion to offer some support for these 15 victims over the past year?

Deputy J.A. Martin:

As I said, the number is too low out of 367. There are cases that come to my attention for various reasons and it is interesting to read financial abuse is not limited and does not affect people who do not have housing qualifications. It is domestic abuse where one party is not given access to income or anything else, so this is a massive issue. Do not think, because you think you are having a jolly good time and the other partner is paying for anything and everything, that when you want to leave you do not have access to a bank account and then they have got you by the money. These are people who have been here years, born here and this is not Jersey-related and it is not quintile-related. Unfortunately, domestic violence and abuse goes across every earner and society and profession.

4.19.3 Deputy M. Tadier:

I do not disagree with that analysis from the Minister and I am glad she is open to ideas to look at ways that the system might be improved, to avoid any unintended consequences. Just on one subject, she has talked about the fact that once people have been here for 5 years they have contributed, but does she accept that income support, in itself, is a non-contributory benefit and that there are many people, who might have worked here for 4 years and paid into the system, often quite heavily into the system, who get no benefit from income support and others who do not work, for whatever reason, for that entire period, who can claim purely on residency grounds and that might be seen as slightly inequitable, given that there are other contributory benefits, such as sickness benefit, which kicks in just after 6 months?

Deputy J.A. Martin:

The Deputy answered that question. Contributory sick benefit does kick in. The problem is, I think after being in this Assembly long enough I am not saying 5 years is the magic number. I am saying it has always been 5 years. Most people you speak to think people coming to Jersey should not have day one rights. If 5 years is the wrong measure, it needs to be talked about, it needs to openly go out there. I am listening. I need firstly to take it to the Assembly, but the public and the people, day one rights for social housing and social security, income support, will be a big cost. At the same end I am told I have got to limit migration. Make it free day one? I am sorry, the U.K. are in this position. I am not saying we are right. I am listening and any input from the Deputy, the Deputy is in this Government and he came up with some suggestions this morning and he can come and talk to me anytime. He knows where I am.

4.20 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding a facility to provide a place of safety for Islanders in relation to their mental health: (OQ.231/2019)

Further to the responses to my written questions on the subject of places of safety for Islanders in relation to their mental health, will the Minister advise whether a new facility to provide such a place of safety will be established as a matter of urgency?"

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

A place of safety had previously been identified as the General Hospital; however, following a recent review, it has been recognised by staff and clinicians that that does not provide an optimal solution and so a medium term plan has been put in place to provide a place of safety as part of the Clinique Pinel and Orchard House capital plan. Ultimately, I believe mental health services, including a place of safety, should be co-located in our new General Hospital.

4.20.1 Deputy K.G. Pamplin:

I thank the Minister for his answer and the answer to the written questions, also curiously the answer from the Minister for Children and Housing. We know that young people and adults are being supported in the General Hospital, as we speak, for those who have sadly decided to take options to take their own lives and this is carrying on at the moment as the answers continue to show that number

is going to far exceed last year's total as well; so I ask again, as a matter of priority, when this place of safety will be operational? We were told in previous Scrutiny hearings earlier this year that the place in the hospital would be up and running in June. It is now October. When will this facility of a place of safety be in place to help our Islanders as a matter of urgency?

The Deputy of St. Ouen:

Could I remind the Deputy that the numbers given in the written answer are not those brought to a place of safety by police officers? Those are those that have received a mental health assessment in the General Hospital and that is different because many people present voluntarily. The General Hospital is a place of safety and the police will bring people in dire distress to the General Hospital as the default option, rather than the police station. It is only in extreme cases where their needs cannot be met at the present time at the General Hospital that they are taken, for their own safety, to the police station and then will probably be brought back to the General Hospital when appropriate for their assessment of need. Those arrangements will need to continue while we build the new accommodation at Clinique Pinel, which, of course, will meet the best specifications possible, but we presently operate a place of safety at the General Hospital. It is frustrating that it seems to take so long for these building plans to come into operation. I signed a Ministerial Decision 2 Fridays ago, that is about 20 days ago, to submit the plans for the Clinique Pinel to the Planning Department, but I am told that those plans are still being tweaked, or the application is still being tweaked, so the application is still not in. I continue to press on this. I am concerned about the timetable I have been given for the building works and I do want to accelerate it and make sure that we start absolutely as soon as we can, because I recognise the urgency, the Government recognise the urgency, this whole House recognises the urgency, to make proper provision for our acute mental health services. I do not want this to just be the normal flow of letting a tender and then you create a tender document and then you have a meeting to decide who should be awarded the tender and then we have to wait for the contractor to start. I want to be in a position where we can have the tender document ready now and I am asking that question, why that is not possible. I will continue to press and ensure that we can get this facility delivered, as soon as we can.

4.20.2 Deputy K.G. Pamplin:

I thank the Minister for answering so honestly about his frustrations. I think we all share them. I would just like to return to a statement made in 2015 by a report to the child and adult police subgroup progress report: "The Island of Jersey has no designated place of safety other than the States Police Headquarters." A joint unilateral statement by the Home Office: "Places of safety should be typically hospitals, or other medical facilities." As we know, our General Hospital serves its purpose as well as it could, but as long as this goes on, the Islanders who need that support are being failed. I ask again, what more can the Minister do, given now he has aired those grievances, so we can move this forward as we talked about earlier this year, that by the end of this year we would have things in place?

The Deputy of St. Ouen:

We will not have a place of safety to the specification that would be recognised in the U.K. by the end of this year, but the ambition is to have that place of safety by the end of next year and that is what I am urging should happen when that building work, I hope, will be completed in time. It is no longer the case that, as a default option, people are taken to police cells. The default option is that, wherever possible, where it is safe, people are taken to the General Hospital and there is a facility there and legally, under the mental health law, the General Hospital acts as our place of safety for the time being.

5. Questions to Ministers without notice - The Minister for Health and Social Services

5.1 Senator S.C. Ferguson:

Despite what the Minister for Children and Housing said, as a mother I can assure him that after birth the weepies are usually due to hormonal imbalance and not P.T.S.D. However, according to a sufferer from genuine P.T.S.D., whom I heard on the radio this morning, his G.P. was no help and he did not get any help until Help for Heroes started working on it. Will the Minister ensure that G.P.s understand P.T.S.D. and will he consult with Help for Heroes?

[12:00]

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

It is the case that under the model of care that we have practised for some decades, a great deal of care of the patient has taken place within the General Hospital, or within our mental health services and some G.P.s may have felt that they have become deskilled as a result. We want to move that care back where appropriate and where G.P.s can offer their skills to patients. G.P.s are well-equipped for this, in that they will know their patients far better, they will know the families, they will know the background of that patient, but at the same time those G.P.s will have access to the specialists within mental health services, they will have access to a team of people who will work with them, care wrapped around the patient, so our mental health nurses will either be in the G.P. surgery, or in a hub setting - as we have been talking about earlier - and their skills can be used by the G.P. to address those questions of care.

Senator S.C. Ferguson:

A supplementary, Sir. Will the Minister ensure that there is ...

The Bailiff:

No, Senator, I am sorry, I will come back to you. I am afraid we have a long list. **[Interruption]** That is the punishment.

5.2 Deputy L.M.C. Doublet:

Can the Minister outline the care pathways for mothers suffering from P.T.S.D., please? I reiterate my previous question. Is the Minister aware that between 1½ per cent and 9 per cent of all mothers will develop P.T.S.D.?

The Deputy of St. Ouen:

I do have some information that I can give to the Deputy. At present we have a perinatal mental health nurse, who can be referred to at any point in a woman's pregnancy. If that mental health nurse is unavailable, then midwives will liaise directly with the mental health team on call. Community midwives are now working in G.P. surgeries and they work in close liaison with the G.P.s if mental health issues are identified. Referrals can be made to the Pregnancy in Mind service operated by N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) for low-level anxiety and mental health problems. Also, all antenatal visits include a discussion about mental health and well-being. As an inpatient, following birth, mood is assessed daily and addressed on discharge. Again, if concerns are raised, a referral could be made to the perinatal mental health nurse, or to the on-call team. There is a health visiting team that visit on, or around, the tenth day postnatally and carry out a formal health assessment. So, I hope that does reassure the Deputy that there are services wrapped around mental health care of mothers.

5.3 Deputy G.P. Southern:

Does the Minister consider that a waiting time of 8 months for a cataract operation, requiring minutes to complete, is reasonable and what measures will he take to reduce such waiting lists?

The Deputy of St. Ouen:

Eight months does sound an extremely long time and, no, I would say that is not reasonable. We are working on a better understanding of our waiting lists, a better capture of data. It has been difficult to understand the statistics that we can only present at the moment, because we are not capturing all that is relevant. That will be improving as time goes on, but if there is - and I think there is - a specific recruiting issue around ophthalmology, as in some other areas we are finding difficulty in sourcing appropriate staff to service the requirements, but efforts continue. The Deputy knows well that this is a matter that is not specific to Jersey but across the U.K.

5.4 Deputy S.M. Ahier:

Will the Minister advise the Assembly whether the recent organ donation campaign has resulted in a large uptake and how many people have opted out?

The Deputy of St. Ouen:

I believe the recent campaign has been successful. I would not say there has been a large uptake and I do not have specific numbers here. It is still running in fact and from time to time we will be promoting the campaign. It is the sort of thing that Government should do from time to time. Unlike in the U.K., we are not able to put people on the list when they apply for driving licences, because of our system in Jersey, but we will continue to make efforts. I am not sure that I could access the number of persons who have opted out, because it is a register that is held by N.H.S. (National Health Service) blood and transplant service in the U.K.

5.5 Deputy K.G. Pamplin:

Given the recent statistics, provided by the Jersey Alzheimer's Society, that since 2012 they have seen an increase of over 235 per cent in the amount of people seeking their support and accessing their activities, what can the Minister tell us about the progress to provide a long overdue, Island-wide dementia strategy?

The Deputy of St. Ouen:

I commend the Jersey Alzheimer's Society for the support it gives in the Island to dementia sufferers and their families. I and my department are in regular contact with the Association. Building a dementia strategy with them is a key ambition of ours, though it is true to say we have not been able to set a timeline for it yet, but it is something I hope that we could achieve in this term of office. We will continue to have that conversation. I know the Association will hold my feet to the fire and will continue to press for this, as I hope the Deputy would. We recognise the benefits of a specific strategy, though much work is going on to help dementia sufferers within our mental health strategy.

5.6 Deputy M.R. Higgins:

Can the Minister explain how people can make complaints regarding the Health and Social Services Department, including Children's Services and what the procedure is that is followed to address these complaints and how independent of the department is the complaints process?

The Deputy of St. Ouen:

Several questions there. I think I can acknowledge that the complaints service in the department has sometimes been variable, it does seem to me. Initially, complaints can be made by email, or by telephone. Many people contact me and I will answer them and pass on their complaint. It will be investigated first by the department, but there is a rigorous procedure, because we want to learn from our complaints. If the answer is not accepted by the complainant, then it can be reviewed independently. We have a good relationship with the Guernsey health authorities in this and we look at each other's complaints to verify them. So, that does work well but, of course, it still remains the case that there are some complainants who are still unhappy. Of course, at present, their ultimate recourse is to the States of Jersey Complaints Panel.

5.7 Deputy R.J. Ward:

Given that we are in quite a turbulent time in the health service with target operating models, target operating models 2, efficiencies and uncertainty, how would the Minister characterise the morale of front line staff within the health service? I refer to those who, on a day-to-day basis, go above and beyond the call, in order to provide the services that we all rely on.

The Deputy of St. Ouen:

Yes, the target operating model has been a challenge in the health service and throughout Government. Our process will come to an end at the end of this year, but I do stress that the target operating model is not affecting staff who are delivering front line services. But the uncertainty, no doubt, does play a great part until these matters are settled. Against that, I think staff have been greatly encouraged by recent changes made in the department. The department has reorganised itself into care groups, which are clinically led. I have referred previously to the dead hand of management which some felt existed. It is no longer the case that managers are imposing their will on clinical areas. Instead, clinicians are at the top of the care groups. We have a medically qualified clinician, a nurse clinician and an allied health professional leading each health group and formulating what they wish for the service. That has encouraged and added to the morale of staff.

5.8 Deputy M. Tadier:

I will be asking an abridged version of lodged question 24 to do with efficiencies to the Minister. Can he give us an outline of the efficiencies that he has agreed to deliver in the first year of the Government Plan?

The Deputy of St. Ouen:

I thought this question was better suited to a written question, because one can give a lot of figures and detail around proposed efficiencies, but in general can I say that we are not cutting down on patient services, but instead we are ensuring that the core health services meet the changing needs of our population and can be delivered effectively. I have mentioned before how we are better at collecting data, so that we now have a better insight into our theatre utilisation. So, that is often low utilisation with late starts, early finishes and long handovers. We are making efficiencies in maximising the scheduling and the utilisation, so that we will reduce unnecessary delays within theatres. We held a number of high-value contracts, of course, with service providers and many of those are under review, because they are due for renewal. Outpatient appointments: well, I mentioned before that we receive nearly 200,000 people into outpatient appointments and we are not sure that that ensures the best patient care. We can reduce follow-ups by referring many of those patients to their G.P.s, or having people visit them in their homes. So, we are creating different pathways in that respect. That closely aligns with the health model that I have outlined in previous questions. There are many other initiatives that we are taking, but at this stage the departmental efficiencies will amount to £3.7 million in 2020 by our assessment.

Deputy M. Tadier:

Could I ask for that to be circulated, the answer that the Minister had already prepared, to Members if he is so inclined?

The Bailiff:

Minister, I am sure you are willing to agree that?

The Deputy of St. Ouen:

Yes, Sir, I certainly am.

N.B. Below is the response subsequently provided by the Minister for Health and Social Services to oral question 243/2019 that would have been asked by Deputy G.P. Southern of St. Helier:

Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –

Question:

Will the Minister inform members what total budget savings he has agreed to deliver as ‘departmental efficiencies’ in the first year of the Government Plan; will he outline the split between hospital and other efficiencies and describe what these measures are; and will he state what impact the Target Operating Model will have on the number of staff and their nursing or civil servant grades in 2020?

Answer:

I can advise Deputy Southern that the HCS Department has decided, after careful consideration, that at this stage it can make £3.7m of departmental efficiencies in the first year of the Government Plan as part of its ongoing plans to ensure the efficient use of public funds and the provision of modern services to the public.

The focus of the Department is to deliver truly patient-focused, holistic, outcome-based care – a OneIsland, OneGovernment approach with the core provisions of prevention and self-care, primary, intermediate, secondary and tertiary care.

Any split between hospital and other efficiencies is not relevant to this patient-focused approach. Nevertheless, using a more traditional view, I would estimate these sums to be £2.3m hospital; £1.4m community.

Our initiatives are focused on ensuring core health services are meeting the needs of our current population and are being delivered in an effective manner through engaged clinical leadership and robust operational management structures. This allows the services to deliver high quality, modern healthcare services whilst also building readiness in preparation for service transformation in line with the developmental ‘Jersey Care Model’.

The measures include:

- One-off reviews of clients/patients in on- and off-Island placements, from a clinical and contractual perspective as well as the commissioning of an ongoing service to review clients/patients on a more regular basis. Likewise reviewing and strengthening assessment, contracting, reviewing and monitoring processes in relation to non Long-Term Care placements and care packages
- Performance of current budgets and feedback from the facilities service provides an opportunity to review and reconfigure some elements within the service, namely: service contracts, catering, laundry and fleet
- Occupancy of step up/step down beds has reduced through 2018 and 2019 as other measures to prevent hospital admissions and to get people home more quickly have taken effect and a financial saving has been made from this
- HCS currently holds a number of high value contracts with service providers. Many of these are under review as they are due for renewal and there is a need to ensure they align to the future state of clinical services
- To ensure that activity is appropriately going to the UK, we will be reviewing and strengthening our approval processes – for example, examining the extent to which appointments/procedures are needed and whether they are being undertaken in the correct way ie could the journey to the UK be avoided etc

- Against peer benchmarks, our theatre utilisation is low with late starts, early finishes and long handovers frequently occurring. Therefore, a project is underway based around maximising scheduling and utilisation to allow full optimisation of theatre capacity for our teams, by reducing any systems or processes within the theatre environment that can cause an unnecessary delay
- The Department has been developing the Acute Floor Model over recent years. Its introduction will allow us to deliver services in a more efficient manner through reviewing work across specialities to manage demand and deploy resources more appropriately. It also allows HCS to review the work across disciplines to manage demand, which will offer the opportunity to review skill mix and the unscheduled care pathway. It will also offer the opportunity to consider a more blended model of care that supports some of the planned care pathway
- Outpatient follow-up appointments are significantly in excess of what they should be. To ensure the best patient care, as well as reducing follow-ups, analysis suggests a large number of outpatient appointments could be managed on a different pathway requiring intervention that is more community-based than acute. As with all projects, this is closely aligned to the 'Jersey Care Model' and helps deliver the ambition to provide care out of hospital and closer to home.

Turning to the TOM, at this stage I cannot state exactly what the impact will be as this continues to be worked through, but this will be finalised as the year progresses and, in all cases, clinical need will remain paramount.

That said, we do expect headcount to reduce in some areas as a consequence of improvements in services, systems and processes, including as a result of investment in modern technology, which will automate a range of tasks that are currently done manually. This will ensure that we make the most productive and best value use of our services for the benefit of islanders.

In summary, to be clear, this programme is about spending public money better and improving the cost effectiveness of our services, so we can release funds to reinvest in priorities for Islanders and modernise existing services.

5.9 Deputy G.J. Truscott:

I apologise in advance if I did miss it, but I wonder if the Minister could update the Assembly with regard to the refurbishment of Sandybrook care home. £1 million was put aside for the refurbishment of the care home and I am just wondering what has happened since, if he could enlighten us, please.

The Deputy of St. Ouen:

Sandybrook care home remains a core part of our services. As a result of the Regulation of Care Law, the home will need to meet increased standards, quite rightly, so there is a programme within this term of government to complete those improvements. It perhaps would be invidious to talk about exact improvements but that work is planned to be undertaken.

5.10 Deputy C.S. Alves:

In February of this year, there was a news release that stated the Council of Ministers has agreed to commission detailed research into end of life choices in Jersey. I was wondering if the Minister could give us an update on how that research is going and when he thinks that could be concluded.

The Deputy of St. Ouen:

Yes. At present, consideration is being given to convening a citizens' panel, or proceeding in that sort of approach, that might examine the very weighty and serious issues that surround end of life care and assisted dying.

[12:15]

Citizens' panels are being considered for use in other Government initiatives and I know officers are working in seeking a provider who has experience in formulating these panels and taking them through a process of arriving at recommendations to Government. Because it is not the case that Government will be involved in facilitating these panels, it will be somebody independent.

The Bailiff:

Thank you. That brings that part of question time to an end. We now come to the second question period, which is for the Minister for Education.

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

6.1 Deputy G.P. Southern:

I thank the Minister for giving me the information that the total staff budget is £1.2 million approximately out of a total of £1.5 million in the library. Can she also give me the information I asked for in the first place, which was the 2.9 F.T.E. staff places that have been lost? What is the total for F.T.E. staff from which that 2.9 staff has been reduced?

Senator T.A. Vallois (The Minister for Education):

I do apologise, I do not have the total number. I received information that there was a suggestion it had been reduced from 7 down to 5, but as I stated before with regards to the target operating model, it is still under consultation. So the 2.9 has not been lost yet.

6.1.1 Deputy G.P. Southern:

Could the Minister clarify that 2.9 is the target in the T.O.M.? Whether or not that is reached, or not, is a different matter, but of how many was the total staffing numbers in the library service?

Senator T.A. Vallois:

I can get that detail for the Deputy and provide the exact information with regards to staff numbers for him.

6.2 Deputy R.J. Ward:

Can I ask the Minister whether she agrees with a columnist's comment in the *J.E.P.* today that suggests that our education system is: "... dystopian and, like so many totalitarian regimes, it has deskilled the workforce, both teachers and pupils. Many of the senior management teams in our schools have been induced into this regime and its advocates stretch right up to the Minister for Education's door"?

Senator T.A. Vallois:

I had the opportunity of reading that piece and I am usually quite a good fan of reading some of the pieces by the gentleman that writes them. I think it comes out of the conversation that was had at the I.o.D. (Institute of Directors) debate and the discussions that I have had time and again with various industries about the types of skills that are required for the workforce and identifying through just G.C.S.E.s (General Certificate of Secondary Education), or A-levels, or degrees and whether that is applicable to the way that industry and the world is changing and moving forward. So, there is a huge piece of work that we need to and we are required to do, because we are teaching specifically in some areas. There was one young person at that event that specifically referred to having to sit in a classroom on these old desks and it is this telling them what to do, that type of education system, which he does not agree with. There is a big conversation that has to be had with the Island, with the public, with industry, with young people, about what the education system can look like over the next 20 to 30 years and how we can make improvements around that.'

6.2.1 Deputy R.J. Ward:

A supplementary, Sir? Would the Minister see the new review system doing anything to stop that system, given that it is based upon the same sort of criteria that produced that system in the first place?

Senator T.A. Vallois:

No, it is not. So, we will be announcing on Friday a big education conversation with the Island. We are going out to ask specific ... well, not specific questions, actually, they are very open, wide-ranging questions of the public about what they think of the education system, where they think the education system should be over the next 20 years, 30 years and getting feedback from the very people that utilise the system and also provide the system. So, we are starting that conversation. We will be announcing that this Friday, although technically I have just announced it. What that will enable us to do will feed into the school funding review, which will be coming to my door in terms of recommendations next year and also will feed into the post-16 strategy. So, it will enable a transitioning offering and a discussion around - and I can never say this word - pedagogy for the education system.

6.3 Deputy S.M. Ahier:

Will the Minister advise the Assembly whether there are plans for gender neutral lavatory cubicles in the new Les Quennevais School?

Senator T.A. Vallois:

Not that I am aware of but I can enquire and I can come back to the Assembly and advise them.²

6.4 Deputy G.J. Truscott:

I am sure that the Minister is aware - or possibly not - that I am a member of the Planning Committee and, as such, we are very conscious, as a Committee, that there are 750 homes being approved in the north of St. Helier. Is the Education Department making provision *vis-à-vis* looking at extending the primary and secondary schools in the area?

Senator T.A. Vallois:

We have extremely good officers looking at demographics in education. They regularly look at these figures. Of course, those 750 homes will not necessarily have all children within them. We recognise there is already a huge demand in the north of town and we work with Andium looking at the north of town youth centre, which was proposed in the Common Strategic Policy. There is a piece in the Government Plan under the capital programme which is looking to identify how we proportion and ensure we have the appropriate space and availability for our primary schools in particular, so looking at areas like Rouge Bouillon. Springfield School is a very small school but it is a very good school and is in huge demand by the north of town at the moment. So, there is a great deal of work going on and we are working closely with Andium to identify how we manage that going forward.

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

I would like to thank the Minister for her last answer, because that has been plaguing me and we have been having quite a bit in Scrutiny in asking when the primary schools are going to be enlarged. My question is: does the Minister understand that some of the children entering secondary schools are having trouble with what in my day was regarded as the 3 Rs, maths being a real troublesome course to some of the secondary schools?

² The Minister for Education subsequently provided Members of the States with the following information: 'Further to Deputy Ahier's question without notice yesterday I have been advised that the new Les Quennevais school will have several designated separate male and female washroom blocks for students as well as single use washrooms around the school and additional gender neutral washroom provisions. The school will also have specific washrooms for students with physical needs around the school, given that they are the designated school for physical needs in the Island.'

Senator T.A. Vallois:

I thank the Constable for her question and I am happy to have discussions around the primary school, those pieces, if she wishes, at any other time. But with regards to the 3 Rs and entering into the secondary schools, there is a huge piece of work that goes on with Every Child Our Future, so targeted at children who have particular literacy concerns within primary schools and there is a great deal of volunteers and a great charity that supports education in doing that. Also, it is recognised that - and I think it goes back to the question from Deputy Ward, as well - there is a question of what we are teaching and how we are teaching it and how that works in terms of the curriculum. There is identified intensive support needed particularly for disadvantaged, or low income background, which is the reason why we have Jersey Premium in which we provide schools with a budget to assist those children to provide them with further extracurricular, or intensive, support to assist in their learning.

6.6 Deputy M. Tadier:

I thought the 3 Rs was a school set up by 3 pirates to teach about piracy, but maybe I am wrong. Would the Minister talk about what she thinks of the headline that came out of the Institute of Directors, which said that business leaders think that media, music and business studies should be dropped as subjects in school, in favour of new subjects?

Senator T.A. Vallois:

Well, as somebody who was at that particular debate, it was a survey question that came through. I do not agree with that. I think there are many important areas within music and art that assists in the learning of all types of things. It is the same argument with regards to S.T.E.M. (science, technology, engineering and maths) subjects, as well. There are certain ways of learning that will enhance other subjects and music and art has been identified as a particularly good way for children, who do not learn in the normal set way that is put to and expected of children. It is a way for them to learn for their own needs and their own capability.

6.6.1 Deputy M. Tadier:

May I have a supplementary? I thank the Minister for that answer, which I think was supportive. While it is curious to me that an Institute of Directors should suggest that students give up business studies and it would be a bit like the Institute of Music suggesting people give up studying music, does she agree that some of the skills that they also analyse that were lacking, such as soft skills, problem solving, innovation, resilience, analytical thinking and creative thinking, are certainly enhanced by studying the arts and music and, no doubt, also media and business studies and that if we want to enhance those skills, which they think are lacking, then we need to also be supporting arts and music provision in schools and lifelong learning in those areas, too?

Senator T.A. Vallois:

I would agree with that statement. I particularly believe, especially with regards to music, there is a discipline that is required in that which will require you to have some form of soft skills that you would see across all different types of workplaces. I get the humour, in terms of the business studies and the I.o.D.'s response to that, but there is a question whether - and I think it is appropriate for us to constantly question - certain topics that we are providing are being provided in the right way and whether there are different ways of doing things. The International Baccalaureate that is done through Hautlieu, for example, is a fantastic example of something slightly alternative to just going through an A-level.

6.7 Deputy K.G. Pamplin:

Deputy Tadier asked my question and I am glad for the Minister's clarification, because it was a little bit concerning, but thank you for the clarification. So, I will ask: what are the Minister's thoughts

on establishing a Jersey university that also came out of this I.o.D. debate. I am just curious to hear her remarks.

Senator T.A. Vallois:

It was a question that was put down at the I.o.D. debate. My own view of a university in Jersey is that it is not viable to have a university. However, what we can do is provide a further education campus that is innovative, that is forward thinking, that works with industry, that works with the public sector as well, that provides a multitude of alternatives. But also what we need to be doing, as an education system in recognising our post-16 work, is better links with the universities in the U.K., for example, to provide the appropriate lectures and having the appropriate degrees in place that are necessary. But you do not just need degrees, there are a variety of different courses that we could be offering and we should be offering.

6.7.1 Deputy K.G. Pamplin:

A supplementary, please, if that is OK. Where does that lie with Highlands College, who have put a recent application for further funding to increase and cultivate and move the college forward?

Senator T.A. Vallois:

Highlands College now has new leadership, due to the retirement of the Principal earlier this year. There is a piece of work that is happening with the group director of skills - and I am not going to say the full title, because it is ridiculous - in terms of the work that is being carried out around that in terms of the post-16 strategy and working with the Education and Home Affairs Scrutiny Panel report, which has been extremely helpful in identifying ways that we can look outside the box. The money needed, in terms of Highlands at the present time, is to keep things going as they currently stand. So, there is a bigger discussion that needs to be had, which will carry on in terms of how we then implement that when the next Government Plan comes through, so the next iteration next year.

6.8 Deputy G.J. Truscott:

It would be remiss of me not to ask for a progress report on Les Quennevais School. Is it still going to be delivered on time? Is it within budget? Has the Minister walked around the facility and is she impressed with the facility?

Senator T.A. Vallois:

Yes, I think it is safe to say that Les Quennevais School is one of our success projects and we should all be extremely proud of how this project has been carried out. **[Approbation]** I would like to thank everybody involved, the staff at the school and particularly the construction company, for working so diligently and well but, even more importantly, they have been working with students and they have been working with teachers in order to design and fit out the school. I have been around there. It was a little while ago, so not as advanced as where it is now, but they are doing a fantastic piece of work. It is all on track. As far as I am aware, there have been no issues and it is due to complete as described on 31st July.

6.9 Deputy G.P. Southern:

The Minister has already mentioned the effect of the T.O.M. on the library service. Can she give Members an assessment of the overall education budget and the impact of the target operating model on staff numbers and particularly in the use of assistants in classrooms?

Senator T.A. Vallois:

In terms of the target operating model within Education, the overall budget with Education is that, at this point in time, we are overspending this year, because of the needs and the requirements that are needed in school. In terms of the target operating model, I think it is causing a great deal of concern,

uncertainty and a huge amount of problems in not just how the model is proposed to be changed, but I have also made my views clear, particularly around the efficiency discussions.

[12:30]

At this present time I have dissented, because the model that is being put in place in terms of S.E.B. and the unions discussing efficiencies as well, I do not have any concrete clarification, or feel that I can be assured that there will not be any duplication. So, at this point in time, I am unable to support the central efficiencies, because we are in a current state of flux in terms of our budget at Education and also we are carrying out a school funding review.

The Bailiff:

That brings question time to an end. There is nothing under J or K. We come to Public Business.

PUBLIC BUSINESS

7. States of Jersey employees: Breastfeeding policy (P.79/2019)

The Bailiff:

The first item is States of Jersey employees: Breastfeeding policy, P.79/2019. I ask the Greffier to read the Proposition.

Deputy J.H. Young:

Would this be the right time in order for arranging our business, probably for this afternoon, for me to propose that an item on the Order Paper, P.107/2019, I am going to ask the Assembly first of all under Standing Order 32 and also Standing Order 26 to allow this item to be discussed today. Because, not only has it been only lodged on Friday, but this item would also not meet the minimum lodging period, so there would need to be 2 Propositions. I am asking the Assembly. This is the legislation for monitoring of residues in farm animals and animal products under the Brexit rules. We are in a situation that this has been identified late and unfortunately I think we do need to take that this afternoon. Can I propose for those 2 that we discuss them at the end of the Public Business this afternoon?

The Bailiff:

Does any Member ... it is seconded, I can see. **[Seconded]** Does any Member wish to speak on that, or is there any objection to that? No, it appears Members agree you should do both Propositions later on this afternoon.

Deputy J.H. Young:

Thank you, Sir.

The Bailiff:

So, we have not read the Proposition yet, P.79/2019, Greffier, please.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the States Employment Board to ensure that, with immediate effect, paid breastfeeding breaks are accessible by States employees within the 52-week period following their child's birth, in line with the proposed legislative changes related to breastfeeding outlined within P.17/2019.

7.1 Deputy L.M.C. Doublet:

As I stated at the end of the previous sitting, S.E.B. did immediately change the policy in response to my Proposition being lodged and I thank them for that. I was waiting for a small further action

before I withdrew the Proposition, as I became aware that some employees across the organisation felt that they could not ask for these rights, or did not want to ask for these rights even though the policy had changed. In my opinion, managers should be approaching employees and making it clear that they are entitled to these rights and outlining how that will be facilitated within the organisation. This is in line with government policy to raise breastfeeding rates through the U.N.I.C.E.F. (United Nations Children's Fund) baby friendly initiative. S.E.B. has now communicated the policy change to managers to highlight the change and I feel that the issue has been sufficiently highlighted. I thank the Vice-Chairman of S.E.B. for his support and action on this issue and I would like to withdraw the Proposition.

The Bailiff:

Very well, the Proposition is withdrawn. Thank you.

8. Draft Charities (Transitional Provisions) (Amendment) (Jersey) Regulations 201-(P.80/2019)

The Bailiff:

We come to P.80/2019, the Draft Charities (Transitional Provisions) (Amendment) (Jersey) Regulations, lodged by the Minister for External Relations. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Charities (Transitional Provisions) (Amendment) (Jersey) Regulations 201-. The States make these Regulations under Article 40 of the Charities (Jersey) Law 2014.

The Bailiff:

Minister, do you wish to propose the principles?

8.1 Senator I.J. Gorst (The Minister for External Relations):

Thank you, yes, if I may in principle. This is a straightforward amendment to the law, which simply extends the transitional arrangements for those charities that were previously receiving tax relief, whose applications have not yet been completed. Therefore, I have pleasure in proposing the principles. Members hopefully will have seen an email that I circulated to them, which was a detailed and lengthy explanation of why this was necessary from the Independent Charities Commissioner.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on the principles? Those Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Morel is not here. Economic and International Affairs Scrutiny Panel Vice-Chairman? No. Does any Panel member [**Laughter**] wish to suggest that this should be scrutinised? You do not, all right. OK, thank you. Do you propose the Regulations *en bloc*?

8.2 Senator I.J. Gorst:

I do in Second Reading and I am grateful that the Scrutiny Panel did call in the Charity Commissioner and discuss this matter with him, so I think they have completed their role. As I said, it is a straightforward transitional provision and I maintain it in Second Reading.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

Senator I.J. Gorst:

If I may, thank you.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

9. Draft Health Care (Registration) (No. 5) (Jersey) Regulations 201- (P.83/2019)

The Bailiff:

We come to the Draft Health Care (Registration) (No. 5) (Jersey) Regulations, P.83/2019, lodged by the Chief Minister and I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Health Care (Registration) (No. 5) (Jersey) Regulations 201-. The States make these Regulations under Article 17 of the Health Care (Registration) (Jersey) Law 1995.

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

The Minister for Health and Social Services, the Deputy of St. Ouen, is taking this.

9.1 The Deputy of St. Ouen (The Minister for Health and Social Services - *rapporteur*):

The Health Care (Registration) (Jersey) Law 1995 lists the health care professionals, who are required to register with the Jersey Care Commission in order to practise in Jersey. Registration allows the registered professional to prescribe, or administer, prescription-only medicines. Doctors, dentists and vets were subject to registration and authorised to prescribe from the outset of the law and other professions have been added subsequently, most recently nurse prescribing practitioners, midwife prescribing practitioners and specialist community public health nurse prescribing practitioners. The purpose of these Regulations is to create new categories of professionals who, once registered, will be lawfully able to prescribe, or administer, prescription-only medicines. They are 6 in number, an optometrist independent prescriber, a paramedic independent prescriber, pharmacist independent prescriber, physiotherapist independent prescriber, podiatrist independent prescriber and, finally, a therapeutic radiographer independent prescriber. In addition, the Regulations will replace 3 separate categories of nurse prescriber with a single registrable profession, that of nurse independent prescriber, in order to simplify terminology and reflect that used in U.K. legislation. Non-medical prescribing is well established in the U.K. and increasingly so in Jersey. Nurse prescribing has been in place in Jersey since 2012 and certain other professionals, those included in these Regulations, have been able to independently prescribe medicines in the U.K. since 2006. As Jersey law uses U.K. professional bodies to regulate its health care professionals and as we recruit most health care professionals from the U.K., it makes sense to extend non-medical prescribing to Jersey and to mirror the U.K.'s Regulations in this regard. All independently prescribing professionals will first have to be registered with their relevant U.K. authority and must have successfully completed an approved nationally accredited education programme, demonstrating their competence to prescribe prescription-only medicines. Thereafter, they are monitored and reviewed annually to ensure that competency and standards are maintained. There is now a sustainable body of evidence which demonstrates that non-medical prescribers provide not only safe care, but highly cost-effective and quality outcomes. Most specialist practitioners we are seeking to recruit here in Jersey, view non-medical prescribing as an important and rewarding part of their role, so these Regulations would assist us to attract and to retain those practitioners. I have pleasure in proposing the principles and trust Members will be able to support them.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

9.1.1 Deputy R.J. Ward:

Just a very quick question that can be answered briefly. Can the Minister for Health and Social Services just reassure that he is confident that all of the checks and balances are in place to ensure that the extension of prescribing powers is safe for Islanders?

9.1.2 Deputy D. Johnson of St. Mary:

I too am pleased to support the Proposition, but I have one question as to the administration. At the present time, hospital consultants, among others, have similar authority. At the present time, their prescriptions are only capable of being dispensed by the pharmacy in the States Hospital. Consultants have mentioned this does cause practical disadvantages to their clients on the one hand. Pharmacies on the High Street have more extensive opening hours and, secondly, it does mean that some patients have to come specifically into hospital to get their prescription. The question I therefore ask of the Minister is: is he able to advise whether these new categories will similarly be restricted? If not, could he see his way to extending their authority to other pharmacies and could he, in any event, perhaps also look at the present situation regarding hospital consultants, so that they too can upgrade their authority?

The Bailiff:

Does any other Member wish to speak? If not, I call on the Minister to reply.

9.1.3 The Deputy of St. Ouen:

In answer to Deputy Ward, I can say I am entirely confident that there is a robust system of checks and balances in place to make sure that these persons are competent practitioners. There are very stringent rules applied by their professional bodies. They are required to belong to their professional bodies and then, in addition, we have the Jersey element of regulation and registration. There are the annual checks that I referred to, whereby their professional bodies monitor their competency and the standards they are adopting. This applies across the clinical world. The professional bodies maintain very strict professional standards. In answer to the Deputy of St. Mary, I do not know the answer to their various powers to prescribe within the hospital, or within community pharmacies, but if I may say that I will follow up on his question and respond to the Deputy as soon as I am able.

The Bailiff:

Thank you. All Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Le Hegarat, does your Panel wish to scrutinise these?

Deputy M.R. Le Hegarat of St. Helier (Chair, Health and Social Services Scrutiny Panel):

No, Sir.

The Bailiff:

Do you propose the Regulations *en bloc*?

9.2 The Deputy of St. Ouen:

Yes, I do.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on the Regulations? Those in favour of adopting them kindly show. Oh, sorry, Deputy Pamplin, did you want to speak?

9.2.1 Deputy K.G. Pamplin:

Yes. I just wanted to raise a point that with pharmacies coming under the law to prescribe medical prescriptions, will the Minister look at the review of how accessible pharmacists are available across the Island and their opening hours, especially in the evening in a medical situation where a pharmacist could prescribe a medical prescription, if they are all closed at a certain point in the evening if that could be reviewed under the changes to the law?

9.2.2 The Deputy of St. Ouen:

I am not sure if it affects the precise Regulations, but my understanding is that there is a pharmacy open out of hours at all times. This is something that would fit into our review of the Jersey care model. We want to make far better use of pharmacists. They have very valuable skills that perhaps we, as the general public, do not use enough in accessing all the guidance they can give us. So, we will develop that.

The Bailiff:

Those Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading, Minister?

The Deputy of St. Ouen:

I do, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading?

Deputy M. Tadier:

Can we have the *appel*, please?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the Draft Health Care (Registration) (No. 5) Regulations in Third Reading. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

10. Draft Electronic Communications (Amendment of Law) (Jersey) Regulations 201- (P.86/2019)

Senator I.J. Gorst:

I wonder if I could test the mood of the Assembly. I think we have 2 minutes. Senator Farnham is taking the next item, P.86/2019. He has just assured me his opening remarks will take less than a minute. I wonder if we could ...

The Bailiff:

Do Members agree to take P.86/2019? You seem to be on a roll. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Electronic Communications (Amendment of Law) (Jersey) Regulations 201-. The States make these Regulations under Article 2 of the Electronic Communications (Jersey) Law 2000.

[12:45]

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

The proposed Regulations are short. The heart of these changes is about ensuring clarity and removing any uncertainty in the law. They will facilitate the use of electronic signatures in Jersey law and remove potential barriers to doing business electronically. This will also help to strengthen Jersey's competitiveness as a jurisdiction. Since the Electronic Communications (Jersey) Law 2000 came into force, the digital world has transformed. Our existing law predates, by some time, significant developments in that area, including the creation of Facebook, Twitter and the introduction of the iPhone and such advances in technology and, of course, there is bitcoin as well. The Electronic Communications (Jersey) Law 2000, as it stands, was, in fact, designed to facilitate electronic signatures and digital business and it is the purpose of these short amendments to the Regulations to remove any ambiguity in the understanding of that.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

10.1.1 Deputy K.F. Morel:

I was just wondering if the Minister could confirm that these Regulations, while removing the ambiguity, which is quite correct, compel businesses essentially to accept electronic signatures; if you are presented with an electronic signature you have to accept that. Also, could he confirm what the situation will be with regard to the States of Jersey accepting electronic signatures as a result of this legislation?

The Bailiff:

Does any other Member wish to speak? I ask the Minister to reply.

10.1.2 Senator L.J. Farnham:

There is no Regulation to compel a business to accept electronic signatures, so they can, of course, continue with wet signatures, if they wish. The majority of business now in certain sectors is conducted electronically and this will just ease the flow of that business.

The Bailiff:

Those Members in favour of adopting the ... sorry, Deputy.

Deputy K.F. Morel:

Sorry, Sir, I also asked what the situation was with regard to the States of Jersey.

The Bailiff:

You did.

Senator L.J. Farnham:

There is no real difference and the Regulations will apply in the same way.

The Bailiff:

I am sorry, I did not hear that. I do not know if other Members did.

Senator L.J. Farnham:

Sorry, Sir. These Regulations will apply in the same way to the States of Jersey.

The Bailiff:

They apply in the same way to the States. Very well, those Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Morel, do you want to scrutinise this Regulation? **[Laughter]**

Deputy K.F. Morel (Chairman, Economic and International Affairs Scrutiny Panel):

Following those answers, I feel I should ask for Scrutiny, because, as I understood it, these Regulations do not pertain to the States of Jersey in the same way. Maybe I misunderstood that, but I understood that the States of Jersey will be operating separately outside of these, but no, we are not scrutinising any further.

The Bailiff:

You do not wish to scrutinise them, all right. Do you propose the Regulations *en bloc*, Minister?

Senator L.J. Farnham:

Yes, I do.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak on the Regulations? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading, Minister?

Senator L.J. Farnham:

I do.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting them ...

Deputy M. Tadier:

Can we have the *appel*?

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Electronic Communications (Amendment of Law) (Jersey) Regulations in Third Reading and I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The States will now stand adjourned until 2.15 p.m. this afternoon.

[12:49]

LUNCHEON ADJOURNMENT

[14:18]

The Bailiff:

We return to the Order Paper, the Government Plan. P.90/2019.

Deputy J.H. Young:

I am sorry to intervene. I wonder if I can ask the Assembly, please, and I apologise for this again, a special request to take as the first item in the Assembly this piece of very urgent legislation, Draft E.U. (European Union) (Monitoring of Residues in Animals), which I am told is so urgent that it should be taken this afternoon as the first item. That is P.107/2019. I apologise for this, but that is the information I have given by the Law Officers and the Greffe that that is necessary.

The Bailiff:

Can you share why it is quite so urgent? It is one thing to say it is urgent, but Members would like to know why it is.

Deputy J.H. Young:

Yes, OK. Apparently, if the Assembly approves this legislation, the documents need to be with the U.K. authorities which are considering our third country application this afternoon. Obviously, it is a question of timing, because Orders have to be signed, documentation has to be finalised and that is why I am asked if it is possible at the earliest this afternoon. We really are up against it. This whole issue, which I will explain if the Members agree with me, we are constantly going through our laws and trying to find ways of keeping our current agricultural exports to the E.U. compliant and this snag is holding up our current application.

The Bailiff:

Would Members agree to take this straight away?

Deputy M. Tadier:

I think we need to go through due process. The first thing that the Minister needs to ask for is in accordance with Standing Order 32. That is that this be taken at this Assembly at all.

The Bailiff:

We did that this morning, Deputy.

Deputy M. Tadier:

Have we done that, Sir?

The Bailiff:

We have done all that.

Deputy M. Tadier:

Apologies if I missed that. The Minister has not made the case, in my opinion, as to why it should be moved up the Order Paper. I am not saying that it should. It might be a pragmatic thing to do. We need to ask the mover of the next Proposition out of courtesy whether he is happy with that. He may well be, but as a general rule I have never heard the argument that something is so urgent that a delay of one hour ... because we are going to get through all the business today. So, I do not think the Minister has made the case for moving it to first item in the afternoon. If it is that urgent, he might have told us this morning. Am I wrong? If Members think I am wrong ...

The Bailiff:

Deputy, there does not seem to be much support for you, so I think we will take this item next on the agenda, the Draft ...

Deputy M. Tadier:

Can we have the *appel*, please?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on whether to take P.107/2019 immediately and I ask the Greffier to open the voting.

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator J.A.N. Le Fondré		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy R.J. Ward (H)		
Senator K.L. Moore				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				

The Bailiff:

I can announce that we are to take it immediately:

11. Draft E.U. Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 201- (P.107/2019)

The Bailiff:

We then come to the Draft E.U. Legislation (Monitoring of Residues in Animals) (Jersey) Regulations, P.107/2019, lodged by the Minister for the Environment. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft E.U. Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 201-. The States make these Regulations under Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014.

The Bailiff:

Minister, do you wish to propose the principles?

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

I am grateful to the Assembly for making those waiver decisions and Standing Order decisions. Trust me, I would not have done what I asked of the Assembly unless I was satisfied this was essential. Of course, those Members that are involved with the Brexit group know just how difficult the task of preparing Jersey for the U.K. deadline of 31st October has been, particularly where our officers are having to deal through the U.K. authorities in order to ensure our case for third country status to allow our agriculture and our aquaculture products to still go legally into the E.U. Unfortunately, the situation has been we have met snags on the way and this issue has only surfaced in a matter of days. I learnt about it first last week, I think mid-week, on Wednesday and the legislation draft was ready for Friday and the Scrutiny Panel received it on that day. Obviously, Members saw the email. If you approve these Regulations, the documents will be considered at a meeting of what is called the S.C.O.P.A.F.F., same committee that I spoke of the last time I had to do this, the Standing Committee on Plant, Animals, Food and Feed, which is the E.U. system. This particular piece of legislation I really do hope is the last and I think it probably is the last, because we have run out of time before we get to the October deadline after today. This is regarding residues in animals, which are farm animals and animal products, which is about testing for residues of medications and such things which are used in the industry to ensure that those residues are compliant with the E.U. rules. Of course, we already do that residue monitoring. We have been doing that for many years in veterinary medicines and other substances but, of course, unfortunately again there are gaps that have been identified. Our Food Safety (Jersey) Law, which is 1966, does not provide sufficient detail, it says - that is the polite word for it - to demonstrate our current dynamic alignment to E.U. residue provisions. We have new legislation there, which is out to consultation in draft and that will give Jersey a robust solution to these. That is a new law and it is obviously going to take a lot longer to

do. Therefore, we cannot afford to await that situation. We have to put the situation right for the interim, which is these Regulations. I think that is the polite speech I have been given. I think the reality of it is that as we move closer to Brexit and we look at facing the reality of no deal, we find gaps in the way perhaps Jersey has done things over the years. Those gaps we need to fill. Of course, the key is in the report, which says - I think this is about the only political issue for me that arises - this is likely to have implications whereby the testing regime that we will have to introduce will be potentially significant and that the costs estimated of complying with that testing regime is round about £100,000 a year and probably will involve an additional half a member of staff to do that. Of course, all that is looking ahead, because the Regulations require the production of arrangements for monitoring and so on and those have been discussed between the veterinary officers in Jersey and in the U.K. As I understand it, there is agreement and harmony that this document here will fit the bill and allow our agricultural industry to function. So, with that, I move the principles and I will then obviously respond to any issues there. This is about making sure our local businesses ... and perhaps one other comment. We are significant shippers into the E.U. and, of course, I understand from a meeting yesterday that it is quite clear that exports elsewhere of our products do rely on us maintaining that E.U. certification. So, it is not just the E.U., it is the agreements that other countries have with the E.U. about the food standards of that product. Incidentally, when I asked the question yesterday do people want to see a diminution of food safety standards, there was a total majority in the room: absolutely not. I put the Proposition.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

11.1.1 Connétable C.H. Taylor of St. John:

The one matter that concerns me is will this involve additional testing and will farmers need to have all their animals tested in some short scale? I am well aware of what has happened in the past. There was a time, some 8 to 10 years ago, when the E.U. had the audacity to call Jersey not disease-free. It was a bit like a really dirty pot calling starched white linen dirty. We are disease free on this Island and we are more disease free than any other area in the world. It was purely a tick box exercise where a box had not been ticked. I want to be sure this will not cost farmers and the industry a large sum of money to suddenly test before some deadline to comply.

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

Could the Minister clarify whether this is focused principally on the oyster export industry rather than anything else? Secondly, what has stimulated it? Has it been bilateral discussions with Normandy held recently, or has it come through London?

[14:30]

11.1.3 The Deputy of St. Martin:

I just stand to offer my full support to the Minister. I know how challenging this has been for him and his department and the whole Brexit team. This has come on us very much at the last minute. We cannot possibly risk the chance that our agriculture and fisheries products cannot continue to be exported into the E.U. It is some work we will have to do and there will be a cost with it. We know that will not be inconsiderable. I am sure the Minister will allude to that, but it is a cost that we must bear if we are to continue to maintain our dairy industry in particular.

11.1.4 Deputy G.C. Guida of St. Lawrence:

I would like to also speak first about the delay the U.K. is expecting this afternoon to be sent to the E.U. with their own publication, so we are referring them and we are really talking about hours, so it is quite important. The other thing is that it is not only about sending products to the E.U., because the U.K. is making an application for all of their products. They are saying we will be compliant on

everything, so we can have free trade regulation-wise, we are talking about tariffs but regulation-wise, with the E.U. If we send products to the U.K., that are not compatible with the new Regulations, the U.K. cannot affect them because once there they will be in free circulation and they could go to the E.U. It is not just for the E.U. and to answer the Deputy's question, it is definitely a box-ticking exercise but unfortunately it is one we absolutely have to do. We have simply no choice.

11.1.5 Deputy M. Tadier:

I make no apologies for questioning the process by which something is asked to be brought forward by a matter of minutes, or hours, given the fact that we could have taken this at 4.00 p.m. I have heard the comments from the Assistant Minister who said hours are really important. I think he said that the U.K. is expecting us and have asked us to turn this around today, so they can process it. It is lucky we are sitting today, is it not? Imagine if we have did not have a sitting and the U.K. say: "We need this on our desk" by presumably not 5.30 p.m., but they need it by 3.00 p.m., so there is presumably some kind of *diktat* from the U.K. telling us how we should do our business in Jersey, which is fine. I am not saying that in general terms we know that we live in unusual times at the moment with the requirements that Brexit is putting on our Island and other similar jurisdictions. But I find it very bizarre that we are asked to make what would have been, no doubt, a completely uncontroversial decision today, but as the purpose of this part of the debate is to say why we might vote for, or against, this Proposition, I have to say I may well consider voting against this Proposition because process is important and I do not see why it could not have waited another hour, or so, until we are ready to do this in the due course of our Assembly. I have still not received an answer from the Minister, so perhaps he can address that when he sums up as to why this could not have waited an hour or 2 more and if it was so important, because it was lodged on 4th October, albeit a few days ago, he could have told us earlier that he wanted to take this as the first item of business straight after question time. Presumably, if it is that urgent he would not wait until the afternoon session. He would have done it this morning at 12.45 p.m. as the first item of business. All those points need answering. The fact that we may not have been sitting today, how would this have been dealt with? Would it have been done by Ministerial Decision? There must be provisions for Ministers to make decisions themselves, without coming to the Assembly, if something is such an urgent matter that it effectively needs to be rubber-stamped. All these questions need to be answered. I will not have a gun held to my head to be used as a rubber-stamping mechanism in this Assembly for that purpose, even if it is just seen as a protest vote, but something that is otherwise good or necessary legislation. The Minister also said that he talked to a group and said the group was asked the question: "Do you want to see a diminution in your food safety standards?" Surprisingly, the answer came back as: "No" because we would have expected them all to say: "Yes, we want to see our food safety standards go down." I say that with more than a touch of irony, of course. Would the Minister give further information about the nature of that group and exactly what that meant and how it fares in particular on this he is moving today?

11.1.6 Deputy R.E. Huelin of St. Peter:

I do not want to waste unnecessary time getting this off to London, but would the Minister give us a little bit of a breakdown about how less than half a full-time employee equates to £100,000 a year cost for testing. That seems to me a £200,000 a year job, which I would quite like to apply for.

11.1.7 Deputy G.J. Truscott:

I will be brief, because time is of the essence. I am fully supportive of this. I am just curious; is there a mechanism to recover the £100,000 at some point through a charging mechanism? Also, if we were to miss the flight, for whatever reason, is it a scheduled flight, or is there a private jet waiting? I would like to know. What are the consequences should we miss the flight?

The Bailiff:

Does any other Member wish to speak? If not, I call on the Minister to reply.

11.1.8 Deputy J.H. Young:

I would like to start with Deputy Tadier, if I may. I think the Deputy is absolutely right to be concerned about process and I can give him his answer. I was asked on Wednesday to do exactly what I have done today and say: "It is going to go first item on the agenda." I said: "No, I am not satisfied." I was also asked that yesterday. I said: "No, I am not satisfied." As far as I am concerned, Standing Order decisions would put it on the end of the agenda. But, over lunchtime, I had continued contacts from lawyers acting that this really does have to be with the U.K. and hopefully Members will know that I do not think I am the sort of person to stand up and ask States Members. It could be seen as taking liberties with the Assembly and it is only because I think I have no alternative to do that. Deputy, if you want to make a view on a point of principle then go ahead and do so, but I hope you might consider the wider thing. He asks: "Have the U.K. set us unreasonable deadlines?" I am told the normal process for a third country application to this S.C.O.P.A.F.F Committee, because they do not meet that often, is 18 months to 2 years. The U.K. has said to Jersey and the Crown Dependencies: "If you can cope with this difficult timetable of a meeting of this Committee before Brexit we can deal with your application." But it was important that there has been a process of review of our laws right across the piece to ensure that the case could go forward soundly and be confident, because if we are going to knock back then our industry in the event of a no-deal Brexit may well not be able to continue to make those exports. I hope Members will see it is a *force majeure* situation. I am told this is the last and I have to believe, I am not a legal expert, that is the case. Also I was asked about the documentation of food safety standards by Deputy Tadier. The point I was alluding to there is moving on to what happens after Brexit, because in Brexit we have 2 situations. We can either have a no deal and this legislation makes sure we can still carry on, or we have a deal. If we have a deal then, of course, none of us know, in the current situation, what that deal is, but it is hoped that the former Prime Minister's deal included a transitional period and therefore you would have had more time. There is still, even after Brexit, a job to be done about our terms of trade internationally with other countries and now we hear there will be choices ahead about whether we maintain compliance of our standards in the post-Brexit world, in international trade. In any event, we cannot even get in the door in E.U. trade, unless we have that compliance. The Constable of St. Brelade asks: "Is it just agriculture?" No, it is not. It is all food, animals, farm animals, farm-related products, animal products and so on. The question of the cost; I have asked that and the wording in the Proposition perhaps should have been worded a bit differently. £100,000 is not what we are paying for half a full-time employee. £100,000 is the cost to laboratories we would have to pay to do that work. The 0.5 employee is the cost of collecting the samples, maintaining the records and sending it off and that cost would be absorbed within the departmental budgets. This is sophisticated testing technology. It is going to have costs. I think the issue of who pays is a fair one. I will defer to the Minister for Economic Development, Tourism, Sport and Culture about that because decisions need to be taken. We heard Senator Gorst talk about how once we know what Brexit is there may be some help, transition arrangements to try to help industries, but that cost is insignificant compared with the cost of losing the industry and the damage if this is not approved. With that, I put the proposition of the principles.

The Bailiff:

Would those Members in favour of adopting the principles kindly show?

Deputy M. Tadier:

Can we have the *appel*, please?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats on whether to adopt the principles of the Draft E.U. Legislation (Monitoring of Residues in Animals) (Jersey) Regulations and ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The Bailiff:

Do you propose the Regulations *en bloc*, Minister?

Deputy J.H. Young:

Yes, Sir, I propose them *en bloc*.

The Bailiff:

Does any Member wish to speak on the Regulations? I am sorry, Connétable of St. Brelade, I have overlooked you; does your Panel wish to speak to them?

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

No, Sir. We have had presentations in this direction and we are content to support the Proposition.

The Bailiff:

Does any Member wish to speak on the Regulations themselves? Will all Members in favour of adopting the Regulations kindly show? Those against? The Regulations are adopted. Do you propose them in Third Reading?

Deputy J.H. Young:

Yes, Third Reading, please.

The Bailiff:

Seconded? [Seconded]. Does any Member wish to speak on in Third Reading? Those Members in favour of adopting the Regulations in Third Reading kindly show ...

Deputy J.H. Young:

Can I have the *appel*?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats on whether to adopt these Regulations in Third Reading. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy J.H. Young:

I thank the Assembly for their forbearance. Thank you.

The Bailiff:

This morning, Deputy Perchard asked me to review an answer given by the Minister for Education in relation to a question at page 19, written question 410. The question review comes under Standing Order 12, paragraph (2A) and 12(4). (2A) says: “A Member who gives a written answer to a question must give an answer that is directly relevant to the question asked.” Under paragraph 4: “Where the questioner is of the opinion the answer contravenes paragraph (2A) and wishes the Bailiff to give his or her opinion on the matter she must before 12.45 on the day on which the answer is tabled refer the answer to the Bailiff for his opinion on whether it contravenes (2A).” That is what Deputy Perchard has done. This question is about the process by which Caring Cooks were chosen to provide school meals. It seems to me that the answer that is indirectly around the subject does not directly answer the process at all. It does not address it and therefore I think it contravenes Standing Order 12, (2A). In those circumstances under the Standing Orders the rule would be for the Minister to make sure the written answer is provided in this case by 9.30 a.m. on Thursday because under Standing Order 12, (4)(b) I have until 9.30 a.m. tomorrow to make my mind up. I have made it up already, but under 12, (4)(c) the time for submitting the revised answer that does accord with the Standing Order is 9.30 a.m. the day after the day on which I was supposed to reach a decision. By 9.30 a.m. on Thursday, Minister, would you please submit a written answer that is directly relevant to the question?

Senator T.A. Vallois:

I am more than happy to do so, Sir.

12. Government Plan: publication of the efficiencies (P.90/2019)

The Bailiff:

Thank you. We return to the Order Paper and we now come to the Government Plan: publication of the efficiencies, P.90, lodged by Deputy Morel. I ask the Greffier to read the proposition.

[14:45]

The Greffier of the States:

The States are asked to decide whether they are of opinion that final plans for the allocation of efficiencies to departments in 2020 should be published at least 4 weeks before the start of the debate on ‘Government Plan 2020–2023’ (P.71/2019) and to request the Council of Ministers to take the necessary steps to ensure the plans are so published.

12.1 Deputy K.F. Morel:

I believe the Proposition before you is extremely straightforward, so I will not waste time going into it. The report makes the case very clearly about the importance of the efficiencies to the Government Plan. The Government Plan itself tells us that in order to achieve the plan, without a significant increase in taxes, the Government must transform the way it delivers public services to do more with less. The Government has therefore established an efficiencies programme to deliver efficiencies worth £100 million over the period of the Government Plan. This Proposition came from concern that these efficiencies would not be published in sufficient time for Scrutiny to go through them. The 4 weeks the Proposition asked for is, in my view, generous in terms of the Government, because it should be 6 weeks, or had we had time, even 8 weeks to properly scrutinise the efficiencies that we assume have been worked on for at least 18 months. We have to ask why they are being published at the last minute. As far as we understand, the Council of Ministers will be presented with them in a week or so, a week tomorrow for them to discuss them and then publication on 21st October. It all seems very last minute and it is very concerning that is the case. This Proposition is designed entirely to make sure that timetable does not slip further. We need to have at least 4 weeks, that will be 28th October, to have them published not just for Scrutiny but for the Island, so that Islanders can see what these efficiencies mean. Do they, for instance, mean services being cut? We do not know, but it is possible. I hope the Assembly will support this, because it is a backstop position. It is saying the Government cannot continue to slide on the publication of these efficiencies that they are meant to have been working on for at least 18 months. I will finish by reminding you about how important it is that the Government Plan in future years comes with sufficient detail, so Scrutiny can do its work and the Fiscal Policy Panel that presented to us just yesterday has put it perfectly. It says: “In future years, each draft Government Plan should include more detail on the efficiencies to be achieved.” I hope the Government takes that to heart, because despite what Ministers have been saying there has not been sufficient detail in this Government Plan when it was published. We had not had efficiencies. We have seen some of them now. Initially, there was £19.7 million of efficiencies. A further £13 million has been brought through and Scrutiny has had some sight of that, but there is still another £7 million to come through. I believe the public need to know. It is not just about Scrutiny knowing, but it is also about the public knowing. I hope you can all support this in the interests of democracy, in the interests of transparency and in the interests of the public having knowledge of what the Government is trying to do.

The Bailiff:

Is the proposition seconded? [**Seconded**]. Does any Member wish to speak?

12.1.1 Senator J.A.N. Le Fondré:

I will briefly rise to support Deputy Morel’s Proposition. I think that has been made clear in comments I have made earlier, because I absolutely agree that 4 weeks should be a minimum period for that type of information. We have, as the Deputy has alluded to, provided Scrutiny with as much information as we have so far and, as he says, we are up to just under £33 million and we expect the last £7 million to come to the Council of Ministers. At that point it will be put into a fully coherent document and then publicised. It is certainly the undertaking and I have said it publicly as well, but I will reiterate it, that for the next Government Plan the intention is to get ahead of the curve and all that information will be put into the plan. We are aiming for about April/May for it to be together, so then, in terms of the efficiencies, it can therefore be incorporated into the next plan. This year is a learning process. There is a lot of information coming down together and I think part of that process

has caused some delays as well as all the other changes going on in the organisation. To reiterate, the process is a new one, new account expenses, new government structure, so as with any new process, there are things we know that have to be learnt and there are things that have to be improved on. We are very open to that, but we are trying to get as much information out to Scrutiny in a coherent form as we can. I reiterate the fact and I think it is worth saying, that I am proud of the Government Plan. It is the first time it has detailed information on revenue and expenditure in one document and that, in my 14 years, is the first time that has happened. It is new and obviously we are covering a lot of stuff. We are covering mental health, we are covering Fort Regent, we are coming all digital and that sort of stuff. I was very clear we have made commitments. We absolutely accept that a minimum period on this should be 4 weeks and that is why we are supporting the Proposition.

12.1.2 Deputy M. Tadier:

I am supporting this Proposition, but I want to put something on record. I think it is absolutely right that, as Deputy Morel has said, until we know what these “efficiencies” look like we will not know whether they are effectively cuts, or genuine savings through doing things better. I take offence at the term that is being used presumptively and presumptuously that these are necessarily efficiencies, because one person’s efficiencies will be another person’s cuts. We do not know yet and that is the point, what these will look like and I know that certainly this is what the Deputy is looking to get to and it is also what Deputy Southern, in a subsequent amendment Proposition, is also trying to look to. I take offence at propaganda language when it is used, because this is essentially an example of propaganda coming out of Government and it is not happening in my name. I would like to put that on record. They should be called spending reductions, as a neutral term, or even possibly savings. But, of course, they are only savings for Government. They are not savings if they are to be replaced with people paying more taxes, or people paying to visit the hospital at user pays charges, *et cetera*, across the board. Those will not be savings for people, because if they are paying less taxes, but paying the equivalent, or more, in indirect taxes, they are no better off. We need to look at the system as a whole and see what people get. People expect to have a social contract with their Government and that needs to be respected, not just in terms of taxes they are paying, but also in terms of services they are looking at. I am also concerned about the neologisms we are hearing and almost the meaningless speak. One of these that strikes at the very heart of that is the target operating model. What does that even mean? Is it designed deliberately to try to make people switch off? We have a new target operating model and we know we have also been told we are expecting people to do more with less. I do not know what other area of life we expect people to do more with less and that stacks up. Even other Tory Governments around the world, not just in Jersey, know that if you want to spend more and deliver better services, you need to raise more revenue. The Tories in the U.K. know that and that is why they are competing with their Labour fellows, who have a progressive agenda, to look at things like a £10 minimum wage but also improving public services, building hospitals, *et cetera* and they know that will cost more money. They are also looking to raise revenues from those who can afford to pay it. But in the Jersey system they go around like the emperor’s new clothes riding on their horse, but when you scrutinise them they are not wearing any, to put it parliamentary. I think this is exactly what we are looking at, so the emperor’s new clothes can be seen as the efficiency savings that Ministers collectively want to wrap themselves in and do not worry about it, because we have somebody who is a new tailor. This new tailor has come in from a foreign country, a faraway country and he has new technology that we peasants in our Island have never had access to. He has a new loom, but it can only be operated by some special people, who know how to access that loom and know how to fit the golden thread there, which you cannot see, of course. But do not worry about it, because that golden loom does exist. I would use the analogy of doing more for less and take it a little bit home to my constituency that Deputy Truscott would know very well. There is a very successful event called parkrun that exists in that area and Senator Pallett, as a former Constable of St. Brelade, will know it very well. I use this by way of analogy, in case you wonder

where this is going. There is a particular fictitious individual there, who likes to turn up to the parkrun every Saturday. He has a very strange way of running. He tries to improve his time every week, but unlike most athletes, who have a particular training programme that involves making sure they eat enough protein, they sleep correctly and do their exercise during the week, this individual has decided that he wants to eat a little bit less every week, sleep a little bit less, not take in the calories he needs but get an improvement in his time every week. He wants to go down from a 30-minute parkrun and that is already a very good time for your average park runner. He wants to get it down to 25 minutes, but the way he is going to do that is by eating less and sleeping less. We call this individual Charlie Parkrun and it is very strange, because this Charlie Parkrun has found out, after a few years, that he cannot do that time he wants to, because he is already running at maximum efficiency. When he is doing 30 minutes and getting 8 hours sleep a day, 3 square meals a day and his full plate of protein, he can run the parkrun in 30 minutes and on a good day he can probably do it in 29 or 28½. But poor old Charlie Parkrun has found out he is really struggling now, because he is only getting 6 hours sleep. He is not being able to eat as much as he wants to, despite the inherent wisdom he is getting from people around him saying he must do more with less. Poor old Charlie Parkrun, we found by the end of it, is going to end up clapped out and in a hell of a state. He will have to be sent home, while the others, who have a much more efficient and honest training model, realise if you want to get better results you have to look after yourself properly, you have to eat the right amount, sleep the right amount and generally take a holistic approach. I think the concern here is we are going to find out with all these emperor's new clothes we are being given, I hope I am proven wrong and I hope that there are genuine savings that no other Government in the last 10, 15 or 20 years has managed to find. When we are faced with similar problems of an ageing population, when we all know in our heart of hearts that taxes and revenues will need to go up and that for services just to remain at the same level people will need to pay more and it is a question of who needs to pay more for that. At what point do we call out the nonsense that is this efficiency that remains ideologically at the heart of this Government? I hope to be proven wrong, but certainly after 10 years of being in this Assembly, going on 11 and having seen how things operate, I hope I am proven wrong. But I do not hold out much hope for that. Perhaps Charlie Parker will become the new marathon man of Jersey and will get results, despite what the evidence says, but let us wait and see.

The Bailiff:

Deputy, I know that you would want me to ask you to withdraw the expression “hell of a state” and replace it with “in a very bad state”.

Deputy M. Tadier:

Indeed, Sir. Thank you for picking up on that, I had not noticed it.

The Bailiff:

Does any other Member wish to speak? Senator, before you start, can I just say that I was very kind to Deputy Tadier, as always and he was really addressing the question of what efficiencies might be around and what they might look like, but the Proposition is about timetables for publishing what the alleged efficiencies are going to be. It is quite a narrowly framed Proposition.

12.1.3 Senator S.C. Ferguson:

I shall probably be stretching the edges. I just felt that perhaps if we are talking efficiencies, as one of the few people who have worked in a profession where efficiency matters, I would just point out that if you are going to improve efficiency your costs will fall away.

[15:00]

You do not need to spend more money to improve efficiencies. When people review the efficiencies that are going to appear 4 weeks before the debate, they will be able to bear this in mind. Any engineer knows this. The essential feature is that the system is efficient and the outcome is better for

the public. When people are defining efficiency, they ought to define it in terms of outcomes rather than process.

The Bailiff:

Does any other Member wish to speak? I call on Deputy Morel to reply.

12.1.4 Deputy K.F. Morel:

Thank you to everyone who spoke. I do not believe there were any questions to respond to there. It is just, again, to highlight the decision about trying to push the Government’s timetable forward. It is just a backstop position to make sure the Government do not slip in their timetable for publication of these efficiencies. Thank you and I ask for the *appel*.

The Bailiff:

The *appel* is called for and I invite Members to return to their seats. The vote is on the Proposition of Deputy Morel, the Government Plan: publication of efficiencies. I ask the Greffier to open the voting.

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator S.C. Ferguson		
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. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		

Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

13. States' expenditure: classification in accordance with international best practice (P.94/2019) - as amended

Before we come to the next Proposition, Deputy Ward, can you let me know whether, or not, you are minded to accept the Amendment of the Minister for Treasury and Resources?

Deputy R.J. Ward:

Yes, Sir, I am.

The Bailiff:

Do Members object if we were to take the Proposition as amended? All right. Greffier, would you please read the Proposition as amended, the States expenditure classification in accordance with international best practice, P.94?

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources, working with Statistics Jersey, to require all States' expenditure to be classified in accordance with the United Nations Classification of the Functions of Government system, so that the annual accounts of the States of Jersey 2019 and all subsequent government documents presenting financial information (including the Government Plan 2021) classify public spending in accordance with international best practice.

13.1 Deputy R.J. Ward:

You will be pleased to know that I intend to be brief and concise. I have accepted the amendment to the timing of implementation, in order to allow an effective introduction of this classification of spend. This is a long-term tool for Government and I thank the Minister for Treasury and Resources for her support. The Proposition is perhaps not the most exciting, but it is, I believe, important for the transparency of our spending and the subsequent comparison to wider jurisdictions that we need if we are to have a clear picture of our level of public spending. The classification of all States spending need only need be classified at level 1, which is appropriate for Jersey as a jurisdiction. It is the easiest and most widely used type of classification. The first level of classification of functions of government, or C.O.F.O.G., as I will refer to it from now on, splits expenditure data into 10 functional groups, or subsectors, of expenditure: general public service; defence; public order and safety; economic affairs; environment protection; housing and community amenities; health, recreation, culture and religion; education; and social protection. By adopting C.O.F.O.G. as a bolt-on to the current spending records and that is very important, it does not change the way we currently do anything, it is a bolt-on. These statistics become quick to produce directly comparable and add a level of transparency and openness to Government spending that will be useful to States Members in analysis. It will also give a clearer picture to the voting public on the relative expenditure of government departments. It is vital for Jersey to have a benchmark of where it sits in its expenditure compared to other world jurisdictions, particularly as we engage in wider world trade following Brexit, both to gauge a need to public spending and to identify effective spend and the need to maintain Jersey as an attractive jurisdiction in which to live and to do business. By benchmarking public spending with other jurisdictions, it will allow a judgment on the effectiveness and level of spending required. This is because comparisons with higher and lower spending jurisdictions and the outcomes of that spending on their society can be made. This will be important

as the Government looks for efficiencies in the public sector. An additional benefit of adoption of C.O.F.O.G. is the consistency of record of spending at the time when departments are in flux, in terms of the changes of government structure and the development of the government planning systems new to this Assembly. The process of using C.O.F.O.G. does not have to be laborious. It is used by 31 other O.E.C.D. (Organisation for Economic Co-operation and Development) countries and Statistics Jersey strongly advise that we adopt this international framework; indeed they have considerable knowledge and skills in its use. I hope that the Assembly can support this small but significant change to our recording of spends. It will give you more useful and comparative data to your decision making and most importantly add a layer of transparency for the voting public of Government's spending. It is a simple principle: better data, better decisions. I ask you for your vote and I will be happy to answer questions. Thank you.

The Bailiff:

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak?

13.1.1 The Connétable of St. Brelade:

I wonder if the Deputy would just give me a little bit of comfort, in terms of ongoing expenditure. Maybe I am a sceptic, but I do see that there will be expense in this in the future. It seems to me we are being led by the nose into what others are doing, when perhaps it might not suit our jurisdiction. If the Deputy would confirm that any decisions with regard to future spending will be addressed on an individual basis by the Assembly, I would be far more comfortable.

13.1.2 Deputy G.P. Southern:

In my conversations with the Statistics Department, there was many a time when they have wishes that they could have this sort of system to make valid comparisons across the nationalities, between one jurisdiction and another. In fact, the Statistics Department has been crying out for this and waiting for this opportunity to do exactly that, to make valid comparisons between one jurisdiction and another, in order that we can compare ourselves with what others are doing. That is something that I think is essential. Ages ago, when I first came into this House, one of the things that people, who had been looking at the state of the economy, said to me was: "We simply do not have enough data in order to say where we are, or what comes next." This is essential to act rationally. We need the facts, we need the comparisons with other people - valid comparisons and not spurious comparisons - in order to benchmark how successful you are being and how you are delivering public services, among other things. This is vital for the economy. I wholeheartedly support it. I only wish I had brought it some years back.

13.1.3 The Connétable of St. Helier:

Not for the first time, Deputy Ward appears to have stolen a march on the Council of Ministers. I am reminded of recent developments, which have got us into a climate change emergency, which would not have happened without the Deputy's intervention. I am curious, for that reason, by the tone of the Treasury Amendment, which say that the Minister is prepared to support Deputy Ward's Proposition. I would have thought words like "grateful for" or "welcome" would have been more appropriate. If indeed this is indeed a gap which has been plugged by the Deputy, then I think we should be grateful to him for that. I am surprised that we have not yet heard from anyone on the Council of Ministers about it. Why have we not been doing this, if it is something that needs to be done? If we are going to do it, do we welcome it? Is this something important? Certainly, I sympathise in a way with the Minister for Treasury and Resources, because the Deputy stole a march on me when he brought his climate change emergency request to the Parish of St. Helier. It was something I had been thinking about, but had not really done and there it was on the table. We are extremely grateful as a Parish to him. I was quite prepared to say that at the Parish Assembly when it was debated. I do look forward to hearing perhaps a little bit more enthusiasm from the Council

of Ministers to a backbencher who has brought forward a useful Proposition, which I wholly support. Thank you.

13.1.4 Deputy K.F. Morel:

I just wanted to congratulate Deputy Ward on bringing this and reiterate exactly what the Constable of St. Helier has said. It is a mystery as to why previous Council of Ministers have not gone down this road. I would also like to correct the Constable of St. Helier, Deputy Ward is not so much a backbencher as a non-Executive Member of the States of Jersey, as we have now decided to call ourselves. I just want to say that as well as comparing us with jurisdictions, this will be very useful particularly now as the Government moves into this more fluid state, where one piece of legislation, or one policy, is enacted by more than one department, so being able to see in which of these classifications that spending falls into will be really useful from a Scrutiny perspective as well. It is not just inter-jurisdictional; Scrutiny will find this a very useful measure. Thank you, Deputy Ward, for bringing this Proposition.

13.1.5 Deputy J.H. Young:

I am going to meet the Constable of St. Helier's invitation, because I had in my notes before the Deputy spoke that I think Deputy Ward has again given us a really visionary piece of work. I say that as a public sector accountant practising in a previous life. It is interesting if you look back at financial budgets. A trip to the library is most interesting if you go back and look at the States financial reports right back to the 1970s. What do you see? You see very simple analysis that is easy to understand, very clear comparisons and you can draw conclusions. Then what has happened over the years is we have had layers and layers of complications from international standards and so on, all of which are principally really driven rightly by a commercial world and so on, but have made it become much more complex. What this proposal does is it gives us an additional analysis of expenditure. It does not say: let us get rid of the way in which we analyse our current expenditure; it means a parallel analysis that enables us to make comparisons. I support this. I supported this wholeheartedly at the Council of Ministers. I was very pleased that the Council of Ministers endorsed it and the Minister for Treasury and Resources as well. It gives us a practical change, because it is not possible to do those changes at the drop of a hat. Well done. One of the things I am particularly looking forward to is seeing what the comparison, under this new analysis form, is for environment protection. My views on that are well-known, where Jersey's record should be subject to Scrutiny. I am prepared to wait for the figures. Nonetheless, I commend this wholeheartedly. Well done, Deputy Ward. It is an example of backbench ... sorry, non-Executive power used to full effect. That is something that I want to see much more of.

13.1.6 Senator S.C. Ferguson:

My only comment on this would be that we are going to have a system which will be going forward from ... we have specific departments and then they were all changed to somewhat amorphous roughly functional departments, like Growth, Housing and Environment. The next stage is going to re-categorise the lead headings for States expenditure, so we are changing it all again. It would perhaps have been useful if the Deputy had defined the constituents of these categories. Has he discussed this with the Treasurer, or even Comptroller and Auditor General? He says it will not cost anything. Well, every time you start messing around with how things are put in the accounts, it will cost money and time as they do it. I am not decided about this one. Are we just rearranging the deckchairs on the Titanic again?

13.1.7 Deputy K.G. Pamplin:

I only just rise after reading the Amendment brought by the Minister for Treasury and Resources where the wording is: "The analysis accordingly likely to be first available to support preparation in 2021 of the Government Plan in 2022." That means that, again, if we take that literally, it is not

saying it will be available, it could obviously be postponed. So, I am just curious, in the Deputy's summing up, what conversations are to be had between the departments to allow that this will happen and ensuring that it does come in. Obviously by 2022 we will all be in a very different place, so I just raise that. Thank you.

[15:15]

13.1.8 Deputy S.J. Pinel:

It might be helpful if I just explain what Deputy Pamplin has said. As he is aware, I am broadly supportive of what Deputy Ward is trying to achieve, which is giving us a tool to compare what we spend against other jurisdictions. Anything that helps this Assembly have more informed debates about how we spend public money can only be a good thing in my book. However, my support comes with some reservations. As was referred to, the Council of Ministers had a robust discussion of this Proposition last week. I know that some of my colleagues have concerns that as a small jurisdiction, with a large financial services sector, comparison with other jurisdictions could be misleading, given different economies, relative sizes, cultures and different challenges. Referring to Senator Ferguson, we also need to question the costs of analysing the data. However, having agreed to accept the Proposition as amended, I would ask the Deputy and the Assembly to note the caveats in my report. It is not as simple a piece of work as alluded to. It is simply too late, as the Assembly will know, to produce the analysis for 2019, hence the Amendment. I will ask that my department does its best to produce the data for the 2020 Annual Report and Accounts and for that data to begin to be used in preparation for the 2022 Government Plan. If, however, we encounter difficulties, I would like to reserve the right to contact Deputy Ward to discuss those difficulties and how they could be overcome. Thank you.

The Bailiff:

Does any other Member wish to speak? I call on Deputy Ward to reply.

13.1.9 Deputy R.J. Ward:

First of all, thank you. What a mixed bag that was. I do not take compliments well. I struggle, so I do not know what to say. The Constable of St. Helier, thank you very much. It is very kind of you to use those kind words. Deputy Morel, I thank you very much. Deputy Young, there is a really important point that Deputy Young mentioned: this is a parallel analysis. It is very important because it gives a practical change. It is the practical nature of this Proposition that I think is very important for the Assembly. Yes, it is not particularly interesting, nor is it particularly controversial, but what it gives us is another tool of analysis of spend compared to 31 other O.E.C.D. countries, both large and small. It gives us a benchmark. How we choose to use that is up to us. The intelligent and thoughtful way that we use any data is up to us, but it is really rich data that can be used to inform and in particular when we come to future Government Plans and look at our level of spending in other areas. Of course, there will be anomalies. For example, we do not spend that much on defence, because we have a different situation. Again, the intelligent use of data is very important here and this will give us a richer source of data. To Senator Ferguson, I would say that what it does is it does give us a consistency of what we are looking at. It does not get in the way of what we already use, what the Auditor General uses, for example. I have spoken to the Statistics Department and to Treasury. To be quite frank, the Statistics Department have been waiting 20 years to use this sort of data, so that they can provide the sort of information for all of us and all of those making policy to give a real picture of where we are in the wider world. We trade with the wider world, we exist in the wider world, our financial services exist in the wider world, so we have to have a real understanding of where we fit into that wider world, in terms of how this Government spends, as this Government does stand on its own 2 feet. Deputy Pamplin, I agree with a lot of what you said. There is a real drive from Treasury and the Statistics Department and I have covered the point on why we need to have this change. The Minister for Treasury and Resources, I understand the caveats and the

natural caution that you show towards this. I am confident, with my conversations with Treasury, that there is a huge amount of knowledge there and they can find really clever ways to incorporate this, without it being incredibly burdensome. I say again to Senator Ferguson that it does not have to be that way. I will say as well that, as I said before, 31 other O.E.C.D. countries do use this system. We are only looking at the first level of this classification. There are further levels, where you can go into real depth if you want to and we are not doing that. It is just giving us a view. Finally, I would say that what we need in this Assembly - and I was very interested in what Deputy Morel said about Scrutiny and the use of Scrutiny - is as much information as we can possibly gather. If there is an internationally recognised method of classification of spend that we are not using, in my mind we are missing an element which could enrich our decision making and enrich the understanding we have of where we are. If we can take that now and incorporate that with skill and precision then I think it will make our decision making much more powerful. I urge you to support the Proposition and I ask for the *appel*.

- **The Bailiff:**

The *appel* is called for. I invite all Members to return to their seats. The vote is on whether to adopt P.94, States expenditure: classification in accordance with international best practice. I ask the Greffier to open the voting.

POUR: 43		CONTRE: 2		ABSTAIN: 0
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		Connétable of St. Brelade		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Chairman, you wish to propose the arrangement of business for the forthcoming meeting.

14. Deputy R. Labey of St. Helier (Chairman, Privileges and Procedures Committee):

There are no changes to the arrangement for public business as advertised in the Consolidated Order Paper. Given the volume, perhaps it is sensible for Members to prepare for the sitting to go into a second day. I might ask you, Sir, to call upon me once more before you adjourn the sitting, but for now I propose the arrangement to the public business.

The Bailiff:

Are there any questions for the Chairman in relation to that? Very well, then public business is settled for 22nd October, as set down in the Order Paper. Chairman?

FAREWELL TO THE BAILIFF:

15. Deputy R. Labey (Chairman, Privileges and Procedures Committee):

It falls upon me to mark this the occasion of your last sitting of the States as Presiding Officer with the customary address. I do so with a little trepidation. In your line of duty you are used to a parade of miscreants appearing before you and you also preside over the Royal Court. **[Laughter]** In both places, both here and in the Royal Court, an impeccable fairness and impartiality have been your hallmarks. If, however, the arguments presented fall short of your own standards of legal expertise, or rigorous, logical analysis, this fast becomes clear to all concerned. Whether unhappy with counsel's dubious submissions, or a politician's tenuous grasp, your body language alone can be as eloquent as Cicero. You were educated at Charterhouse and Merton College, Oxford, you were admitted to the English Bar as a member of the Middle Temple in 1975 and to the Jersey Bar as an Advocate in 1976. You became a Crown Advocate in 1989 and appointed as Her Majesty's Attorney General on 16th February 2000. Very soon, this would launch you headlong into facing one of the most difficult challenges to be met by any post-war Attorney General, charting a course through the ramifications and repercussions of the Haut de la Garenne tragedy. Concerns were expressed that the Island's prosecuting authorities could not be relied on and that outside prosecutors should be brought in. You immediately took steps to ensure that there were proper processes in place to meet these concerns and stood up firmly to defend Jersey's ability to prosecute cases itself. The Care Inquiry would employ an independent barrister from England to review the prosecution process. It was clear that your decisions all withstood forensic scrutiny. It was very important for the Island to show that it could act properly in such circumstances and you bore the weight of showing them this from a prosecution perspective. Recent discussions over a public register of company shareholders and the actions and views of some Westminster M.P.s (Members of Parliament), the noises from governments in waiting over the water, have highlighted once again the issue of Jersey's autonomy

and the risk of the Westminster Parliament seeking to legislate for the Island, without the consent of the States. An important extra weapon, in defence of the Island's autonomy, is to be found in Article 31 of the States of Jersey Law 2005, which emphasises the role of the States and the need for its consent. You were very much the architect of that provision. The Island can be grateful that you had the foresight to recommend it to the Government of the day and thence to the States. You were appointed Deputy Bailiff on 2nd November 2009 and took office as Bailiff on 29th January 2015. You were knighted in the Queen's Birthday Honours List in June 2017. I remember greeting you after that happy event with the words: "Congratulations, Sir William." To which you replied: "Thank you, Russell and may that be the first and the last time you feel the need to address me as such." That is typical of you, Sir. Judges everywhere are bound by codes of conduct to protect their integrity, independence and impartiality. They have to maintain a certain distance. You have managed this without ever being aloof, or unapproachable. Far from it. Well, after what most of us would consider normal working hours, regularly I have seen you crossing the Royal Square homeward bound from the vantage point of my office in the Cock and Bottle. **[Laughter]**

The Bailiff:

I have seen you too. **[Laughter]**

Deputy R. Labey:

Once the Deputy of Grouville and I were able to entice you over for a small Sauvignon Blanc and a good chat and a good gossip. The Deputy and I had had a bit of a head start, I hope we made perfect sense, but we certainly enjoyed the chat. My 5-year association with you is but fleeting as compared with many Members here and many members of the legal profession. I have a hunch that my experiences will resonate with many. From soon after my election to our more regular meetings, once I became the Chairman of P.P.C. (Privileges and Procedures Committee), I always enjoyed and certainly benefited from our chats. Conversations might begin with the words: "I have approved your Proposition, or question and this is entirely a matter for you, but you might want to consider a period of reflection." Always motivated by the best and kindest of intentions. If I am honest, you were invariably right. You invariably saved me from making an even bigger fool of myself than might ordinarily have been the case. You and I are on different sides of one particular argument. I only know this because, perfectly properly, your stance on this issue is a matter of public record. It is just conceivable that you might have disagreed with me on other things, over the last few years, but because of your discretion we will never know. Graciously though, you have never allowed me to feel awkward, or out of place because of the views I might hold. As I have said before, your advice has been invaluable. I used to think of myself as something of a skilled interviewer. Not so much these days. I return from meetings with you to at least 2 Committees to be asked: "How much did you tell the Bailiff?" To which my reply was: "Absolutely everything. I do not know how he did it but I could not help myself." **[Laughter]** We have had, all of us here, the privilege from a table in the Old Library, or the Hall at Highlands, in seeing you play the perfect host to ambassadors and emissaries; each speech carefully crafted and individually tailored to suit the occasion, so that each visiting dignitary not only felt welcome, but special. There are 16 ceremonial, or civic events, permanently in the Bailiff's diary for each year: Holocaust Memorial Day, *Visite Royale*, Remembrance Sunday, Liberation Day and so on and so forth. I remember well your first Liberation Day speech, Sir, as Bailiff. When referring to the importance of the family, you commented that it mattered not to you whether that family was a mum and a dad, or 2 dads, or 2 mums. At a time when the L.G.B.T. (lesbian, gay, bisexual and transgender) community were feeling the heat, in the middle of the equal marriage debate, this was a characteristically generous and thoughtful and inclusive throwaway remark, which probably meant a lot to a lot of people, coming as it did from the Island's civic head. There were 5 royal visits during your term as Bailiff, 30 visits from significant overseas visitors to the Island. Your tenure as Bailiff has spanned a number of 100th anniversaries, chief among them the Great War, the Somme, the Armistice Centenary.

[15:30]

You were instrumental in re-establishing our links with Guillemont; you brought home the heart of the Guillemont stone to the Royal Square and who can forget those very moving repatriation ceremonies? On average you have attended 140 events each year, including concerts and shows, receptions and exhibition openings, conferences, sporting events, local visits to hospital or post office and a never-ending supply of lunches and dinners for charities and clubs and associations; perhaps, at times, an arduous prospect after a long day in court, or an even longer day in this place. But your presence and well-chosen words will have elevated these events to a special occasion for everyone. For the lucky chosen few, who got to sit opposite, or adjacent to, Lady Bailhache, there was the guarantee of a delightful and entertaining evening. On behalf of the Assembly, for all her tireless service to the Island as consort and cohort during your bailiffship, I record our grateful thanks to Jenny, Lady Bailhache. **[Approbation]** Sir, you are the first Bailiff to be webcast live from this Chamber. You are the first Bailiff to take part in the scrutiny process, agreeing to be questioned, in public, at a Scrutiny hearing by the then Deputy Vallois; the only time in her political career when she might admit to being completely terrified. Of course, as it turned out, she had nothing to worry about. Perhaps one of your more notable achievements is that, finally, after 5 years at long last you might just have managed to get me and the rest of this place to refer to this Chamber as an Assembly, not a House. **[Approbation]** Getting every Member to speak through the Chair 100 per cent of the time is a different matter and may take a little longer, but we will keep trying. You will know more than most how trying we can be. But remonstrations from the Chair were always restrained and courteous and the errant Member was able to retreat with dignity intact. You may have guessed that for some of the statistics in this speech I have relied rather heavily on your Chambers, where you are known and referred to by an altogether different title: 'the boss'. As someone from your Chambers, who may, or may not, have the initials J.R., said to me: "Russell, he has been the best boss ever. We could not have wished for a better one. We are going to miss him terribly." Drawing to a close, I must briefly reference your work in the room next door to this one and for that, over the last few weeks, I have been taking appropriate soundings. Similar themes began to occur and emerge, very soon a picture emerged of certain things that you seem to value and take very seriously: a compassionate approach to the vulnerable litigant; access to justice for all; protecting against all comers Jersey's unique character and institutions; developing Jersey's customary law, to keep it fit for purpose in the 21st century; grappling with knotty problems where the challenging question involves holding those in authority to account. Anything getting in the way of these priorities, such as the convenience of counsel, the income expectations of certain members of the legal profession, or trite and repetitive lines of argument, all got short shrift from you. A challenging time awaited the Advocate who swanned into the Royal Court without first having undertaken a detailed analysis of the matters in hand. To reference one of your favourite pastimes, if the game of golf were a purely cerebral affair and not the good walk ruined, as we all know it to be, there would be a green jacket with your name on it, hanging in the gentlemen's changing room of the Augusta National Golf Club in Georgia, U.S.A. (United States of America). Now a new chapter begins, I hope it will allow time for lots more golf and not too much gardening. On behalf of the Assembly, for your long and dedicated service and for all that you have done for us individually, collectively and for the Island as a whole, our warmest best wishes for the future and thank you. **[Approbation]**

The Bailiff:

Mr. Chairman, thank you very much for your kind remarks. I think, probably, I should be beatified, given all those compliments you have paid me and I do not myself recognise at least three-quarters of what you said, but it is extremely generous of you to say them and thank you very much; it is very much appreciated. I have been in this Assembly for quite a long time by today's standards. In the past, Members tended to remain in the Assembly for much longer than they do today, no doubt because the workload is very much higher today than it used to be. At nearly 20 years, I think I am the third-longest serving member of the Assembly, after the Connétable of St. Clement and the

Connétable of St. Helier and the latter, he just pips me, although the Connétable of St. Clement has been in the Assembly since 1883 ... 1983. **[Laughter]** But, in times past, there would have been a good sprinkling of Members who have served well in excess of 20 years, if not 30 years, in the Assembly. It will be a wrench to leave and that is undoubtedly so, but for a number of reasons I think it is a good time to do so and perhaps 140 or so events a year is one of those good reasons. But I will have very fond memories of my time in this Assembly, without ever looking back on it through rose-tinted spectacles because, of course, there have been some not so good times as well; that is the make-up of politics. Each Member of this Assembly will know that he, or she, has had good times in this Assembly and not so good times. Crown Officers try to stay away from politics, as far as they can. It is inevitable that they get drawn in occasionally, pretty much always against their will. But there have been many light moments in this Chamber, as well. I recall, with great affection, former Senator Le Main, who used to sit where the Connétable of St. Lawrence is, at a time when Ministers were the only Members of the Assembly permitted to use BlackBerries. Because he was a Minister, he used to sit back in his chair and hold up his BlackBerry and look at it like this, to make sure that all those, who were not Ministers, knew that he was a Minister and he was entitled to a BlackBerry. Of course, I also remember numbers of occasions where, either where it was intended, or unintended, Members have been reduced to paroxysms of laughter, which has had an effect on the proceedings. One of my favourites, in that connection, was the former Deputy de Faye, the then Minister for Transport and Technical Services. He was questioned by Deputy Le Hérissier in relation to his policy for forbidding dogs to go on buses. The question was simply too much for Deputy de Faye. He denied that his policy was barking mad, or that the questioner was someone's poodle for asking it. He did not want to adopt a dog-in-the-manger attitude and he was not going to be stubborn, or dogged, in his reply and he certainly did not feel down in the mouth about the issue, nor would he go walkies away from it. I do not know how many dreadful doggie puns Members think could be utilised in 90 seconds of answering a question, but by my reckoning there must have been at least 75. At the end to which, every Member of the Assembly were simply holding their sides laughing; everyone except Deputy Le Hérissier, who tried to ask a supplementary question and the entire Chamber shouted: "No" **[Laughter]** which gives you a good feel for the moment. I have heard a good deal about unelected Members over the last 19 years, indeed I have heard so much I can quite comfortably say to you that all the Crown Officers are well aware that they are not elected. We know that our legitimacy here depends upon impartiality, it depends on good sense, it depends on a recognition that decision taking is not for us, but it is for Members; that is the nature of a democracy and the Crown Officers are absolutely behind that. But what I want to say to you is that the respect which the Crown Officers have for Members in that way has been, in my experience, for the most part - almost entirely for the most part - absolutely reciprocated by Members' respect for Crown Officers. Even when, for Members, for genuine and rational reasons, they thought the Crown Officers should not be here, to which you have alluded, Chairman, or where, on occasions, the Crown Officer contributions have been regarded as unhelpful to the particular argument, or debate, that was taking place. Speaking for myself, I very much appreciated that and indeed in the debates about the Bailiff's role, which have taken place over the last 5 years. Slightly uncomfortable though they have been for me, those debates have been marked by a personal courtesy, which I have really appreciated and I would like Members to know that. That personal courtesy has sometimes been demonstrated over the years rather mischievously. In my early days as Attorney General, Deputy Jacqui Huet was sitting where Deputy Ash is sitting at the moment, immediately in front of the Solicitor General's seat. She had her own approach to Standing Orders, particularly Standing Order 99(3)(b), which some Members may be unaware of, prohibits eating in the Chamber. She had a packet of toffees on her desk, which she would eat happily, often sharing them with her colleagues. I must admit I thought I had achieved recognition in this Assembly one day when the Deputy turned around and offered me one of her toffees, which I took. **[Laughter]** I cannot recall exactly what the debate was about, but I do recall that about 2 minutes later, with my teeth firmly stuck together, Deputy Huet stood up and asked in the sweetest possible voice if the Attorney General could answer a question. **[Laughter]** I was a

good enough Attorney General not to fall for that a second time. It has been an absolute privilege to preside in this Assembly and to have been a member of it as Attorney General. Mr. Chairman, to you and to all Members of the Assembly past and present, I express my thanks for allowing me to have that privilege and for making my time here in this Chamber and around the political world in which we live, you live in particular, as interesting a job as any job could possibly be. Inevitably, when I have retired, I will follow what you do closely. I wish you the confidence to challenge the correctness of your initial beliefs, the patience to listen carefully to people with whom you do not necessarily agree and the willingness to weigh the merits of their speeches. But, above all, I wish you good fortune, because you have numbers of challenges to meet and numbers of very difficult decisions to take. The best attribute for all of us is that one should be lucky and so I wish you the best of fortune in the future, but thank you very much indeed. **[Approbation]** That concludes the business today and the States now stand adjourned until 9.30 a.m. on 27th October.

ADJOURNMENT

[15:42]