

# STATES OF JERSEY

## OFFICIAL REPORT

**THURSDAY, 10th DECEMBER 2020**

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

#### **The Bailiff:**

On behalf of Members I would like to welcome His Excellency to this virtual sitting of the Assembly and I would like to welcome Members similarly.

## **PUBLIC BUSINESS**

### **2. Reduction of lodging period**

#### **The Bailiff:**

The sole purpose of the meeting is to deal with, first, matters concerning the closure of schools and there has been also a requisition for one hour of questions. The one hour of questions would normally occur at this point, but it seemed to me to be appropriate, before starting formal business, to deal with the applications to reduce the minimum lodging period so that Members will know what is being dealt with later on today. Then we will have the hour's question time before moving to the debate on the Propositions. The item was lodged by Deputy Ward, School Closures, P.163. Deputy, do you wish to make the Proposition under Standing Order 26(7)? The lodging period would be reduced to allow this matter to be debated.

#### **2.1 Deputy R.J. Ward of St. Helier:**

Yes, please, Sir.

#### **The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that Proposition? If you would indicate in the chat in the normal way.

#### **2.1.1 Deputy R.J. Renouf of St. Ouen:**

I oppose the reduction of the lodging period. I do not believe it is appropriate for the Assembly to be debating this subject. I do not believe it is appropriate at any time, let alone at the 2 days' notice Members have received. The reason for that is that we are a parliamentary Assembly and a legislature. Members of the Assembly hold Ministers to account and Ministers are accountable to the Assembly, but it is not for Parliament to do the job of a Minister or the Minister's department. Whether or not any schools should close for a week or should be reorganised in some way is a matter to be resolved between head teachers, C.Y.P.E.S. (Children, Young People, Education and Skills) and the Minister for Education. We have heard in the briefing that Members received before this sitting, and in fact we all know that the department can be responsive and pragmatic, and it has been just those things when head teachers have requested help because staff are in isolation or there are the pressures that we are seeing in the sector at the moment. It is the case that classes or school years or even whole schools could be closed for a day or even for a week if needs be because of the pressures that are being seen. Specific targeted measures can be taken to manage the situation with the safety and the well-being of children and staff paramount in the minds of those who run our education system. As we have heard this morning, the situation is under constant review, even it was said hourly. To me, it seems wholly unnecessary for the Assembly to be asking for blanket measures of closure affecting all schools and students in the same way, a blanket closure with all students out of school. Indeed, I think it is recognised by the 2 amendments which have been lodged that blanket measures are just not appropriate because the amendments ask the Minister to make appropriate and practical provision for certain groups at school. It may be that other groups would come to the fore

in the coming week or next term. All of that, whatever special measures may be felt to be needed can be achieved, where appropriate, as a result of consultation between head teachers, the department and the Minister. Indeed, we have heard precisely what is being done at the moment. I believe there is a further reason why it is not appropriate for the Assembly to be debating this subject. It is because we have already agreed the procedure to be taken to decide whether schools should close or not during this pandemic. We have passed regulations, the COVID-19 (Schools and Day Care of Children) (Jersey) Regulations, and under that the Minister may require the closure of all schools or only one or more schools. She can specify exemptions; she can specify the length of any closure. She has the powers already, but within that legislation the Assembly provided that, first: “The Minister must - be satisfied that [closure] it is necessary and proportionate, having regard to the foreseeable risk of the spread of COVID-19 in Jersey.” That seems a high test. It is not just what is convenient or desirable, but it must be necessary and proportionate. There is a further requirement that, secondly, the Minister for Education should consult the Council of Ministers, and a third requirement that the Minister for Education should obtain the consent of the Minister for Health and Social Services. The Regulations go on to require me, as the Minister for Health and Social Services, before giving any consent, to consult the Medical Officer of Health. That is the procedure that the Assembly has decided must be followed if concerns that we are seeing at the moment come to the fore. It can be followed, of course. A decision today to request the Minister for Education to take action does not override the law we have enacted, so why would we spend a day debating this unnecessarily? The procedures are there, the Minister can invoke them if it is necessary and proportionate to do so.

[9:45]

She does not need a direction from this Assembly. If certain Members feel they want to give their views, I think I would strongly contend the Assembly in a debate is the wrong way to do this. I would urge Members to come within the process. The Minister for Education has already heard many views from Members, teachers, parents and the public. Those views should be communicated to the Minister for Education, who has the powers to make decisions. We have seen and heard that decisions are already being made operationally in the interests of the safety of those attending our schools, but if further representations are wished, if it is suggested that the Minister should make wholesale closures of schools, then help her decide whether that is necessary and proportionate by making the appropriate representations to her. Members can influence the health arguments over that also, but it seems to me that it is not appropriate for debate in this Assembly with that process enshrined in our legislation, therefore I would urge Members to accept that we do not need - and it is wholly unnecessary - to debate this subject today and I would ask Members not to support a reduction in the lodging period.

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

So this is the way that Ministers want to play it this morning, is it, not to even have the debate because for some reason it is inappropriate for the Assembly to even be asking the Ministers to make this emergency decision? No one is debating that the Minister and the Ministers cannot make a decision to close schools. It is simply that they have not made the decision and they do not seem to be likely to make that decision. This is about actually the Assembly, not the Ministers, showing that they are the sovereign decision-making body of this Island, not simply the Ministers. The Ministers do that at the leisure of the Assembly. We know in our parliamentary democracy in the Island, which is not the same as everywhere else, that it is possible to challenge Ministers on their policy decisions when the Assembly might think that they have got it wrong. This is exactly what is happening today. Deputy Ward and others, myself included, think that the Ministers have got the decision wrong about not closing schools a week early, because on the balance of it, they are putting more people in harm than they would be if the schools were not allowed to close, albeit with the caveats that have been put in the Proposition to allow for vulnerable students and those who need provision next week.

There are also 2 amendments, which I will not speak on now, but which are worthy of consideration. I think the Minister would do well to remember those facts and that we have debated many propositions very last minute often because of the nature of the pandemic and the fact that it is shifting all the time. Even the Minister's positions have changed. In normal times, it would seem to represent a U-turn, but we all accept that the pandemic is a fast-moving affair. Far from being inappropriate, it is highly salient that the Assembly, if it wants to make this decision, can make the decision, but to suggest that we should not even be having the debate I think is a highly offensive argument to make. I am sure we do all extend our best wishes to the Minister for Education, who cannot be with us this morning for ill health reasons. I know that there will be other Ministers in her place who can make those arguments today. The arguments that the Minister has been putting forward are not arguments about not having the debate, but about why he does not agree with the debate, so I would ask Assembly Members, whatever their political stance normally, to be fair-minded in this and to at least allow this debate and the amendments to happen today.

### **2.1.3 Connétable C.H. Taylor of St. John:**

My biggest concern is this is causing uncertainty. The public of the Island need to be certain and need to be sure of what is happening. The Government have been extremely good at holding their nerve, steering a steady path and maintaining their position. This debate is creating uncertainty, the public are worried and I think it is unnecessary. I would urge Members not to support reducing the lodging period.

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

I can understand the Minister for Health and Social Services' perspective and I can understand the Connétable of St. John's perspective as well. I am in no way suggesting that the responses that we have seen with regards to schools have been wrong. We have just had an interesting briefing, which was well-informed and I learnt a great deal. I also do not think I am likely to support the main Proposition today. I do think personally that this is more fully a decision for Government to make rather than the States Assembly. Despite the information we have had from our briefing today and so on, I do not think States Members in the main are well-placed to make this decision. We do not have all the facts and figures to hand, but that said, here we are speaking about whether or not to foreshorten the lodging period and to have this debate. As I hope Deputy Tadier knows, and where I think he and I share very much the same view, is that we do see the States Assembly as being supreme in terms of the decision-making in Jersey. It does not matter for which reasons, there are clearly some States Members who are concerned about the Government's decision-making with regard to schools, and as a result of that I do believe they have every right to bring the matter to the States and for us to hear the arguments on both sides, and as uncomfortable as it makes me feel, to vote one way or the other as to whether we agree with the Proposition or not. For that reason, I think it is incorrect and democratically wrong for us to deny the proposer, Deputy Ward, the opportunity to put his views across because he obviously does think - for I am sure very good reasons - that the Government's decision-making is incorrect in this area. I am happy to listen to him. I do not think I agree with him, but I think it is right that we do hear. For that reason, as time-consuming and as awkward as it may be, I think I absolutely have to support the right for Deputy Ward's Proposition to be heard and for us to discuss that today.

### **The Bailiff:**

Thank you very much, Deputy. Deputy Doublet, did you say you had a question either as a point of order or a question for the Attorney General?

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

I do, Sir. I believe it is a question for you, a point of order. Forgive me if I have misunderstood, but I believe that the Minister for Health and Social Services, when he spoke, implied that even if the

Assembly approves these Propositions today - and the proposition and the amendments are all directed at the Minister for Education bar one part of my amendment - my understanding of what we said was that even if they are approved, it is the Minister for Health and Social Services who has the final say on it. I just wanted to hear from you, Sir, on if a States decision is made today which confirms any part of the main Proposition and the amendments and those parts are directed at the Minister for Education, do those decisions also apply to the fellow Ministers who maybe share those powers or have to confirm those powers? I think it is a point of order for you, Sir.

**The Bailiff:**

I am not sure it is a point of order. It is probably a point of interpretation of the Proposition and therefore it is for me, but probably not as a point of order. The Proposition is to request the Minister for Education to take the steps necessary. The Minister for Education can only do what the Minister for Education can do, so if this is passed, one would expect that the Minister for Education, if she wishes to follow the request - and it is only a request - the consequences of not following a request are political, they are not legal. It is a request. If she follows that request then she will take the steps that she can take. If there is a statutory regime approved by the Assembly which has the force of statute in the Regulations that mean those steps are not final and definitive, it does not trump them, those statutory provisions still have to be applied. Does that assist you, Deputy Doublet?

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

Yes, it does.

**The Bailiff:**

Deputy Martin, you said you wished to speak at some point. I am not quite ready to call upon you yet, but if you have a question for the Attorney General, it may be that the Attorney can be thinking about it, or do you wish to reserve it for your speech?

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

I thought it was a question for the Attorney General. Deputy Doublet has just asked you for an interpretation of the Proposition. I am asking the Attorney General for the legal standing of Deputy Tadier's speech, basically saying the Assembly overrides the laws that the Minister for Health and Social Services was speaking about. That is what I want to ask the Attorney General. I could have said it in my speech. I have a few bits more to say but I will be guided by you, Sir, because you have got Deputy Pamplin before me. That is why I want the Attorney General, because we had this in my debate on the minimum wage and the Assembly did not like it, that the law overrode the Assembly, but it is the law.

**The Bailiff:**

Yes. I hesitate to move into the area of giving legal advice and I am not doing so, but the simple statement that Deputy Tadier made was an expression I think of a political opinion, not the legal opinion, and the position with regard to the Proposition is, I believe, as I have already explained. If you wish the Attorney General to opine upon that for the purposes of foreshortening the lodging period, I am sure the Attorney will be prepared to do so, but do you wish to ask that question, Deputy Martin?

**Deputy J.A. Martin:**

No, I think you have made it quite clear. We have laws and then there is political decisions, thank you.

**Deputy M. Tadier:**

Can I offer a point of clarification? Because the previous speaker wants clarification on something I said, I think.



**The Bailiff:**

Deputy Martin is going to speak and you can offer clarification at that point, I think, but this would be out of the normal sequence and there are other Members wishing to speak on what is a procedural matter, so if you could hold fire, I think that would be helpful.

**Deputy M. Tadier:**

I think it might be a point of order in the sense that it is a misrepresentation. I never said that the Assembly trumps the law. I simply said that this is a political matter for the Assembly, not just for Ministers. I do not think it gives rise to a question on that basis.

**The Bailiff:**

That is not a point of order. A point of order is something on which the Chair can make an order and I cannot make an order about that, so it is not a point of order. But you have said what you wanted to say, Deputy.

**2.1.5 Deputy K.G. Pamplin of St. Saviour:**

I just wanted to be brief. We cannot get into the situation we are having in this debate, because I think it just proves that there is a debate to be had. I think it is very clear from the correspondence and the situation we find ourselves in, debates on this are happening all across the Island in all classrooms, in all homes, and I had that very debate with my daughter taking her to school this morning. This is in the public interest and, as others are saying, this is a political decision. The Assembly is the political decision-making chamber and we accept whatever the vote is. That is my point. I hope we can move quickly and vote on whether we do debate this and we can have the debate if Members agree. I hope that is helpful.

**2.1.6 Deputy J.A. Martin:**

It would have been really interesting for the proposer, Deputy Ward, to make the public interest test. There was no opening speech. Obviously he will be allowed to sum up, which I like the arguments before so I can either agree or disagree, but we are where we are. I thought it was very helpful for the Minister for Health and Social Services to point out what has to happen under the laws that we have passed, under the COVID restrictions, under Education and Health.

[10:00]

At the end of the day, if the Assembly does think that we need this debate, after hearing all the advice this morning and ongoing, I think even given what the Minister for Health and Social Services has said, we should have this debate and air everything. We have got lots to say. There are all different things that we want to say and I absolutely appreciate again the Minister for Health and Social Services, who has been top and foremost with the Chief Minister in every one of these situations, early lodging, extra legislation coming through, had the duty to exactly explain the way he reads it, but on measuring, I will support the early lodging. I obviously definitely will not be supporting the debate.

**The Bailiff:**

Thank you very much, Deputy. You have a point of order, Deputy Ward?

**Deputy R.J. Ward:**

Yes. When you asked would I like to reduce the lodging period, my answer was yes. I was unaware that I was to speak at that point, so I was not avoiding speaking and I am happy to do that. It just seemed to me very obvious that I would be in favour of doing it. I just want to raise that. Sorry, I do apologise.

**The Bailiff:**

I understand why you say so in the light of what was said. It is not a point of order. You had the opportunity of course to speak to it if you had wished to do so, but as most of these things are not being subject to debate in recent times you have simply made the Proposition. But you will have a chance to sum up at the end of it. Does any other Member wish to speak? If no other Member wishes to speak then I close the debate. Deputy Ward, this is your opportunity.

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

I got that right at last. The reason we need to debate this is because it is urgent. We are talking about actions that need to be taken straight away. There is a real genuine concern among a profession on the Island which serves our children and our society so importantly and is so central to effectively a civilised society. If we do not represent them and we do not discuss their concerns, we are failing as an Assembly. There is only one thing to do today and that is to discuss this debate, discuss this issue and debate this topic, as brought forward. I am disappointed that the Government tried to stifle the debate in this way and I urge Members to vote for the reduced lodging period.

### **The Bailiff:**

Thank you very much, Deputy. I will ask the Greffier to place a link in the chat in the usual way. The link is there. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The Proposition to foreshorten the lodging period is adopted.

<b>POUR: 29</b>	<b>CONTRE: 12</b>	<b>ABSTAIN: 1</b>
Senator K.L. Moore	Senator I.J. Gorst	Senator J.A.N. Le Fondré
Senator S.W. Pallett	Connétable of St. Clement	
Senator S.Y. Mézec	Connétable of St. Saviour	
Connétable of St. Helier	Connétable of St. John	
Connétable of St. Lawrence	Connétable of St. Mary	
Connétable of St. Brelade	Connétable of St. Ouen	
Connétable of Grouville	Deputy of Grouville	
Connétable of St. Martin	Deputy J.M. Maçon (S)	
Deputy J.A. Martin (H)	Deputy S.J. Pinel (C)	
Deputy K.C. Lewis (S)	Deputy of St. Ouen	
Deputy M. Tadier (B)	Deputy L.B.E. Ash (C)	
Deputy M.R. Higgins (H)	Deputy of St. Peter	
Deputy of St. Martin		
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 St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Greffier of the States:**

Those voting contre: the Constable of St. Clement, Deputy of St. Peter, Deputy of St. Ouen, the Constable of St. Ouen, Deputy Pinel, the Constable of St. John, Senator Gorst, Deputy of Grouville, Deputy Maçon, the Constable of St. Mary, the Constable of St. Saviour and Deputy Ash. Senator Le Fondré abstained.

**Senator J.A.N. Le Fondré:**

I did attempt to vote pour, but I had a technical issue, I am afraid. I know it is too late to do anything about it, but I just wanted to state that.

**The Bailiff:**

Thank you very much, Senator. Now we ask Deputy Pamplin. Deputy Pamplin, do you wish to make the same Proposition to reduce the lodging period?

**2.2 Deputy K.G. Pamplin:**

Yes, I do, for the same reasons that have been outlined. Do you want me to make a fuller speech or just make the request?

**The Bailiff:**

It is a matter entirely for you. It is not for the Chair to say.

**Deputy K.G. Pamplin:**

Of course. Yes, as Members know, I have lodged the amendments because in normal times when lodging propositions, as we all know - and we try to remember those normal times - you can get a sounding of what other Members are hearing. We have to digest information and have briefings and that time has simply not been afforded and I was concerned, not knowing what my fellow colleagues were thinking in this debate. As we have already alluded to, there is a lot of discussion on the Island and everybody has different opinions. Only this morning we got a very helpful briefing. I wanted to put these amendments in because, as Members have hopefully got to know with me, they are from research and information that I have been working on since the last lockdown. Whichever way this goes, I will be asking to take them in parts, so depending on what the Assembly decides to do with the overall question of closing schools, the other elements I think are really important in terms of what is required, because obviously closing schools is a very complicated process for lots of reasons, which I have put in my report. I think they are very helpful. I think it makes the debate a much better one. That is all I have to say at this stage and hopefully Members agree so we can move on quickly. I propose the amendment.

**The Bailiff:**

Thank you very much. Is the Proposition to foreshorten the time period for the amendment seconded? **[Seconded]** Does any Member wish to speak on that? Please indicate in the chat in the normal way. If no one wishes to speak then, if possible, I will take this on a standing vote. If anyone wishes to vote against, could they indicate in the chat and then we will put a link in? But if not, then we will take it on a standing vote. If you could indicate a contrary vote now. Very well, I will take it as a vote pour on a standing vote. The next Proposition of a similar type is to be made by Deputy Doublet. Do you wish to make that Proposition, Deputy?

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

I do, Sir, thank you.

#### **The Bailiff:**

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak on the Proposition? If no Member wishes to speak, then I will deal with the matter as we dealt with the last one. Could any Member who wishes to vote against this indicate as such in the chat? Very well. No one has indicated a contrary vote. I will take that as a vote pour on a standing vote.

## **QUESTIONS**

### **3. Questions to Ministers without notice**

#### **The Bailiff:**

We now come on to Questions. It is normal, as Members will know, under Standing Orders that questions are dealt with at this stage before moving on to Public Business. There also seems to be a commonsensical approach to it in that a number of questions may well be about the subject matter of the debates which are to take place later today and that may have the effect of shortening those debates, but in any event, there is an hour of questions for any Minister on any subject relating to COVID. If you could indicate in the usual way whether you have a question and for which Minister and I will obviously give priority to those who are asking questions for the first time and come on to second and third questions if at all possible.

#### **3.1 Deputy K.G. Pamplin:**

Thank you for allowing this period of question time. My question for the Chief Minister is: can he update Members exactly when teams of contract tracing were - I am trying to find the words off the top of my head - fleshed out, increased and also the increasing of testing? What date were those measures, i.e. extra staff and extra resources, put into place with the current situation we are finding ourselves? I hope that makes sense, thank you.

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

Very broadly, certainly we were discussing it quite some time ago. I think in terms of implementation, the numbers just over 3 weeks ago were around 54 and as of today they are now over 100, so it has been happening over the last few weeks. Part of that has been around getting the recruitment in, getting the people transferred across and, in some instances, it is people who previously have had contact tracing experience that had returned to some of their original departments and then that is getting them transferred back into the team.

##### **3.1.1 Deputy K.G. Pamplin:**

Thank you, Chief Minister. Based on that information, which is really helpful, can he also say what extra resources are still yet to be put in place? Because obviously we are still hearing and seeing delays being reported, so that bedding-in period of the actual resources, and will there be an additional requirement?

#### **Senator J.A.N. Le Fondré:**

The short answer: I cannot give a number, but we are still actively recruiting. In other words, we are still making sure that we have further resource going on and so that is going to be coming in again as people get recruited. As I said, we have transferred some extra people in from around the system already. My assumption would be that if we felt we really needed to, we could bring some further people across, but active recruitment from external is still carrying on.

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

My question is for the Minister for Health and Social Services. I was wondering if I could ask the Minister for Health and Social Services to perhaps explain in greater depth the reason why in his order to close licensed premises no distinction was made between licensed premises such as pubs and taverns as opposed to licensed premises such as cafés, who perhaps only serve the odd glass of wine here and there. As a result of this, we now have a slightly difficult situation to understand whereby one café which has no alcohol licence is open and the café next door which happens to have an alcohol licence for the odd time it serves a glass of wine is closed. Would the Minister please explain why he did not use the full weight of the Workplace Regulations, which allow him to clearly describe workplaces in detail and so create a difference between those sorts of establishments such as pubs and those such as cafés?

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

In general it would be because people tend to spend more time in licensed premises, being pubs or particularly restaurants or hotel bars, than they might do in a café or a coffee shop and also because cafés and coffee shops would be required to maintain a 2-metre distance and operate their premises safely in line with health and safety guidance so we can control their operations in that way. I hope that helps.

**3.2.1 Deputy K.F. Morel:**

There is no question that any cafés that were told that they should not serve alcohol under guidelines would not serve alcohol. Obviously cafés are open with 2-metre distancing. Would the Minister please commit to the Assembly that he will go back to revisit and to perhaps review the Order which just closes all licensed premises with a view to perhaps fine-tuning it so that some premises are able to open while not serving alcohol?

**The Deputy of St. Ouen:**

We are always reviewing our measures. Indeed, I have a duty to keep them under review and I am regularly seeking advice on those questions. It is difficult to achieve a perfect solution that will please all sectors and all people. The primary aim of the public health measures is to prevent people gathering too closely together in ways which would spread the virus.

[10:15]

It may not be a perfect solution. We do not really have perfect tools to achieve this, but we use what we can in the most targeted way we can, and the advice I received was that licensed premises were a significant venue in which the disease was spreading and that it would be appropriate to close those. But as I have said, the matter is always under review. I would rather close those than close schools and close shops. Something needs to happen. We could not just let the virus spread through the community without taking some action, but rather than a full lockdown, which could have been possible, on advice we were told that some closures and particularly of licensed premises were likely to be effective and we proceeded accordingly.

**3.3 Senator S.Y. Mézec:**

We are obviously all hoping that further restrictions will not be necessary, but in the event that it would be necessary to introduce tougher restrictions and it became appropriate, would the Minister for Children and Housing stand ready to look at what was done earlier in the year in terms of preventing evictions from taking place and would he be ready to re-implement those sorts of measures if it became necessary?

**Deputy J.M. Maçon of St. Saviour (The Minister for Children and Housing):**

When my predecessor, the questioner, brought those Regulations I supported them. The answer is yes. I should add, if appropriate.

**Senator S.Y. Mézec:**

Thank you, no supplementary.

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

According to the data that was presented today that one month ago the positivity rate was 1 per cent, today we are at 2.9 per cent, so the positivity rate of the test tripled over the month. Based on this data, clearly the measures are not working. Would the Minister consider that the strict lockdown as a circuit breaker should be introduced as soon as possible to ensure that we might have a result in 2 weeks and celebrate Christmas and New Year as families together?

**The Deputy of St. Ouen:**

I would have to take issue with the Deputy's statement that clearly the measures are not working because we have always said that we need to allow some period of time for the measures to take effect and to see that effect come through in the number of cases we have and all the other metrics we use. It has only been about 10 days since the measures on licensed premises were introduced. It is only in this last week that people have been asked to work from home and then we have only recently had the reintroduction of the safe distance rule of 2 metres. That will not yet be reflected in the figures. The figures we are seeing are the product of behaviour at least a fortnight ago. We are hoping - and we are all hoping, I am sure - that the figures will reduce as a result of the measures we have seen. The figures are under daily review and the effectiveness of our measures, and I will be seeking advice as to what it means that we see day by day and whether we need to take further measures such as the lockdown, but of course we are trying to avoid that and ensure, as the Deputy has mentioned, that we can celebrate Christmas; sure, in a far quieter way than usual, but without the harms that arise from a full lockdown.

**3.4.1 Deputy I. Gardiner:**

We have seen evidence around the world, in the France and the U.K. (United Kingdom) and other jurisdictions, that the only thing that really breaks the numbers and brought them down was strict lockdowns. Other measures did not really work. Would the Minister think that our jurisdiction is different?

**The Deputy of St. Ouen:**

I am not sure I would agree with the Deputy that a strict lockdown is the only measure that works. Indeed, one has to consider what happens when a lockdown ends and what we are seeing in places like Wales at the moment is that the lockdown has not worked. One has to take advice on the characteristics of each population, I think. The advice given to me was what we have implemented would be the most appropriate, remembering that although our absolute figures are very high at the moment, we have got a high testing rate and therefore a high positivity rate. Our jurisdiction is different in that way, so we do not automatically look and follow what is happening in other countries, but we carefully craft the measures that we believe are appropriate at the time to curtail the spread of this virus, but at the same time trying to prevent the other harms that arise from a full lockdown. It is achieving a balance.

**3.5 Deputy R.J. Ward:**

Previous to the sitting yesterday evening, a briefing was given to States Members in which a member of the Education Department stated that the head teachers, represented by the National Association of Head Teachers, had been in favour of keeping schools open. Can the Chief Minister confirm whether he believes that is the case?

**Senator J.A.N. Le Fondré:**

My understanding is that they have stated that they will do everything they can to follow the policy.

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

In a communication from the National Association of Head Teachers, it has been stated to me that the local executive of the N.A.H.T. (National Association of Head Teachers) has not received any communication from local head teachers supporting schools staying open. Can the Chief Minister confirm that he accepts that and how it is congruent with his last answer?

### **Senator J.A.N. Le Fondré:**

I think we are getting into pretty operational levels which are not necessarily going to come across my desk, so I am afraid I cannot comment on that, because obviously ... no, I cannot comment on it because I have no knowledge either way.

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

My question is also for the Chief Minister, please. I would like to ask about a commitment that was made in a recent briefing. It was a week or 2 ago when I asked the Chief Minister about a benefit similar to the Isolation Benefit being extended to families who have lost childcare due to people isolating and other COVID reasons. I was told that Customer and Local Services were working on such a benefit, so I wonder if the Chief Minister or the relevant Minister could update the Assembly on this benefit, please, whether it is being put in place and, if so, are people aware of it and how many people have claimed it, please.

### **Senator J.A.N. Le Fondré:**

With great pleasure, I am going to redirect that question to Deputy Martin as the appropriate Minister, assuming of course she has that ... I am sure she does, but assuming she has that information to hand. If she does not, we will have to come back to the Deputy, but I will head that one to Deputy Martin.

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

Yes, officers have been working on really let us call it a sick benefit, because it is no magic money. The maximum is £220 and you divide that by 7, so I am not sure if the Deputy can work that out, but it is not a lot of money. It is certainly not a wage replacement. None of the Isolation Benefits are. We have extended the group and I am trying to get the direct answers the Deputy did direct to the Chief Minister. It is all about, the Deputy says, do not have childcare, cannot get childcare. How do we prove this? Is it somebody being probably maybe getting paid but finding it difficult to look after children at home but they are still getting ... there are lots of issues, but we are working on it, but as I say, it is not going to be a great deal of money and it certainly will not be any more than the full statutory sick pay, which is for 7 days.

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

I thank the Minister for her response and I am delighted to hear this is being worked on. Could we have a date, please, whereby this will be put in place? The Minister mentioned the amount would not be more than the Isolation Benefit. Will it be to the same level as the Isolation Benefit, given that the effects of losing childcare because somebody is isolating might have the same effect on a family as the family themselves isolating?

### **Deputy J.A. Martin:**

There is only one benefit, Deputy. It is the isolation/sickness. The amount is completely the same. A date: we have updated it last week at my Social Security meeting, which was Friday. It might not cover the people that the Deputy thinks, who ... if say schools shut down suddenly tomorrow, different age groups of children and so on, the last time I saw a draft that was ready to go from the questions the Deputy had last week was last night. I think they are nearly finalised, which I will get sent to her and then circulated to all States Members, but no, the money is not new. It has been there since the 14th of February, Deputy, and to all States Members. The first 2 weeks you do not even go to the

doctor if you have got COVID, you have been told to stay at home with COVID or you have been in contact with COVID. It is not new, it has just been extended to a few other categories and that will be translated later, but I am not sure it will help the Deputy. I do not think it will necessarily help who the Deputy thinks might be affected in school closures.

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

If the Chief Minister cannot answer it, he can redirect it. The Chief Minister said a short while ago that there are about 100 contact tracers at the present time and yet we have over 4,000 people who have been asked to isolate. Can he tell me how many people have been contacted a day and how many of those who are classed as direct contacts are having P.C.R. (polymerase chain reaction) tests per day?

#### **Senator J.A.N. Le Fondré:**

For the detail, I would have to go back and request information. I will try and get it to the Deputy if we have information, but broadly speaking the strategy is to contact people within 48 to 72 hours of a result. In terms of the number of tests I would have to go back and look at the analysis, for example, I think Members saw a bit of it this morning and certainly we have seen in other briefings, which then does the breakdown between the contact tracing and the workforce monitoring and so on, and see if there is a further breakdown in there directly relating to those who are isolating. Unfortunately there is no one else I can direct that particular question to, but I will try and come back to the Deputy if we have the level of information he is asking for.

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

If the Chief Minister can also say whether, with the scale of people who are isolating and the number of people contact tracing, they basically lost control of the contact tracing? Because if we are having delays of 72 hours or whatever, is that good enough?

#### **Senator J.A.N. Le Fondré:**

The point is that they are all identified initially, if that makes sense, and then they are asked to wait between 48 and 72 hours to be then essentially contacted again, if you like, for further processing. What we are doing, as well as having put the extra resource in, we are also going through a process, and have been for some time, of trying to improve the system. By that, the analogy I will use is that back in March/April time when we were sending results to the U.K. and we were trying to get the average number of hours down from what it was originally, Members will recall that they did come down and they kept coming down to a very good level. Part of that was people just going through the entire process, so in the very early days, for the sake of argument - if I recall correctly - each positive sample was sent down through a single pdf file, which then had to be manually input into a different computer system to then record all the results. Essentially the I.T. (information technology) guys looked at all that side and, if you like, automated the process.

[10:30]

What we are doing now on the contract tracing is again looking to see if there are any simple areas which can again be automated, and that again improves the resilience of the system. I think we are very clear as well that we would far rather ... it does show the capacity of the contact tracing system, that we have got that number of people in isolation. It is a fluid figure, there will be people who are coming out of isolation as the circumstances change and there will be further people coming in, and that is all relevant of course to the level of testing we are doing as well. I will try and keep the answer short. It is quite a long and involved process, but the system is coping with it.

### **3.8 Deputy M. Tadier:**

Similarly, if the Chief Minister needs to delegate this, but it arose from one of the public question times and statements that he gave when he said he was encouraging people to work from home, and



one of the reasons for that is so that they did not socialise with work colleagues after work. Does he not think that similarly applies to pupils in all of the schools, who tend to socialise with each other when they are coming back from school, especially those who need to walk through St. Helier? Is that not an argument for closing the schools?

**Senator J.A.N. Le Fondré:**

Although it is a short question it is quite a complicated answer. The short answer is we have seen quite clearly, and as has been reported to Members previously, that as a result of both half-term and Bonfire Night, but half-term being a week off, when parties did occur that the spread did commence among older pupils; no question. The evidence is there and we showed Members a range of clusters and one of those clusters was as a result of half-term. The other point, which has been made very clearly - I do not think the Deputy was present last night when we gave a very short briefing to the ones who brought the request to have the sitting today - again it was effectively referred to this morning in the briefing before this sitting, it is the difference between a structured environment and an unstructured environment. It is also about the overall balance of harm and that ties into vulnerable groups, it ties into effectively referrals and issues of abuse, all those types of areas, that is your balance of harm, the longer-term issue around educational outcomes, which again ultimately as the chair of S.T.A.C. (Scientific and Technical Advisory Cell) and the Deputy Medical Officer of Health or acting Medical Officer of Health referred to, which is around the overall health outcomes from losing days of education, and also then in the structured environment of the school the spread is less than in the unstructured environment of the community. That goes straight back to the half-term experience where because there was an unstructured environment, in other words lots of mingling, the virus did spread in people of school age.

**3.8.1 Deputy M. Tadier:**

Would the Minister clarify that the Bonfire Night activities did not take place in the daytime, and therefore it was not relevant whether or not children were on or off school? Would he also confirm that it is not the fact of being off school for a week that is the problem? It is the gathering in large groups that needs to be managed, not the week off *per se*.

**Senator J.A.N. Le Fondré:**

Sorry, Sir. The Deputy slightly cut out on my end anyway. Could you repeat the last part of the question?

**Deputy M. Tadier:**

Whether the Chief Minister agrees that it is not the fact of having a week absent from school for whatever reason that is the problem; it is the socialising in large groups in an unregulated manner that is the issue?

**Senator J.A.N. Le Fondré:**

I think the point is that if the schools close you are going to be encouraging socialising in an unregulated manner, irrespective of whether it is day or not. We have seen correspondence that has been sent out to the schools by the police already addressing some increase that we have seen in town from pupils. But that is the big concern, that if we actively encourage it by closing the schools, taking account of all the other aspects of the educational harm, effectively going directly against health advice, which many Members will have heard this morning, plus the unregulated mixing, and by having a structured environment in schools you are reducing the amount of time and therefore you are reducing the ability to spread in the community as a whole. As we have said, the spread within schools is less than the spread in the community.

**3.9 Deputy C.S. Alves of St. Helier:**

Can the Minister please inform us what the current longest turnaround in COVID tests and getting the results to the people is?

**The Deputy of St. Ouen:**

Where our Jersey facility has been used the average turnaround time has been 8 to 12 hours, but over this last weekend there was a failure with one piece of the equipment, which had to be replaced rapidly. While replacement was awaited, tests were sent to the U.K. and that has meant that there have been longer turnaround times of certainly more than 24 hours, I believe. I think the Deputy asked me what was the longest. There will be outliers. I cannot say what is the longest because there have been so many tests conducted, over 100,000 now. Certainly over this last weekend I know, because I have had emails from people who have waited 72 hours for their test results. That is a matter of regret, of course, but the situation has now been rectified. There was that blip to pass through the system and those extra tests to come through. We should by now be running at the normal rate.

**3.9.1 Deputy C.S. Alves:**

I have been contacted this morning by somebody who has been waiting for their child to receive a result and it has been 8 days. That child is not the only one in that position. They have been phoning the phone line and been on hold for up to 2 hours, and just been told that they have to isolate. That is 8 days of isolation without a test result. They have also emailed and been told that they just have to wait. Can the Minister tell me exactly what advice he can give to these people who have been waiting for over a week now? They have even offered to be tested again and this has been refused.

**The Deputy of St. Ouen:**

I am sorry to hear about that. That must be an exceptional case because that is far from the norm. If the Deputy wishes to contact me with the details I will make sure that contact is made with that family very rapidly. The advice must be if they have been presently told to wait then they are known to the system, but clearly something has gone wrong in that case and I will do my level best to investigate and get it resolved.

**3.10 Deputy G.J. Truscott of St. Brelade:**

Could the Minister explain why medical practices have been precluded from administering the COVID vaccine?

**The Deputy of St. Ouen:**

It is the case that a number of G.P.s (general practitioners) are helping with the administration of the vaccine, not in their surgeries but at Fort Regent where the vaccines will be administered. We wish G.P.s to conduct their normal activity. The vaccination programme is a huge effort, vaccinating at short notice vulnerable people and ultimately most of the Island's population. Logistically it is perfectly proper that this be carried out centrally. G.P.s were heavily involved in the process. There was an invitation to them to tender and to explain how they might do it, if it was to be conducted in surgeries, but at the end of the day it was decided that this would be more effectively delivered through a centralised system at Fort Regent and have G.P. practices operating with their normal business looking after the primary care needs of Islanders.

**Deputy G.J. Truscott:**

No supplementary, Sir and I thank the Minister for his answer.

**3.11 Deputy D. Johnson of St. Mary:**

Following on from the question from Deputy Morel to the Minister for Health and Social Services, regarding the closing of all licensed premises, would the Minister advise whether it is possible rather than adopting that blanket approach to simply suspend licences, which would enable cafés that did

not serve alcohol, other than very rarely, to operate much as before? If that is possible would he agree to discuss with the Minister for Health and Social Services the adoption of such an approach and lift the present closing order?

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

I think technically that is possible, although it would create quite an administrative burden for the licensee. I am not sure whether they can suspend. They might have to surrender the licence and then reapply. I am hoping that a solution will be found before then. As the Minister for Health and Social Services mentioned, we are in the early stages of the measures that were introduced to help slow down the spread of COVID-19. I very much hope that we will be able to reopen elements of the hospitality sector as soon as possible. Of course that is going to depend on updated advice from S.T.A.C. in due course, and we are asking S.T.A.C. to reconsider that. In fact there is correspondence from Senator Gorst and myself due to go to the Minister for Health and Social Services to ask that we explore opportunities for safely achieving some sort of reopening in due course, even if it is very limited, if we can prove it safe to do so; simply with a mind on something that my department and fellow Ministers have been trying to promote in balance with the measures and that is an overall protection of people's general health and well-being and economic well-being.

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

Would now be a good time to reintroduce the suspension of parking charges, as more people than ever are self-isolating and cannot get out to move the car?

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

Indeed. We are nowhere near a lockdown situation as yet, which is what was happening last time, but we keep the whole car parking situation under review, likewise with the Nightingale unit we would be happy to suspend bay 7, to facilitate that, but we are nowhere near that at the moment.

**Deputy R. Labey:**

I missed a lot of that because the sound broke up for me. Was the Minister giving an assurance that the suspension will be looked at as soon as possible?

**The Bailiff:**

The Minister, as I understand it, was saying that matters are kept under constant review but we are not in a lockdown situation yet, which was the situation when last the charges were suspended. Is that a fair characterisation, Minister?

**Deputy K.C. Lewis:**

Indeed, Sir. I am obliged.

**The Bailiff:**

Do you have a supplementary to that, Deputy?

[10:45]

**3.12.1 Deputy R. Labey:**

Yes. I think the point is not whether we are in lockdown or not, but surely it is how many people have to self-isolate and cannot get out to move the car. If record numbers are doing so the suspension should be brought in. Is that not correct, Minister?

**Deputy K.C. Lewis:**

As I said, the numbers are not huge as yet, which they were last time. Obviously we keep it under review and will be discussing this with colleagues on a daily basis as to how we are progressing. As I say, we are nowhere near lockdown as yet, but we will keep it under review.

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

I was going to ask the Minister for Health and Social Services if he has considered any alternative screening programme, such as using the antigen test in order to provide greater reassurance to staff, pupils and their parents in schools? Also if, as Senator Farnham just suggested, some premises were being reopened then additional screening might provide greater security to all involved. What consideration has been given to that issue?

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

I believe that consideration would have been given at the level of S.T.A.C. meetings and by the Medical Officer of Health. I know antigen testing is used in some circumstances, but more so as a backup and a confirmatory test rather than a single test. It is not seen as being as reliable as the P.C.R. (polymerase chain reaction) tests that are undertaken at the moment when Islanders are asked to be tested. My understanding is that we will be continuing with the P.C.R. tests, but the effectiveness and reliability of all other testing measures is under review. I would expect to receive advice, if and when the advice changes, and I am told that we can adopt any other sort of test.

### **3.14 Deputy S.G. Luce of St. Martin:**

The various effects of COVID can range from just having to isolate because of contact tracing, to being quite ill or worse. Can the Chief Minister assure us that senior members of the civil service, who will be required to make short notice decisions on Brexit issues, have delegated their responsibilities to other officers and that all possibilities are covered in case of absence during the next month or so?

#### **Senator J.A.N. Le Fondré:**

My understanding is that we have all business continuity arrangements in place. That has been applying to the Brexit team as well and, as the Deputy will know, we have had various bereavements and various officers who have been often remote and often operating from all sorts of locations. Certainly we have been operating on an A and B team for a number of weeks.

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

I thank the Minister for his answer, Sir.

### **3.15 Deputy K.G. Pamplin:**

My question to the Minister for Health and Social Services is surrounding Dr. Muscat. Again, I am sure he will agree with me and all Members that we pay tribute to everything that he is doing. My concern is around him as an individual. Can you explain what support is in place for Dr. Muscat? He is only one man. He is not Henry Cavill as Superman and if Dr. Muscat required leave for illness or his own well-being is the support in place for Dr. Muscat?

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

I thank the Deputy for his concern and interest in the well-being of Dr. Muscat and indeed that interest, I am sure, extends and we would all wish to extend it to all members of staff working in Health and Social Services. I do not want to speak particularly or in specific detail about Dr. Muscat but save to say that we are aware that he is a prominent figure in managing this pandemic and we are doing all we can to ensure his well-being. More generally, he and all others within Government can avail themselves of the help that is available, whether it is formally through the occupational health scheme, whether it is through the systems that we put in place in health services particularly, I know that special arrangements have been made to safeguard people's mental health and well-being. Also I know and I have seen that departmental managers are asking those sorts of questions and enquiring about people's health and if they are managing, if they need extra support. I have seen also members

of staff at all sorts of levels encouraging each other, helping each other through. That is there, and I thank the Deputy once again for his question.

**3.15.1 Deputy K.G. Pamplin:**

Thank you. A quick supplementary as the Minister for Health and Social Services expanded on my question, as to it would not surprise the Minister that I have heard from my friends who work in the General Hospital that there is support in place. This is their toughest period this year and that he can reassure that the well-being and mental health support is in place for the tired and the hardworking and dedicated people who work in a hospital, from the porters, nurses, doctors, scientists and everybody involved who are feeling the effects this year. This is a time that we need them but we also need them to be fully supported.

**The Deputy of St. Ouen:**

Was that a supplementary?

**Deputy K.G. Pamplin:**

Just to ensure that those processes are in place.

**The Deputy of St. Ouen:**

I understand. Yes, the Deputy is right, there is additional support and I recognise absolutely that many staff in Health and Social Services are exhausted. They have had a really tough year and we acknowledge that. We are still asking a lot of them, of course, and they are saying to us that they are prepared to give their time, energy and commitment. We are immensely grateful for that and know the whole Island would be. We have a catch line, if you like, that it is okay not to be okay and I would encourage anyone in that situation not to bottle up their feelings or their stress and anxiety but to go to tell their immediate line manager or colleagues, whoever they feel they can reach out to, to explain, to release their stresses. Help is available. It is not a sign of weakness, far from it. It is an acknowledgement that so many people in health services are standing up and doing a fantastic job, but it has its consequences and that must be carefully managed. We are ready to support all those who need help.

**The Bailiff:**

Thank you very much. Senator Mézec, do I take it from your participation in the chat you no longer have a question for the Minister for Infrastructure?

**Senator S.Y. Mézec:**

No, Sir. I was going to ask what Deputy Labey ended up asking.

**3.16 Deputy R.J. Ward:**

I was going to ask the Assistant Minister, within a school bubble of either 25 in a class or up to 200 in a year group can the Assistant Minister confirm that students are not required to social distance or wear masks as in other public areas during that time?

**Deputy J.M. Maçon (Assistant Minister for Education):**

For clarity, does the Member mean when they are in self-isolation at home those requirements are not needed? Sorry, just to understand.

**Deputy R.J. Ward:**

No, in a school when a young person is in school, primary or secondary, and they are within their bubble of a classroom or a year group can the Minister confirm that they do not have to socially distance or wear a mask at all times?

**Deputy J.M. Maçon:**

There are a multitude of precautions in place, one-way systems, and so on, in schools. Regarding social distancing I think in classrooms they are down to the one metre social distancing, but again it depends on the age and the key stage of the child. As for masks, I believe they are different as I know some do wear them in classrooms. It is different depending on the age groups, but there are other precautions in place in order to ensure the safety of the children.

**3.16.1 Deputy R.J. Ward:**

So he can confirm that the measures in place in schools are not the same as in other occupational or other leisure facilities, going to shops and so on, or being out in the wider environment of 2 metre distancing, masks in a public place that is enclosed, *et cetera*? To confirm that those rules within schools are not the same?

**Deputy J.M. Maçon:**

Yes, that is correct, because the school is a controlled environment where other specific measures with the health guidance can be put in place, such as one-way systems, specific pathways through school, staggered entering times. They are different and therefore different measures are put in place.

**3.17 Senator K.L. Moore:**

Could the Assistant Minister confirm that currently 79 per cent of primary school pupils are absent from school and 60 per cent of secondary school pupils are absent?

**Deputy J.M. Maçon:**

No, I believe it is the other way round. I believe 79 per cent of primary school students are in schools and 60 per cent are in schools in the secondary area. Have I misunderstood the question?

**Senator K.L. Moore:**

That is helpful and I am grateful for the confirmation, although it appears to contradict information that has been sent to Members.

**3.18 Deputy M.R. Higgins:**

Can the Minister for Health and Social Services tell us among the clinical and nursing staff what is the level of COVID-positives, direct contacts and others who are off ill for other reasons? In other words, can he give us the numbers of staff among clinical and nursing who have been deemed to be COVID-positive who are off, those who are direct contacts with them and others who are off ill for other reasons?

**The Deputy of St. Ouen:**

That would change day-by-day. To be absolutely precise I would need to go back and obtain those figures and pass them on to the Deputy. I do recall a figure I heard I think 2 days ago that the numbers absent were in their 40s; I think it was 44. I am not absolutely certain but for those reasons I seem to recall that number. I cannot be more precise than that, Deputy, I am sorry, at this moment. I will try to get you that information.

**3.18.1 Deputy M.R. Higgins:**

Could I also ask the Minister if he could come back with a figure for the total number of clinical and nursing staff who are available, so that we can work out the ratios?

**The Deputy of St. Ouen:**

Yes, we will get that for the Deputy. Thank you.

**3.19 Deputy I. Gardiner:**

Can the Assistant Minister for Education confirm that the parents have the power and ability now to make a decision and take the children out of school and their children will not be marked as absent?

**Deputy J.M. Maçon:**

As the Deputy knows under the Education (Jersey) Law children are required to be in schools. What we have done is in specific circumstances, for example say a child is vulnerable, through discussion between the head teacher and the parent those children will get excused absence from school. Because of things like safeguarding concerns it is not a blanket that if someone wants to remove their child from school automatically they get excused absences, because we have to carry out that safeguarding role.

**Deputy I. Gardiner:**

Thank you. That is clear.

[11:00]

**3.20 Deputy R.J. Ward:**

Is it the case that staff in schools are returning after one negative test and is that the policy that teachers can return after one negative test, whereas those travelling to the Island or those contact-traced or suspected of having the virus have to have 2 negative tests before they can return to work?

**The Deputy of St. Ouen:**

I have not heard of that being adopted as a policy.

**3.20.1 Deputy R.J. Ward:**

Can I confirm to the Minister that that is what is happening in schools and if he is not aware of that does he see that as a public health concern?

**The Deputy of St. Ouen:**

Is the Deputy saying that that is what the test and trace team are saying to people required to isolate?

**Deputy R.J. Ward:**

I am saying that staff in schools, and I have confirmation through a number of emails of that, are being told that if you are a positive contact you can have one test and come straight back to school. Is that the policy?

**The Deputy of St. Ouen:**

It is not a policy I am aware of, and I am unaware of who is sending those emails or who is telling that to anybody. I will investigate it. I am unaware so I cannot say anything further at this stage.

**Deputy R.J. Ward:**

I am not sure if I had a supplementary. I have lost track of that one.

**The Bailiff:**

That was your supplementary.

**3.21 Deputy I. Gardiner:**

As we are all aware that the teachers are now dividing between teaching face-to-face at school and supporting children who are isolating, what percentage does the Assistant Minister for Education think should be between isolating and children at school when they are better off to go online than to divide their time between 2? If it is 50:50, 40:60, is there any idea when it becomes more efficient and better for the children and teachers to go online?

**Deputy J.M. Maçon:**

The advice from the medics and from the educationalists is that it is always better for a child to be in school. I know that some teachers are teaching through a hybrid model and that is teaching some in class and some online at the same time. I appreciate that is not the best or easiest method for teaching, but school is not just a place for education; it is also a place for socialising, it is also a place where the safeguarding controls can be put in place. To answer the Deputy's question, the advice that we have received from the medics and educationalists is that it is always better for a child to be in school.

**3.21.1 Deputy I. Gardiner:**

Will it be in the gift of the head teacher to decide when the balance is not effective and to move class into online learning?

**Deputy J.M. Maçon:**

The process that the head teachers need to go through is to consider the safety of students, whether it is safe for a class, year group or bubble to be in school and for a teacher to provide that service. If the head teacher is of the opinion that it is not safe then the head teacher can move classes to online learning and therefore have children either within the school building but in a different location and therefore it be supervised, or have teaching at home. To answer the Deputy's question, the head teacher in discussion with the department can make that decision.

**3.22 Deputy M.R. Higgins:**

Can the Minister for Health and Social Services tell us, and I apologise as I was unable to make the briefing this morning, how many people are in hospital with COVID, if any of them are on ventilators or on continuous path airway packages or induced comas? In other words, I am trying to gauge the level of severity of the people in hospital.

**The Deputy of St. Ouen:**

I believe the figure yesterday was 24 people in hospital with COVID, but only 4 of those were admitted because of COVID, because they were suffering from symptoms and needed hospitalisation as a result of COVID. My understanding was yesterday at least 2 of those patients required oxygen support. I hope that helps.

**3.23 Deputy R.J. Ward:**

Can I ask the Assistant Minister for Education whether it is the Education Department's policy that if a student does not attend school or college because they are concerned about catching the virus at Christmas, or they feel they should shield because of a vulnerable member of their family, they are still marked as an unauthorised absence?

**Deputy J.M. Maçon:**

I would need to clarify with the officers the exact wording of the policy. As you can imagine, it changes quite quickly. What I do know is that should any student or parent on behalf of a student wish to withdraw their child from the school then it is appropriate for them to have that conversation with the head teacher first in order to ensure that appropriate checks are put in place and receive that authorisation.

**3.23.1 Deputy R.J. Ward:**

Can the Assistant Minister confirm that an email was not sent to staff telling them to do exactly as I suggested, to mark all absences regarding staying away due to worries over COVID or family members as unauthorised?

**Deputy J.M. Maçon:**



I am not aware of any part of that level of operational detail. I will ask officers to confirm that or otherwise.

**3.24 Deputy I. Gardiner:**

Would the Assistant Minister for Education advise what options have the department looked at to assist in managing and planning the fallout from track and trace?

**Deputy J.M. Maçon:**

I think what the Deputy is asking is have any problems with the track and trace system meant that the education has changed.

**Deputy I. Gardiner:**

No, my apologies. What options have your department looked at on how to assist in managing and planning the outcome from the track and trace, which comes very often very quickly and it should be managed and reacted to quickly? Basically what options do you have on the table to assist in managing and planning this?

**Deputy J.M. Maçon:**

The officers from the Education Department are of course in constant dialogue with our colleagues from Health and the track and trace system. The Minister has not seen a policy, I believe, in changing anything but of course any guidance that has been issued from the Health Department the department is following.

**3.24.1 Deputy I. Gardiner:**

What options did the department consider to help schools that were affected with immediate effect from the notes from track and trace? Their assistance in managing and planning for schools, not for track and trace.

**Deputy J.M. Maçon:**

I wonder perhaps if the Deputy could put that question in writing, so that we can give her the detail. I have not been involved at that operational level.

**Deputy I. Gardiner:**

Okay, I understand.

**PUBLIC BUSINESS - resumption**

**4. School Closures (P.163/2020)**

**The Bailiff:**

That concludes question time and we now move on to Public Business. There is only one item for debate today and that is the proposition lodged by Deputy Ward entitled School Closures, P.163/2020. I ask the Greffier to read the Proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Education to take the steps necessary to close Jersey's state-run schools from Monday 14th December 2020 for the remainder of the current school term, with provision provided for vulnerable children and the children of key workers as the Minister considers appropriate and practical.

**The Bailiff:**

Before we go on, Deputy, I had entirely overlooked the fact that Deputy Martin had asked me for a point of order. Deputy Martin, can you ask that point of order now?

**Deputy J.A. Martin:**

It was not a point of order I put in the chat. Sorry, Sir. It was procedural, because I thought early in the day we have 3 propositions coming up basically, I know there are 2 amendments to a Proposition. It is about the importance of this debate and I want to propose we sit today until we finish because of the need to know. I wanted to put that out early because I do understand there are States Members with different caring duties but I put that there and I make the Proposition, if that is in order at this point, Sir.

**The Bailiff:**

I think it is helpful that you have given notice that there would be such a Proposition. I do not see any reason why we should not give clarification for that point today. If you will defer your speech for a moment, Deputy Ward, I propose that we deal with this so that people know what the position is and how long we will be sitting for. Very well. Is that proposition seconded? **[Seconded]**. The Proposition being that we will sit until this matter is concluded today. Does any Member wish to speak on the Proposition? If any Member wishes to speak could they indicate in the chat as a matter of course?

**Deputy M.R. Higgins:**

Apologies first, Sir. I was not quick enough. I thought you were going to cut us off first. Could I ask that the Ministers who could not give me the answers to my questions earlier can provide them during the sitting? They are all relevant to our discussions.

**The Bailiff:**

Very well. That really was not speaking on whether we sit until the evening, so I do not think any Member has spoken on that. Does any Member wish to speak on the proposition that we sit until we finish the matters before us today?

**Deputy M.R. Higgins:**

Sorry, Sir, it was implied in what I was saying that we do sit. I am happy to sit as long as necessary but if they can provide that information ...

**The Bailiff:**

I appreciate things are challenging online but we cannot have toing and froing without being called upon to speak by the Presiding Officer, but you have made that point of clarification. Thank you very much indeed. Somebody has then spoken. Does any other Member wish to speak on the question as to whether we sit until we are finished? If no other Member wishes to speak then I call upon Deputy Martin to respond if she wishes.

**Deputy J.A. Martin:**

No, I think the silence and I see Deputy Tadier in chat agrees. I think it makes absolute sense. It is Thursday, we are asking schools one way or the other to stay open or close. I make the proposition. It is up to you whether we do it on a standing vote or we have the *appel*. Thank you.

**The Bailiff:**

I think in these circumstances we will put a vote in the chat and I ask the Greffier to post the vote into the chat. It is there and I open the voting and ask Members to cast their votes. A vote *pour* means that it is a vote for the Assembly to stay until we have finished the business before us today. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition is adopted.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.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 Trinity				
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 J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Very well. I am sorry that I interrupted you, Deputy Ward. Do you wish to have the Proposition read again or are you ready to speak?

**Deputy R.J. Ward:**

Was it read the first time, Sir?

**The Bailiff:**

It was read.

**4.1 Deputy R.J. Ward:**

I am ready to speak, Sir, absolutely. The online thing is a pain. I would like to start by thanking Members for being present at this busy and difficult time. I propose these measures for one simple reason. We are at breaking point in our schools, for both students and staff. We have heard many times about the science of COVID spread among children and in schools and the Government approach is to adhere to one strict interpretation of this advice.

[11:15]

I bring this Proposition because we are in a situation where wider influences and effects are being experienced. The situation we have in schools is broader than a statistic on transmission rates in age groups. For months we have asked a profession to change the way they interact with children they teach and put themselves at daily risk of infection from COVID. We have seen this in the broadening of the advice re the virus into areas of the political sphere. Indeed, we seem to have a gestalt approach to pieces of isolated science being brought together to make a whole of advice that says that we will never close schools, unless we close schools due to not having enough teachers, which seems a strange situation. The decision-making has been delegated to a small number of specialists from other areas who are now advising in the area of education and Government have pulled out all of the stops this morning to sway the votes of the Assembly. I would like to point to something slightly different and perhaps contradictory. The European Centre for Disease Prevention and Control in August 2020 published a document on schools and COVID. Part of it stated: "If appropriate physical distancing and hygiene measures are applied, schools are unlikely to be more effective propagating environments than other occupational or leisure settings with similar densities of people." This is important because it also stated: "Children are more likely to have a mild or asymptomatic infection, meaning that the infection may go undetected or undiagnosed", but: "When symptomatic, children shed virus in similar quantities to adults and can infect others in a similar way to adults. It is unknown how infectious asymptomatic children are." It also says: "Decisions on control measures in schools and school closures/openings should be consistent with decisions on other physical distancing and public health response measures within the community." We do not practise distancing in schools, as was confirmed today. Bubbles can be up to 200 students in a year group. Staff can be in contact with more than one year group in any day. Further still, when students leave school buildings distancing rules and gathering rules apply. It is this mixed message that is a stimulus to causing problems outside of schools. Are we totally confident when the same report says: "While very few significant outbreaks of COVID-19 in schools have been documented, they do occur, and may be difficult to detect due to the relative lack of symptoms in children"? Test and trace are not working fully effectively given the numbers needed to be traced. It is because of those numbers, not because of the staff who are working so hard. We are not testing all contacts in classes. We cannot be confident that we know that this is not happening. One email that I received stated that students, older secondary age, were circulating in school for 72 hours before being traced re a positive contact. Teachers and lecturers with a positive contact are given one test and then returned to work. The policy of 2 tests has been removed. This increases risk for staff and students alike. We have an inconsistent and *ad hoc* approach to children being at home. We were told the situation is reviewed hourly, so parents could be told at very short notice to collect children. I believe that we are in a situation where the certainty of schools informing parents and offering help for next week is a much better situation. The delays in contact tracing are directly affecting school staff. I have received over 50 emails from teaching staff expressing their serious concerns over the current situation in our

schools. I would like to, and I have permission to do so from the senders, quote from some of these emails so that the voices of teachers are listened to directly in this Assembly. The effect on students is a theme and I have, for example, one person who wrote: “What I would like to highlight is how on edge and anxious the kids are. You know as well as the rest of us how teenagers can be when they are anxious and this never knowing if they will be contact-traced is terrifying for them.” The issue over what will happen with teaching is summed up here from another email: “The reason behind early closure is to allow school work to continue for all in a safe environment as teachers will be teaching to their timetable via Teams. So while teachers might be at home or in an emptier classroom delivering lessons via Teams students will not be in big groups in town. The students will be able to access lessons from home on their devices. If they do not have the device in schools they could be provided on loan for them. For the children of front line workers and students deemed vulnerable and requiring routine and stability, schools would be open for them and they too can access their lessons remotely while in smaller groups adhering to social distancing. The above would reduce anxiety among both staff and students, would reduce everyone’s exposure to risk and help us deliver lessons in an equitable fashion to all. At the moment we have some students in, some out and the list changes on a daily basis. When staff are sent home to isolate other staff need to cover their classes, or what is left of them, which is a difficult job to juggle. I myself have sat with another class while another teacher is remote from his home. Effectively 2 people are required to do one job. We are all prepared to deliver and receive lessons remotely for the last week, and this system will be safer and more straightforward for all involved than we are currently being asked to.” I believe I have as much time as I need and I believe it is important to express these, so I am going to continue. This one: “Of course students are a priority and we need to do what is best for them, but the toll that the current situation is taking on teachers is not discussed enough at present. We are of no use to our students if we are at risk ourselves. I like to think I cope well under pressure but I am really feeling it at the moment with additional stresses.” So another perhaps more interesting one: “I would also like to add the kids are terrified. One of them said to me the other day it is like being in ‘The Hunger Games’ with a laughing face. In all seriousness our counsellor and E.L.S.A.-trained (emotional literacy support assistants) staff are swamped with children as young as 11 having anxiety attacks.” I continue: “My marking and planning has doubled as I am teaching remotely and in person at the same time. I have 50 per cent of each class either in isolation or pulled from school at some time. It is tricky to set meaningful work that students can complete independently. They are not guaranteed to make progress without face-to-face teaching and most are not doing the work set, but the expectation is still there. Additionally in lessons, students are not focused as they are frightened or concerned about the virus, especially when they are surrounded by empty chairs. It is very real for them. I am only allowed to take my mask off or visor to eat but can only do so in a room alone. Breaks and lunches are becoming very lonely and, as teachers, we need them for our own sanity. Most of us are skipping meals just to speak to an adult. Schooling is difficult at times but enforcing additional rules and policies with students is a challenge in itself and those high up seemingly have no idea what it is like in the classroom. Students are not following COVID rules. They are bursting bubbles, they are flinging masks at each other and refuse to work the one-way system. They are not socially isolating, *et cetera*, and no matter how many times I clean my classroom between lessons they are still putting things in their mouths and leaving them there. A child coughed at their work purposely before handing it to me and this is in secondary school.” More importantly, there is an aspect to this that we must take account of, and it is summed up in this line: “No one person smiled at school yesterday. The atmosphere is dark and morale is non-existent. It feels like a funeral. As a teacher I have never felt more undervalued in my whole career. For the first time in my life I am away from my family at Christmas because the quarantine on return would affect my ability to return to work safely. Now I face being isolated from my partner on Christmas Day if I catch COVID or I am contact-traced and vice versa. He also works with vulnerable children in terms of mental health. That would be more damaging to staff and students alike than missing the last week of school. Myself and other colleagues feel like we are cannon fodder and our mental health is suffering. As teachers,

we pour our heart out and soul into the future of the Island every day, lockdown or not. It is deeply disappointing and beyond insulting that the Government cannot satisfy the need for our basic safety and satisfy the need for safety of our students in return.” There are many more like this: “We feel like sacrificial lambs to the slaughter and totally undervalued. Staff are considering being signed off for stress. Morale is so low we support each other as does our direct management.” “Each day it feels like I am going into a battle at work and I am constantly waiting for a direct contact alert. This is the most stressed I have felt in 26 years of teaching.” There are many more and I will not read any more because I find it quite difficult to read these at the moment. There is a clear choice today and I will finish now and let the debate continue. Allow schools to continue with the risk of many isolating over Christmas, take the medical advice as read, even with the gaps I have pointed out, and leave students and staff at risk of having to isolate over the Christmas period. I know of one head teacher living in a hotel away from his family in order to be available in school. While allowing schools to remain open as they are now we accept the risk that exists for staff, students and families. That is a decision you make and you must take full responsibility in this debate and when you vote. I urge people to vote for the Proposition and I put the Proposition forward.

**The Bailiff:**

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]** The proposition has been seconded.

**4.2 School Closures (P.163/2020): amendment (P.163/2020 Amd.)**

**The Bailiff:**

There is an amendment to the Proposition, or 2 amendments to the Proposition. The first is lodged by Deputy Pamplin and I ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

1 Page 2 After the words “state-run schools” delete the words “from Monday 14th December” and after the words “state-run schools” insert the words – “to all pupils in years 8 and above, with all colleges to close on 11th December at the end of the school day and all secondary schools from year 8 upwards to close from 14th December at the end of the school day”. 3 Page 2 After the words “key workers,” insert the words – “and those children whose parents have no access to alternative childcare,”. 4 Page 2 Designate the existing paragraph as paragraph (a) and insert the following additional paragraphs – “(b) that any such provision under paragraph (a) takes into account the enhanced monitoring systems that are in place for vulnerable children; (c) to request the Minister for Education to ensure that all schools allow parents to keep their children at home based on their concerns for the risk of virus transmission and not classify such children as being absent without authorisation (as long as the child has access and support provided to continue their studies); and (d) to request the Minister for Education and the Minister for Children and Housing to ensure that the necessary resources are made available to children and young people to ensure their access to mental health assistance is not reduced.”.

**The Bailiff:**

Before I call upon Deputy Pamplin to make the Proposition for the amendment, I should point out to Members that there is a main responder. In this case the main responder on all of these propositions and amendments will be the Assistant Minister for Education.

**4.2.1 Deputy K.G. Pamplin:**

I start by thanking Members for allowing the amendment to be debated today. I pay tribute to the Greffier staff for working on this in short order and yourself, Sir, for allowing the amendment to go through. I am furious, like many Islanders are, of the situation we find ourselves in a couple of weeks before Christmas after the year we have all had. We do not want to be in the situation that we find

ourselves but, to quote somebody well-known to us, we are where we are, in a situation of where we find ourselves today in the discussion of school closing. As Members know I have 2 children; one has gone from college to university this year. My youngest child has gone from primary school into her first year of secondary school. It has been a journey for all parents and everybody has had different experiences of that journey, from home schooling and the pressures of that to the situation of child care and these very important transitional phases that children go through. Following a really helpful email from Senator Mézec to all States Members the other day, it was timely in the sense of the work that I have been doing studying hard the effects of the first lockdown this year for lots of reasons, mostly and unsurprisingly to Members the mental health effects of what we all went through in that first period and subsequently the knock-on effects from coming out of lockdown, *et cetera*. On Tuesday or Wednesday - I lose track of time like many of us of what day of the week we are in - I was fortunate to have an hour with the Children's Commissioner on a whole host of subjects that we were discussing. It was timely because of the debate that we are now having today. Based on my research and based on my interaction and consulting with fellow parents, with teachers, the Children's Commissioner and most importantly children, I emailed all States Members some more helpful - I hoped - thoughts and a more measured approach to the situation we find ourselves in. I also emailed that to the director general and the officers in Education and both Ministers as a gesture of thoughtful process. Then we find ourselves today.

[11:30]

I have taken that process and put forward these amendments and, as I alluded to earlier today, my concern was that in normal times, and again if we all remember those normal times, when a Proposition is lodged usually there is a period of reflection, weeks to discuss it with other fellow Members to gauge our thoughts before voting, briefings and responses from our parishioners, so that we take their views on board. Obviously this situation we have just not had any of that time and without interacting with my fellow 48 States Members I have no idea of the mood or of where Members are on this particular decision. That concerned me a lot so I wanted to put in place amendments that would cover the complexities of what the Proposition is putting forward, and there are many, as the Assistant Minister for Education and the Minister for Children and Housing have outlined. This is not very straightforward. That was the intention of these amendments and I will leave it to Members, based on the debates and the briefing we did have this morning, to form their own opinions. That is the basis for the amendments. As they were read out, I will be asking that we take them separately because regardless of what Members decide to do today, there are really important things to stress of where we find ourselves in this exact moment. Because we have to really focus on where we are. We are an Island and we do, and we have to, compare and contrast. So naturally that is compare and contrast with the United Kingdom, with France, and then wider afield. But we are an Island and we have limited resources because of that. The effects are more keenly felt because we are an Island, so therefore our community is very closely knitted. So we really feel the effects, whatever they are, of the consequences of what is going on in real time. The situation that we find ourselves in this moment is there has been an exponential growth and clusters and the transmission rates have rocketed in short order, like, as the medical advice has been all year, it will do, this infectious and highly-contagious disease. If we do not have things in place to meet that demand, very fast and very quickly the virus will outrun you. The consequences are complex and troublesome. Whichever decision you make, there are consequences. So what I have tried to do is bring that research and bring those things into these amendments to help Members with their decision-making. The feedback is very clear, I think, and I have tried to put it all in the report for Members to read. I understand of course not everybody would have had time so I will quickly cover them as best I can. So the conclusion is, based on taking all views, if Members agree with closure of schools, it should be gradual. If you were to close all the schools and set free, for best use of the expression, 1,500 students on the same day, as this transmission of virus is obviously in close contact, the risk of outside an environment like a school bubble, and we pay amazing tribute to the schools in

putting measures in place of social distancing and spacing and hand-washing and all the other things. It is really done in a very safe environment. Of course, as we know, not everything is 100 per cent fool-proof. But suddenly all those students and all those families will have to quickly deal and put things in place. As we know, young people do like to congregate and, speaking as a parent, I do my best as a parent but I cannot obviously monitor my children 24 hours a day. So you hope that they take on board the advice. But we are human and things happen. So that is why a staged staggered approach is beneficial in that regard. We have also seen the concerns raised by Islanders and business and the States of Jersey Police. But it was also great in that advice written to all parents, the feedback that when groups of teenagers and young people were asked to stop meeting in numbers in town and other locations, they did so peacefully and acknowledged. We have to pay tribute to young people. Unfortunately, it is often sometimes they have had a bad rep throughout this pandemic, which is unfortunate, because on the whole children have been fantastic given the circumstances, like we all have. But it is really important to state that is a fact. To the other aspects of it, and a key one for me is the result of the lockdown back in March and April, keeping the schools open for key workers was so important. But what has, looking back on that scenario, is where say working parents who are not essentially key workers but had limited income and are in a position where, if they do not have childcare support, that is a concern. I had a very desperate phone call from a single mum who is on a zero-hours contract, her only means of childcare is the grandparents of that child, but they are shielding and in isolation. So if the schools were suddenly to close next week she inquired with her workplace who said: "Unfortunately, if you do not turn up to work, you do not get paid." That is going to be a very real consequence for a lot of hard-working Islanders of this Island that, because of the consequence we are in right now. Where so many people are in isolation because of delays of contact tracing and testing results coming back and the knock-on effects that we are seeing. That is getting more complex for families and parents as well as the schools, as we are hearing, who are struggling and sending year groups home because of lack of teachers. So that is the reality of the situation and I want to ensure, because if you think about young children, and I would use myself as an example, I could not justifiably leave my 12 year-old daughter at home alone because there is no childcare for her. Of course not. I would want to make sure she could be in a place, if the school would take her. So that is an example and I hope that is helpful in the context, which I put it in. The issue about year 7 again is I am lucky to be in that position with a child in year 7. But obviously speaking to year 7 teachers and other parents and children, and the Children's Commissioner made very valid points on this, they are in a transitional period. So they have only been in secondary school for 3 months and this year, on top of that, which is a difficult, challenging experience, there have been all sorts of things going on because of the pandemic. They are almost sort of still in the primary school to secondary school transition, so their end of this Christmas term feels very familiar to the last year of their primary school and safe in the numbers. Equally, they have been through very quick changes. For example, those children who take a bus to school did not have to wear a mask and then they had to change that and wear a mask. In only the last couple of days, year 7 pupils have been asked to wear masks in school, which is what they were not doing the day before. So they are coping with day-to-day challenges and changes all the way through. Children are very resilient but there are changes and disruptions going on at the moment. So I hope that again provides context to why that is in place. Unsurprisingly, my research and my discussions with mental health professionals and charities and teachers and school counsellors, *et cetera*, the one lesson that has clearly come through from the blunt instrument of lockdown earlier this year was, where children can access safely school counselling through a wide range of reasons, from anxieties, maybe situations they are struggling with, which they can only confide in their teacher who they trust or their school counsellor. When the blunt instrument of lockdown happened in March and April all those children suddenly lost that contact of that emotional support and that was not quickly enough put in place. The Children's Hub was great and I pay full due respects to the Children's Department and the Ministers for putting that in place. But there was a real concern. I do see things are happening like the app that has been created and the use of TikTok to talk to young people. But this is the feedback that we have to put



in place, line of sight of emotional support for the children who need it and want it as much as possible. So that is why that is there. Also, as openly expressed by the Children's Commissioner and advocacy groups for the well-being of vulnerable children, and I just do this in its simplistic form as I do in the report, a red, amber, green system is in place. Because, if anyone is aware of that process, obviously vulnerable children, they are in line of sight of their teachers, *et cetera*. Members are aware of the M.A.S.H. (Multi-Agency Safeguarding Hub) process as well. If suddenly that line of sight is lost on those vulnerable children that concerns me. I am sure it concerns Members as well. Just to ensure that a system is put in place. That those vulnerable children, there is a system in place to support their well-being and all of our concerns. Because, as we all know, being in lockdown, being at home all day, while for a vast many of society is okay but as we know statistically, which is coming through, because of domestic abuse and the effects that could have on children that is also a reality. So I just want to put those reassurances in place. The other aspect of one of my amendments is the blanket rule of the situation we find ourselves in now where a parent or parents decide, because of the risk that is happening right now and the in-and-out that is happening in schools, they want to remove the child because one of the 2 parents is at high risk because of their medical conditions or they live with an elderly person, and that is just the way it is. So they want to take the child out and make sure that they do not accidentally pick up the virus and bring it home with them. If they choose to do that there should be just a very simple blanket rule for all schools and all education that that process is defined in absence because that is really important. Because, again, as parents, some I have had discussions with family and friends who have children and one school is doing one thing, one school is doing another thing. If you have a child in 2 different schools, I just think it would be simpler for everybody that there is no burden if a family do decide to keep their child at home that that is in place. So I hope again that makes sense. I think I have covered all parts of the amendments. It is obviously up to Members how they vote today. I am still taking on all sides of the debate before I firm my mind up. But I hope these parts, especially (b), (c) and (d), are in place regardless of today's decision. But it is good to bring these out and draw these out to give the position and I am sure the Minister for Children and Housing will speak to them and reassure Members. That is a good thing if things do not even get voted for. So, frankly, we should not be in this position, as I started off by saying; I am furious that we find ourselves in this position. There are a lot of emotions around right now and that is to be understood. But there has to be accountability for the position we all find ourselves in. But that is not for right now. Right now, I believe we should channel our emotion, our thoughts, in trying to be helpful, finding proactive and compromise ways of dealing with this situation, which my amendment does help today's debate. I hope that is really clear. Obviously, I will answer any questions best I can and I propose the amendments.

**The Bailiff:**

Is the amendment seconded? [**Seconded**] Deputy Maçon, you have asked for a point of clarification from me. Do you mean a point of order or something else?

**Deputy J.M. Maçon:**

It is to clarify and understand the wording of the amendment and I think that rests with the Chair.

**The Bailiff:**

To interpret it, it does. But what is the question?

**Deputy J.M. Maçon:**

In the main Proposition I understand it to be asking to close all schools. I am just looking at the version that the Greffe sent us late last night of the amendment. So obviously we have not had a huge time to digest and study it. But it seems to me, just rereading the amendment, Deputy Pamplin's amendment only applies to years 8 and above and therefore, for example, the primary schools would not be affected. Is that a correct understanding or does his amendment affect all the schools as well?

**The Bailiff:**

The Proposition with the Deputy's words in: "Request the Minister for Education to take the steps necessary to close Jersey's state-run schools to all pupils in years 8 and above with all colleges and all secondary schools from year 8 to close at the end of the school day." Yes, it appears to apply only to those pupils in years 8 and above.

**Deputy K.G. Pamplin:**

I can add some extra clarification if you will allow.

**Deputy J.M. Maçon:**

I would seek that from the speaker, yes.

**The Bailiff:**

Yes, if you wish further clarification from Deputy Pamplin that is an appropriate way forward, yes.

**Deputy K.G. Pamplin:**

Thank you, Minister. Yes, this is also feedback I have taken from some teachers, from parents and the Children's Commissioner. Obviously, he and the experts are in a better place to respond to this. But the difference between secondary school and primary school is primary school students are in one bubble, one classroom, one teacher.

**The Bailiff:**

I am sorry, Deputy. I thought you were going to clarify what you had said and what the intent of the Proposition was, not that you were going to add to your speech.

**Deputy K.G. Pamplin:**

Sorry, I was trying to find a way off the top of my head to clarify.

[11:45]

**The Bailiff:**

The clarification is that it applies from years 8 and above for the reasons you have advanced in your speech.

**Deputy K.G. Pamplin:**

Yes, thank you.

**The Bailiff:**

It is seconded. **[Seconded]** Does any Member wish to speak on the amendment?

**4.2.2 Deputy J.M. Maçon:**

As you can appreciate, these amendments that came in from Deputy Pamplin and Deputy Doublet came in very late last night, so we have not had a huge amount of time to consider them. I note that the Deputy is going to take them in sections. So I will address the points as we go along. In my main speech, I would have talked about the difference between primary schools and secondary schools. My concern regarding Deputy Pamplin's amendment applies to both. But in particular, part of the concern with regard to closing secondary schools early, particularly those years 8 and above, particularly years 10, 11, 12 and 13, is that we know for many of them the last week of this term is in preparation for mock exams in January. We know, if they lose that particular time, that is going to cause a great amount of upset and anxiety for those students. Because, as we know, mock exams, the results of those exams, can be used in the overall grade when it comes to calculating their result. We know that the U.K. has said that they want to move, or intend to move to full exams by the end

of next summer. But of course in these uncertain times we cannot be assured of that. Not only that, but the Welsh exam boards again are different and in Jersey we use a combination of all. So the problem that this presents to us, as we see it, is that to close the schools would prevent that vital time for that particular cohort of students. I have had one head teacher contact me and express that particular concern about exam-level students. Because some of them do take exams in January as well. So that of course, for the overall education, and this is what it is all about, it is about the education of the children. We have to do what is in the best interests of the children. I note a tweet from the Children's Commissioner this morning where she has tweeted that closing school buildings should always be the last resort and made in the best interests of all children. But considering where we are, is this amendment slightly more palatable than the main Proposition? I think the amendments to part (a) are slightly more palatable as at least it allows the requirements in the primary schools to carry on. We know that the virus transmission is low in all schools but it is particularly low among the primary school-aged children in those early years. Because of course we have nurseries on our primary schools as well. So perhaps it would be better for Members to adopt part (a) of this particular Proposition and then perhaps vote against the whole thing just as a safeguard. Because the whole Proposition, as it sits, is not acceptable. I have a speech to address that when we get there. Looking at part (b), which takes into account enhanced monitoring systems that are in place for vulnerable children. Again, I do not see a reason why in principle we were against that. Because we have not had time to operationally work out what that might look like and how that might be, I cannot give any Members any detail of how we would meet that. Of course, if this were to go through, we would do that as best possible. However, part (c) causes me great concern and, as was teased out today in question time, when asking about authorised transmissions to give that automatically or the way that it is worded to not classify such children as being absent without authorisation. This runs a horse and cart through all of our safeguarding procedures. As Minister for Children and Housing and as Minister for Education, the way that it is worded, part (c), under safeguarding grounds, I cannot accept that part of this particular element. It is vital that, if parents want to withdraw their child from school, they need to have that conversation with the head teacher. Because not to do so would raise safeguarding concerns and practices and procedures, which are put in place for good reason. So I would strongly urge Members to vote against part (c). We already have a process in place. So if parents have a vulnerable child medically speaking or for some other reason that they need to withdraw their child from school, they can do that and they can get an authorised absence from school with the head teacher. But to have this blanket rule, as the Deputy is proposing us to change policy in that way, is just not acceptable. As for part (d), to request the Ministers to ensure necessary resources are made available to children and young people to ensure that access to mental health assistance is not reduced. Again, I do not have the detail about how that would work out operationally. We may be able to provide alternatives, so for example we have recently launched the Kooth app, which is a platform specifically designed to support young people in mental health support. That is monitored and moderated and we launched that recently in order to support students in that way. Would we have an operational problem if, for example, students were at home and therefore could not access things like counselling support and other support? Again, I do not know, because I have not had time with officers to discuss whether that could be achieved. Obviously, we would not want to reduce it at all. But operationally I do not know how that could be done. I know we do have alternatives in order to support students in their mental health aspects of it. So, of this amendment, part (a) might be palatable compared to the original Proposition. Part (b) seems acceptable. Part (c) I would urge Members to strongly vote against. Part (d) at the moment I am not in a position really to say. I do not want to give Members the illusion of signing up to something, which we then could not deliver. Because I have not had the opportunity to speak with officers about what the implications might be. But of course we would always do our best with the resources available to support students in their mental health aspects as and when we can. So I hope that assists Members on this particular amendment.

### 4.2.3 Deputy J.A. Martin:

I absolutely see, I think, what the Deputy is trying to do. It is very hard and absolutely I might even say bonkers that somebody lodges a proposition and then somebody tries to amend it within a few hours to make it better. What this does not do, it does not address the overall issue. It certainly does not make it better. There are too many questions even in part (a) I say to the Assistant Minister. Who cannot get childcare? How are we going to prove that in a few hours and people have to go to school? Key workers, who are the key workers? I have to make these comments early in this debate because we have some fantastic key workers who will be working all the way up, during, in between Christmas and New Year. Are they not as important as teachers? I will just let that hang there. Are we saying the doctors, the nurses, the healthcare workers, the postmen, the people who put the petrol in the car, the bin men, the people that keep the toilets going, *et cetera*, the helpers at the Parish, the Community Task Force, Connect Me? These people, many of these jobs entail direct contact with sick people, direct contact in helping people. But today we are trying to say, with union backing, this set of people are more deserving of special dispensation so they can have a special Christmas. I was thinking of cobbling together a completely different proposition because anything flies. Let us close all the supermarkets, let us close everything, because why is that person doing that job over there not as important, not as anxious, not as scared, still having to isolate if contact and trace. Some of them will not be able to earn money if we close the schools because they have a very small allowance for their holidays, but they are planned. They plan around Easter, summer, half-terms and Christmas. I would imagine at the end of next week lots of parents are packing up. Not this week, next week. But you will still get those essential workers, key workers, which I absolutely understand teachers are. Why, nobody has told me yet, why we are cobbling together amendments to a proposition that just deals with one set of people. It really upsets me to have this debate. Unfortunately, trying to put amendments in at the last minute when you think that you are helping does not do it. Seen it too many times. We have just heard the Assistant Minister for Education saying: "It came in last night. I could not know if we could do that. How we would do that." So my advice is I am going to try to keep to this all the way down the line. I think teachers have done a really good job. But for anybody who was in the early part of the briefing this morning when the Chair of S.T.A.C. spoke, and he has now sent what he said around, there were some telling things. Firstly he said: "If politicians override medical advice and you close schools now, when will they open?" When will they open if the unions, and I know the unions are very vocal on this of saying their teachers must not work. So when will they open again? It is a very big decision. It took a long time to get teachers back into school of course because they had all the concerns. But the teachers and the schools, they stepped up, they made it one way in, the spacing when they could. I do understand it is a different world when they are teaching now. But the whole world is different. You go anywhere, you are talking to people in visors, you are talking behind great big screens, because we want to try to keep everybody safe. The whole Proposition today will put children out of school a week earlier, all ages. Under-12s, all those parents who cannot work from home, and there are many. These are the many who kept us going through the lockdown and through May and June and early July this year. They will still have to go out to work because we and everyone else expect them services. Are they not as special a case as teachers? I really think this debate should not have happened, but we are here. I am speaking up for the little people. The little people do not have big unions to represent them. The little people that are keeping the Island going. This amendment is cobbled together, it does not make the main amendment any better. I urge people do not support it. Please do not support this. Do not support the next one. Certainly do not support the main Proposition. I will leave it there.

[12:00]

### 4.2.4 Deputy J.H. Perchard of St. Saviour:

Just focusing now on the amendment itself and the merits and some of my queries around it, I am going to go through this quite methodically. So the original proposition asks for State-run schools to

be closed from Monday, the 14th, for the remainder of the school term. It includes a provision provided for vulnerable children and children of key workers as the Minister considers appropriate and practical. Now, just to address the points just raised about how we define key workers. We can define them how they were defined last time we shut schools. I am not quite sure why that is now a problem when it was not before. In addition, the Minister has the power and authority to develop definitions such as key workers if it is deemed necessary. Focusing on part (a) of the amendment, I am struggling a little bit with it simply because of the wording. I am hoping that the proposer will be able to just deal with this for me in the summing up. But it states that: "All colleges are to close on the 11th and all secondary schools on the 14th." I wonder if he could just distinguish between which are the colleges and which are the secondary schools and why year 8 upwards in either would need to close on a different date. I suspect this is just a consequence of having to do things quickly. But I cannot currently support part (a) because I do not think that clarity between college and secondary school is there. I am not entirely sure I understand what the impact would be and why there is a discrepancy for year 8 students in colleges and year 8 students in secondary schools. So I ask that he allow us to take this in parts and I do not think I support part (a). But part (b), which is about providing for monitoring systems for vulnerable children. I had assumed this was covered in the original Proposition but it is good to put it in those clearer terms in a separate paragraph. What I would just add is that, for anyone who has not had experience of this in schools, these systems are well-practised and exist already. Every time there is a school holiday, so summer break or Easter break or Christmas break, for example, there are key leaders in schools with specific responsibilities for safeguarding vulnerable children. There are already monitoring systems in place that cater for vulnerable children over the holidays. Obviously, a classroom teacher's remit has pastoral and academic elements and those pastoral elements for the average classroom teacher only extend to raising issues with S.E.N.C.O.s (Special Educational Needs Co-ordinator) for example, as and when they crop up, and to be a listening ear to students. But there are specially-trained people who work in schools, teachers, with extra responsibilities, with training appropriate to those responsibilities, who are tasked with ensuring that in the average school holiday, I am not talking about pandemic holidays, I mean normally; this is normal practice. Vulnerable children are provided for and supported by these individuals, but also by other agencies that work closely with schools to ensure that children who are normally vulnerable, children whose home lives put them at greater risk, are supported by the system. So that already happens and in a crisis I would of course expect what is currently happening to continue to happen. But, as a result, I obviously support part (b). But it should already be happening. Part (c) requests the Minister for Education to ensure that schools allow parents to keep their children at home based on concerns about the risk of transmission and not classify them as being absent without authorisation. I was really surprised to hear the Minister for Children and Housing misunderstand this. When we talk about absences and authorisations of absences in schools that means something very specific. So, for example, if a parent wants to take their child on holiday in term time, they would inform the school or contact the school and raise the absence. At that point, because it is deemed an absence that is not approved of, if you like, because we do not want parents taking their children on holidays during term time because it affects their educational achievements, that parent would be informed that the absence is not authorised. Now, in many situations, you will find that parents still take their children on holiday with the absence being formally not authorised. But this is what we are talking about when we are talking about authorising absences. If a parent phones up and says: "My child is sick and is not coming to school today" that absence gets marked and there is no rejection of it. There is no withholding of authorisation. There is nothing that goes on the child's record saying that they have been taken out of school inappropriately. That is what we mean by authorising and not authorising absences. It is absolutely appropriate that, if we are saying we want to be able to allow parents to keep their children at home if they are worried about the virus, perhaps because they have a vulnerable parent who is high risk and the child is excessively anxious about infecting their parent and the parent deems that it is in the best interests of the child, for their well-being, to keep them home and keep them learning at home

to reduce that anxiety, I would not want a school to then be able to mark that as an inappropriate absence. That is what part (c) is referring to. That is what that means. It does not mean that parents no longer should inform the school that their child will be absent. So I hope that clarifies the system that is being referred to by authorising absences. I would urge people to support part (c) in the interests of allowing parents to make decisions about the well-being of their children without being penalised on their child's attendance record. Because that is the outcome of part (c). Part (d) requests the Minister for Education and the Minister for Children and Housing to ensure necessary resources are made available to children and young people to ensure the access to mental health assistance is not reduced. Again, it is never wise to make assumptions, I had assumed that was covered in the original Proposition. But I do agree that it should be made explicit so that we are all on the same page. It is appropriate that we say that any of the mental health provision that is currently offered to students and that is currently delivered by the department and by external agencies in conjunction with schools should continue, if children are at home during term time because of any of the reasons outlined in the rest of the Proposition. So, again, I would urge Members to support parts (b), (c) and (d). A lot of it should be happening anyway, is happening anyway. A lot of it happens in the best of times anyway. But I think that, because we are in a crisis and because we are moving at pace, it is important that we are all on the same page and we understand that those processes and procedures cannot fall away just because we are under pressure because of the pandemic. So I applaud the Deputy for bringing those to our attention and I urge Members to support parts (b), (c) and (d). I cannot support part (a) because of a lack of clarity around the definitions and the disparity between colleges and schools. But, apart from that, I will be supporting the rest of the Proposition.

**The Bailiff:**

Thank you very much. Deputy Gardiner, you have a question for the Attorney General?

**Deputy I. Gardiner:**

Just a quick one. Can the A.G. (Attorney General) confirm what is the legal obligation of the parents to supervise children? So to what age there is a legal obligation of the parents to supervise children? The child cannot be left unsupervised on its own.

**The Bailiff:**

Mr. Attorney, I imagine you would like some time to think about that? Do we have the Attorney General or the Solicitor General online? The Attorney General is online. Would you like some time to consider that, Mr. Attorney?

**Mr. M.H. Temple Q.C., H.M. Attorney General:**

I am afraid I did not hear it at all.

**The Bailiff:**

The question related to what is the legal position concerning the requirement of parents to supervise underage children. How old do children have to be before they can be left on their own?

**The Attorney General:**

Right, yes, I will need some time to consider that.

**4.2.5 Senator S.Y. Mézec:**

I am particularly pleased to be able to follow Deputy Perchard's speech. She provided some really clear explanations as to what some of these parts mean in practice, in particular about the part (c) issue about unauthorised absences, which was something I wanted to refer to as well because the Minister for Children and Housing's comments about safeguarding concerns are obviously extremely important. But my reading of this was not that it was somehow about children just not turning up to school in the morning and the schools not doing anything as a result of that or not making that call

just to find out why or make sure that they are okay. I presume it still requires some sort of communication on the parent's behalf and then if there are safeguarding concerns they still be followed up in all the normal ways. So I have not been convinced by what he said as a reason to vote against that. It strikes me that part of the amendment, which seeks to add those extra safeguards in, which, as Deputy Perchard said, I would presume would have just been implied in the unamended Proposition. But to have them there in wording just to be on the safe side is not harmful. So that is not an issue for me. That seems perfectly reasonable. The second part of the amendment, which refers to including those children whose parents have no access to alternative childcare. Again that is not too problematic. If I were being petty, I might take issue with the word "alternative childcare" because of course schools are not childcare, they are education. There is an important distinction there and that is not why currently the intention is to send children to school next week. It is so they can be educated. It is not so they can merely be babysat while their parents go to work. We really do need to understand that point to understand what is in the best interests of those children. But it is the first part of this amendment that I really do not understand where Deputy Pamplin is coming from in making this very specific proposal. I suppose my question to him, and it is a very specific question and I want him to answer it in his closing speech, is who exactly is advocating what he has suggested? He has made several references to those who he has spoken to, the Children's Commissioner, to teachers, *et cetera*. Who of them has said that what he is proposing, for this to basically not apply to primary schools and not apply to year 7, is the appropriate way forward? Who specifically said that? Because it is certainly not the feedback that I have been getting and it does not chime in with what I think is the evidence before us. What I am hearing from concerned teachers is that there is a substantial amount of support for closing schools immediately. But with that not an option, it then becomes, certainly in the polling that workers' representatives have done, a very clear majority in support of closing the schools at least from Monday without specifically the caveats that Deputy Pamplin is seeking to put in here. But then in fairness the position of those workers' representative groups is that they would at least like to see a reduction of what is happening in schools just so it becomes easier to manage and they get greater certainty there. So any progress towards that is to be welcomed. But I do not understand why he has pulled year 8s out of thin air here, because then we would end up with 4 secondary schools with only year 7 going in, and it just strikes me as an arbitrary cut-off point there. Also to not include the primary schools when the figures that Members have been sent around previously show that we currently have 17 primary schools that are affected by having numbers of children being sent home.

[12:15]

Three of those are not just to do with students testing positive or contacts with positive cases, but because of staff absences. The schools cannot provide the education because they do not have the people allowed to turn up in the morning and provide that work. That is what this is about. I will try to stay calm for this next bit. But Deputy Martin's speech was infuriating. She did what she has unfortunately lowered herself to do in several debates during this term of office where she has attempted to pit one group of workers against another group of workers. I think that is a disgraceful thing to do and it misses the point entirely. This is not about saying we are going to uniquely look out for one group of workers because they have managed to effectively organise themselves to have their voice heard and ignore the rights or the needs of all the other workers. That is not what this is about and that is absolutely clear in the report to the main Proposition. The point of this debate is to treat a unique workplace like a unique workplace. There is no other workplace like a school. The work that they do, the people who enter the building, facilities they have, is totally different to a supermarket and totally different to a hospital or other healthcare-providing workplace. So they have to be treated in that context. The context we find ourselves in is, in some cases, these large buildings with hundreds of people coming in and out the door every day where at extremely short notice they can suddenly find out that a whole bunch of people in that building should not be in that building and they need to go. If those people make close contact with other people, then even more people have

to go. You can have situations where a teacher may turn up to work in the morning with their plan for how they are going to do their job, how they are going to deliver education to those young people, and suddenly get told: “By the way, a whole bunch of these children are not coming in today because of a contact” or: “One of your staff colleagues is not coming in today because of a contact and their work needs to be covered.” That teacher can find that the planning that they had straight away goes in the bin. They cannot do the job the way that they thought and will have absolutely no notice for that. That is difficult. It makes it extremely difficult to provide education properly and right now they are being reactive. They cannot be anything other than reactive because they will get no notice of these changes of circumstances as and when they occur. What the point of the Proposition is, is to be proactive, give them that certainty and to say: “Right, in those last few days of this school term, you can have much greater certainty by reducing the numbers of children who are going into those schools, reverting to online learning”, which of course in some circumstances is not ideal. But it is also not ideal to turn up to school and then get sent home. It is not ideal for those families and the effect it has on them when their children have had potential contacts with positive cases or staff members have had potential contacts and the effects that has on their families, their relatives’ ability to work and do childcare and all the rest of it. Whereas if we provide some certainty and say for those last few days the manner in which we will deliver education to our young people will be much more predictable, much steadier, much easier, because it will be taken away from the difficulties that they are now screaming out about. We are being inundated by communications from many of these people. We are seeing their representatives on the news. We are hearing some really upsetting stories about what some of these people are facing. It is right that we put the interests of those children first by making sure the manner in which the education is delivered to them is one with certainty. That can be done, as Deputy Pamplin is suggesting, for many students in year 8 and above. But it does not strike me as sensible to exclude a whole bunch of other students who could be subject to that uncertainty and that very last-minute disruption they may face, some of which they might find extremely worrying, scary or upsetting. Because of knowing the world we are living in right now and then all of a sudden being told that they are being directly affected by it. It cannot be good for their well-being either. So just to reiterate my conclusions there, I think that the second 2 parts of the amendment seem to me to be harmless. You would hope they would go without being said, but fine, if the wording is necessary that is okay. But I hope Members would reject the first part of this amendment, and I would like Deputy Pamplin in his closing speech to adumbrate exactly why he is advocating this. Because the rationale, I do not think, has been clear from that. He has spoken about research he has done but he has not explained why they have reached these particular conclusions rather than the conclusions Deputy Ward has made in his unamended Proposition.

#### **4.2.6 Deputy J.H. Young of St. Brelade:**

I really struggle with this whole issue. Part of that is because I have a family with teacher members and I have witnessed the problems they have had, the severe stress that has gone on since COVID hit us that Deputy Ward has described so well. I do not want to add to that. But I have really felt for them. Of course I have also seen the effect on my 4 grandchildren, all of which have been affected at different times and has resulted in separation of the family, disruption of health appointments for older relatives, and the difficulties in dealing with test and tracers. Unfortunately, due to the volumes now, we have the delays and there are communication gaps and so on, all of which has raised the anxiety. But I am very unhappy that we have come to this place today; rather like Judy Martin, I wish we did not have to have this debate today. Because I do not want to be forced to a choice, which seems to be developing, between recognising the invaluable professional advice given by the health experts and educationalists against the practical effects on a section of our workforce, but a vital one. What is missing to me in this is what I call practical pragmatic solutions to the issues about the way in which we provide an education service now in Britain generally within school buildings. School buildings that frankly in many cases are out of date, not really fit for purpose, and for far too long people have had to try to make them do as best they can, and they have done very well. But of course



when you have a pandemic those issues hit us straight between the eyes. Of course what we have seen is that COVID has shown us, everybody, that we have to adapt. Adaptability is the way that we do this, changing the way we do things. Changing the way we provide services. Changing the way we run our businesses or changing the way we run our lives. Just look, whole office market completely reinvented. Here we are today, we are not in a hybrid session, workers are not working in their offices now, they are working from home because that is the advice; they can. I absolutely agree with Deputy Martin that some workers, teachers are not the only ones, shopworkers particularly, I really do feel for them. We have restaurants gone into takeaways. The health service of course has adapted as well in the way that it has changed things. What we are all doing, the world has gone online. But yet it seems to me that our education service is in a longstanding traditional model relying on face to face. That is all right if you have ideal school buildings. It is all right if you have manageable class sizes. It is all right if you have backup staff to be able to do rotas and so on. So I am reminded in fact, when we had in the schools during the lockdown, what happened is teachers did rotas. They did rotas where some members of staff did online teaching throughout the holidays and others did face to face for those of essential workers and those vulnerable students. That worked well because they adapted the model. But here now I am not seeing from our education management the adaptability and the flexibility there in practice. Why should it be a sort of a one size fits all? We are told, for example, we have risk management. There was a presentation yesterday where we are told: “Do not worry, we do compliance, we check, we check, we check, we go around and we do risk management in the school buildings.” What does that do? I will tell you what it does. It puts the pressure on the teachers more so. So in many cases, for example, and I think Deputy Ward said it in his speech, you cannot do isolation when you have large numbers of children in a small room. You cannot ensure a decent environment if you cannot open the windows. So our school estate has some real problems and I am hoping that out of this we will start to rethink some of that. I also wonder, one of the best suggestions I thought was put yesterday, why can we not rely on our head teachers who can make the judgments on their individual school circumstances about their buildings, about the staff, how stressed they are, what backup they have available, and have a system of sharing out across schools. The private schools have done so. They have seemed to be allowed to do that and from what I can see, the emails, they seem to be doing it very successfully. So why, I ask, are we imposing inflexibility? Of course I absolutely accept that they are the same as health workers who have had a terrible time and done so fantastically, both groups have done well. But of course there is not the easy answers or not similar answers. Nothing is easy of course. There are not similar answers available dealing with children as opposed to a different working environment, as Senator Mézec told us. So I told my colleague Ministers yesterday that I really did not want this debate to happen. I wanted a compromise. I wanted a solution and a pragmatic and flexible one. Is the amendment that? I think it is a well-meaning attempt to try to give an element of flexibility. But I agree with Deputy Martin. I am afraid it is a sticking plaster. It is a sticking plaster and I am very much guided by what the Assistant Minister for Education has told us. I do not really get the idea of phasing under part (a). Whatever happens, I am going to listen to the rest of the debate because where I struggle is, whatever proposition comes out of the amendments, whether or not what to do on the main amendment, I am going to listen to the arguments. The one thing I do hope is that a vote does not happen on the basis that this debate is about shutting down education. No, as I understand it, it is about the choices of closing buildings, because it is about buildings, and continuing the way we run the education service, which desperately needs a look at when you look at other societies, comparisons are made with other societies. They have fantastic resources, fantastic buildings. They have systems where you get different classes. They have rotas. Schools turn up at the weekends. All those kind of things. We seem to be very much stuck in a rigid model and obviously COVID is showing that to be a big problem. So I am going to go with the Assistant Minister for Education on the amendment and I am going to listen to the rest of debate of what I do in the substantive one.

#### **4.2.7 Deputy I. Gardiner:**

I have signed the requisition because I saw that it is really important that this debate will take place. I am still listening to the debate and I need to understand where I am standing. I am pleased to follow the previous speaker because I do feel that the options were not presented. I had asked questions today; what management support has been discussed at Education Department to allow the flexibility approach? I do not believe that we can compare early years with the 16, 17 year-old needs. If we are looking into the data, the medical data, we can see that there are more COVID cases and more disruption at A-levels and the higher ages of secondary school.

[12:30]

We can see that absence there is about 40 per cent compared to absence in primary school, which is around 20 per cent. We do know that the younger children, they are not super-spreaders, they are more safe. The younger children cannot be left alone. I have to declare my interest because I have a child at primary school right now. So, if we are looking to the medical advice, it is safe to keep school open. At the same time, we are facing the struggle and distress and management from the schools. What I find really frustrating today, and I agree with Deputy Martin that she said we should not find ourselves to have this debate taken. I think we should not, because the pandemic is here from March. I would expect that these questions that we are asking here today would be answered in advance. Even when we have some quiet time during July, August and September. What I can see now it is not the health crisis, it is mismanagement crisis. This is the reason that we find ourselves today debating if to close school or not close school; an amendment that should be put together within 24 hours. Because it is important. So, for me, it is mismanagement and misplanning. If Education would come back to me and if the Assistant Minister in his closing speech would come and say: "We are happy to give head teachers the decision how would be the best for them manage their schools". Their school bubbles. The simple question when asked, when it has become unbalanced to divide your time between online learning and face to face. I do think when you have probably 80 per cent of children at school, and 20 per cent out of school it is manageable. But when you have 50:50 or 40:60, I do not know. Probably it is better for everybody to move online. The 16 and 17 year-old, they can engage with online learning with Zoom. A 5 year-old, you cannot keep them next to the computer more than 20 or 30 minutes. They need a different type of schooling. I would like to hear the question when it is safe to leave a child alone, and obviously we cannot leave children alone, and we do have work as well; it is important that this amendment was brought forward. Those children whose parents have no access to alternative childcare. If somebody works a zero-hours in supermarket and this is her bread and butter, next week, because her child is 5, 10 year-old, who cannot be left alone, she needs to leave her job and does not have any income. How we are managing? It is not an easy question and it is not an easy solution. For me also I am struggling to support closing, for example, more primary schools without another full lockdown because cafés are open. Maybe I am taking it too far but from my perspective it feels like we are trying to take the measures, like closing schools, which will have an effect on the economy, so we are closing down the economy and still leave open to COVID. It is really strange logic. I would like to hear some practical solutions from the Assistant Minister for Education how the flexibility approach can be put in place and what aid the parents who need to work will get. I will listen to the debate and make my decision later on.

#### **4.2.8 Senator J.A.N. Le Fondré:**

Firstly, to address some of the remarks from Deputy Gardiner very, very quickly. My understanding is that a number of the issues she raised about the autonomy, if you like, of head teachers in terms of dealing with some of the extraordinary issues they are having to deal with, they do have that capacity, i.e. if they do have issues I believe there is a direct link into the department. I am not quite sure how it works. Obviously, if a head teacher has an issue, the department deals with it accordingly. But the head teacher has the authority and the ability to deal with the issues that she is talking about in the flexible way they look at it. They discharge their responsibility in consultation with the wider school leadership team. Where there are particular issues or challenges, as we are seeing, they consult to

what is called the School Improvement Service before they make the decisions. So there is a flexibility there. What I would like to address is there are a variety of issues, which are germane not only to this amendment, but also to the other amendments and the main Proposition. What we are trying to do is to deal with the overall position and bringing the whole community through. One of the difficulties where all these questions are being asked at the moment is because this Proposition has been brought in at very, very short notice. The Assembly agreed with that but essentially it was lodged yesterday and with a view to debating today. Also, then we had the amendments, which we received at 8.00 p.m. last night. We arranged a briefing this morning, which was the quickest we could react. It was a placeholder already and, as I alluded to at the time, it had originally been envisaged that would have been to cover things like the Christmas guidance. But that will now be an email because of the timeframe that was used up in dealing with this debate. But it does sometimes strike me that some of the questions that are being asked could always sometimes be best addressed by either Members requesting a further urgent briefing or perhaps the relevant Scrutiny Panel asking for an urgent briefing. We are always very happy to oblige there because that is about understanding the information. But obviously again we did put out some of the concerns that have been expressed, as Members have heard today, but also publicly in the press conference on Monday, which ultimately attracted about 50,000 views over the period of time. So we are trying to get the message out in the differing ways. What I want to do is just look at the wording of the Proposition and just explain why I certainly will not be supporting any parts of it unfortunately. Part of it is because some bits we are effectively doing already, so I do not need to vote for that. The crucial part is the part (a), which, as I understand it, talks about: "Requesting the Minister for Education to take the steps necessary to close." But it is all pupils years 8 and above with all colleges to close on 11th December at the end of the school day, so that is tomorrow, and all secondary schools from the 14th, which hopefully, if my diary is correct, is Monday. I suppose the first point, which is slightly pedantic, but it is relevant, is the "all colleges". Because either we have Highlands College, of which there is one, or it is a reference to the likes of De La Salle Catholic College, Victoria College and the one I still refer to as J.C.G. (Jersey College for Girls). But it does not, for example, capture Hautlieu, Catholic Convent School. So I am not quite too sure what is meant there. But, anyway, stepping back, then it says: "All secondary schools from Monday." But standing back from it, it goes back to this fundamental point, and I might talk about that later, about what we call gatherings and about spread and transmission within the young unstructured environment. I refer to a note that was sent out to at least one of the schools, which was from the police, which does refer to already reports of dense gatherings of mixed students in town over the last week or 2. In particular out of 2; one is a food outlet and one is a supermarket, prior to and after school. There are particular concerns with large gatherings of students, which has unfortunately had a negative impact on both the community and undoubtedly the schools and young people's reputation. But on the other hand it does end on a positive note: "I understand that when officers engaged students from one particular school today they were polite and receptive to advice and dispersed forthwith." So they are not doing it deliberately necessarily, they are just again getting, in the excitement of youth, and congregating. This goes back to the fundamental point that was made at the briefing for Members today. I will not quote yet directly from the letter, which has now been circulated to all Members. But it was very clear that the overall health concerns, which feed into educational concerns, go 2 ways. One is around the transmission within the community that arises as a result. The education side and the health side are inextricably linked on this. But the transmission side is, from direct evidence and direct results from half-term, when we did see that as probably one of the first sources of the increase in the transmissions that we are seeing now. That is the concern of that extra week. But also then was the research that the chair of S.T.A.C. referred to, which was even short absences make a difference. That obviously those from a more affluent background are less-affected by these closures than those from a less-affluent background. But most importantly about the impact on vulnerable children. The trouble is that no one has a label on their forehead that says "vulnerable". Therefore the concern that comes out of that as well is, if one is saying we will make provision for vulnerable children only to go into schools, for

example, then how does one define that? Who are they? Is there a risk that you are either stigmatising children or the real vulnerable will not be going into school? I will not go too much further on the issues around that. That is probably one for the wider debate. It is probably also appropriate - I am slightly nervous of saying this just before the Attorney General - is the comments that came through, which I have now mislaid but hopefully I will find it imminently if I quickly look on the links, which is in relation to the Article of the law that is required to happen. This applies I believe to all of the 2 amendments and most particularly the main Proposition. It is from the Article in the relevant COVID law that was: "Approve regulations." It was approved by this Assembly. Essentially, it is the Minister, which is the Minister for Education, must consult the Council of Ministers, obtain the consent of the Minister for Health and Social Services, and be satisfied that it is necessary and proportionate having regard to the foreseeable risk of the spread of COVID-19 in Jersey. But, before giving consent, the Minister for Health and Social Services must consult the Medical Officer of Health. We have heard today the advice, both from the Medical Officer of Health and the chair of S.T.A.C. Therefore this goes back to the fundamental point, and I am sure the Minister for Health and Social Services will speak to it far more eloquently than I will, is that Ministers cannot break the law and officers, most particularly, cannot. So, while some people will portray it as a political decision, the law is very clear. Those are the considerations that the Minister for Health and Social Services would have to take account of. Therefore, as I understand it, certainly from the last conversation I had with him, which was somewhat earlier this morning, was broadly speaking that unless things change that consent would not be given. Because that would not be the advice and that would be the advice you would work on. So, on that basis, there are a whole range of other points, which I shall try to bring together for whenever we get on to the next items. But I will not be voting for any of the amendments or the proposition itself, whether amended or unamended.

[12:45]

Because of ultimately, as Chief Minister, as Chair of the Council of Ministers, but also of the competent authorities, we have listened to the advice. It is really difficult. It always is on these things. We have been here before and having to deal with difficult advice. We have always made the advice based on the professional and medical advice that we receive. That still remains to be the case. I will stop there, but for all those reasons I will not be supporting this amendment or any other amendment or the Proposition. I really do urge all other Members, if they will, to do so.

**The Bailiff:**

Thank you very much, Chief Minister. It is now 12.45 p.m. and Standing Orders require that I ask whether the adjournment is proposed or whether Members wish to continue.

**Deputy J.M. Maçon:**

Could we hear from the Attorney General first, if he has a short reply? That might just help before we adjourn.

**The Bailiff:**

Yes, and I suppose it may give rise to further questions. But, yes, it might be helpful so Members can consider the position over the luncheon. Mr. Attorney, are you able to advise now?

**The Attorney General:**

Yes. I am grateful for the short period of time that you allowed me to research this. Essentially the position is that there is no fixed age in law as to when it is safe for parents to leave their children unsupervised. There is an offence in Article 35 of the Children's Law (Children (Jersey) Law 2002) concerning neglect of children under 16. But that is fact-sensitive and the only case that I have found that is reported in the Law Reports on a brief search is a case involving 3 and 4 year-old children. But clearly the fact is that there is a jurisdiction for the Attorney General to prosecute cases of child neglect up to the age of 16. There is guidance concerning the age that it is safe to leave children

unsupervised but it is not guidance from this jurisdiction, it comes from the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) and essentially says: “It all depends.” They do give some guidance about, for example, it is never safe to leave babies and toddlers alone. They say that children under 12 should not be left alone for “too long”. But they are not specific about what that means. They also say that it is not safe for children under 16 to be left alone overnight. So that is the guidance and I hope that assists in answering the Deputy’s question.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

Thank you very much, Mr. Attorney. The adjournment was proposed and therefore the Assembly stands adjourned until 2.15 p.m.

[12:48]

## **LUNCHEON ADJOURNMENT**

[14:17]

### **4.2.9 Deputy S.M. Wickenden of St. Helier:**

I am struggling to work out what this Proposition is trying to achieve and who it is trying to achieve it for. Is it for the Island and the benefit of the Island? Is it for the teachers and the benefit of the teachers or the children or the parents? If we look at the Island, and we will start there, the best place to look is the medical advice. Our medical advisers are trying to make decisions not in bubbles but for the benefit of the whole Island, and they are looking to see what measures can be put in place to best reduce the contraction of the virus across the whole Island. What they have come back with, in their professional advice, is that children staying in school in a controlled environment rather than out in the community, will have the greatest effect in reducing the spread of the virus for the whole of the Island. In their professional medical opinion, to reduce the numbers of the virus going up, they tell us that children being in a controlled environment in school is the best option. Now if we are looking to support teachers and the children in that way we have to look at other areas, which is if we were to close the schools and look at this proposition and what it asks us to do, which is to make provisions for the children of key workers and those children whose parents have no access to alternative childcare, as Deputy Martin mentioned earlier, there are plenty of parents that are doing jobs where they will not be able to get the time off over the week that this closure will happen to be able to get alternative childcare or set it up. So they will be in a predicament where they either have to not go into work or we have to sort something out as far as the Proposition says in this. Now where would we look after those children for the vulnerable, the key workers and the parents who have no alternatives? I am sure that would have to be the schools so there would have to be provision given to those children under the amendment and the proposition to look after them, which means that the teachers will still be in school and they will still be teaching children. Maybe not as many but they will still be in that level of what is trying to happen here. But also the amendment tells the Minister for Education to close the schools so how could we provide a provision for children in a school if the schools have to close? So does this Proposition, in what it is looking for, achieve the outcomes that the proposers and the amenders are looking for at all? I struggle to find that this will have the outcome in any way that we are after. Now this Assembly has praised the advice of the medical professions and of Dr. Ivan Muscat who is giving us this advice now saying: “This is the safest and best option for the Island.” Why are we now going to say that we do not agree with Dr. Muscat’s advice for the best way to reduce the contraction of this virus across the Island? It makes no sense to suddenly say: “Thank you, Dr. Muscat and thank you to the health professionals but you are wrong now. You had a good run of it but now we do not think that we can trust your advice.” I know that the Minister for Education has been working tirelessly over these last weeks to try to come up with the best possible solution for this problem in the best interests of the teachers, the parents

and the children. I have had multiple conversations with the Minister for Education regarding this matter and it is a very tricky one. There is a very political aspect to it as well that, if we do not act now and there is a large spike in the infection rate, that means that there are too many teachers in isolation. The schools would have to close and we would have to go into some kind of crisis for that and we will look like we did not do enough earlier. We have to also take into consideration is this the right direction to reduce the contraction of the virus across the whole Island? It does not take much to go on to social media and see the many, many comments of parents who are working who do not understand what they would do in the time where they have to work and the schools are closed. There is talk of working from home in technology but some families in low socioeconomic households who have multiple children only have access to maybe one computer, if one at all, and that puts them at a severe disadvantage in their education which they already suffer from. I do not know why we are having this debate. I do not really understand what it is trying to achieve because I do not think it does achieve what we are trying to do. I have to say, in my personal opinion, any vote today to close the schools is a message to our medical advisers that we have lost confidence in their ability to advise us through this pandemic. I think we should be trusting our health professionals and we should be trusting our Minister for Education who is looking at this to try to come out with the best outcome. It could be to allow parents to make an informed decision on the best course of action for their own children and whether they are happy to take their children out of school, whether they have the ability to let them work from home or whether they are happy for them not do that last week of school. It should be up to the Minister for Education with advice from health about how we are doing this first and I cannot, in that light, on the basis that I do not think this Proposition achieves what people think it does, vote in favour of this Proposition at all and, with that, I will stop.

#### **4.2.10 Deputy G.P. Southern of St. Helier:**

I will not hesitate to use the cliché, and I was not going to speak in this particular part of the debate but, quite honestly, having heard Deputy Martin's contribution, I was shocked. She reminded me of something left over from the 1990s setting one group of workers against another. She said: "What about the little man? What about the little people?" I represent the little people and they are going to suffer. Those same little people that are school assistants, school secretaries and lunchtime supervisors earning not very much money and working in schools. Are they going to support continued school opening or, contrary to Deputy Martin, are they going to say: "Thank heavens for that. At least we are safe for the moment and we will talk about going back in January"? I think, rather, they will be taking a relieved attitude rather than fighting the colleagues that previously worked alongside the teachers. I have found that - and, quite frankly, the only word I have written down - nasty. We have just heard a mixture of arguments which are aiming at getting a balance between one set of advice and one route forward and another. We, as Members of this Assembly, are tasked with finding the best combination as we debate this issue and the fact is that the situation has got worse over the last month, significantly worse, and conditions are not the same as in the first wave. We have it worse. We are having extensive community transmission. It feels, hearing the news every night one night after the other, it seems to be everywhere and it is certainly in schools. I think I just saw today that Les Quennevais year 11s were all sent home at last minute notice. "Off you go because there has been an outbreak." We heard about Grainville. Was it year 7 or 8 sent home last night or 2 days ago? It seems endless. We have heard of parents not sending their kids to school and some significant absenteeism because parents are saying: "I do not want you going. It is too high risk. What about granddad?" So young people are being kept out and being sent home and it was happening last night. The question I think we need to answer, and it is a perception and only that, is: "Where do you feel safer? At school in a bubble that may be 100 or 200 people strong or out in the open air where there is a lessened threat or at home adhering to how much company you can have in your house." I think the best way forward is to admit that the pandemic is rife and is in danger, with the schools staying open, of taking over our society. I think we have to respond to that and one of the things we can do to minimise the risk is to close secondary schools. This particular

amendment, it seems to me, does not do an awful lot in the last 2 paragraphs but it does not do any harm. I do not understand how it would be improved by keeping some years and letting other years go; apart from the divide between primary and secondary. In secondary schools, you either close or you do not close. I think the proposal of this amendment has over-amended to reduce what it wants to find. The principle that we close schools is what we have to debate and what we have to decide on, and I propose that that is exactly what we do. Thank you.

[14:30]

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

I just want to primarily remind Members - and I know it is a bit rude of me to say - that, in this case, we are debating the amendment. Deputy Pamplin's amendment, I feel, is quite important because it includes certain safeguards which, were the original Proposition to be passed, have an important role in ensuring that safety nets were in place for those children who will be most affected by the main proposition. I think people have spoken against part (a), which I fear is perhaps slightly short-sighted to do because part (a) is making an important distinction whereby the younger the children, we know the less likely there is for any spread of COVID-19. While I appreciate the problems of staffing, and I feel that is an issue which individual schools need to deal with and decide for themselves, if part (a) is not passed, then we just do a blanket closure of all schools without taking into account, as Deputy Wickenden says, the scientific evidence. That scientific evidence tells us that children of primary school age and, in this case, also year 7, the first year of secondary school, are the least likely of all parts of society to pass on this illness. So I feel that part (a) is a very commonsense approach to the closure of schools were the main proposition to be passed. On parts (b), (c) and (d), I know other people have spoken in favour of and so I will not repeat, other than say I think those are very important safeguards that we really should be attaching to the main Proposition. The main proposition itself is too much of a single approach. There is no nuance in there and I feel that this amendment, and indeed the amendment we will be discussing after this, bring in elements of that nuance, which I think are very important should that main Proposition pass. For that reason, I do urge Members to support this amendment because, without it, the main Proposition is just too much of a single blunt instrument, which does not take into account differences in age groups and different situations in different schools. In fact, in the main proposition, you can see the report where literally it shows that not all schools are affected in the same way by any stretch of the imagination. So I do urge Members to support this amendment in order to safeguard that main Proposition should it be passed. Thank you.

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

I will just speak very briefly as Members will now have my own amendment coming next. I think Deputy Morel made a good point about if Members are not sure about closing the schools. This is almost like a halfway house. It is like a staged approach, is it not? I think between the 2 amendments and the main Proposition, there are almost 3 levels of measures that Members could choose from today. Deputy Pamplin's amendment is kind of one of the middle measures, is it not? If we pass the Proposition unamended, all schools will close. If we pass this amendment and the main Proposition then, as I understand it, the secondary schools will close but the primary schools will remain open. Of course, my amendment only keeps provision open for early years children, secondary schoolchildren in exam years and the groups named in Deputy Ward's Proposition, which is the vulnerable children and children of key workers. I lodged my amendment almost as a safeguard thinking that if Deputy Ward's Proposition is going to be passed, I wanted to protect those 2 groups. Having now seen Deputy Pamplin's amendment - which I was not aware of although I do obviously think it is important when we come to my own amendment that we safeguard those 2 groups - I think there is a lot of good in this amendment as well. I think I am going to support most of it and I am going to be listening to the summing up. I feel this is such a difficult decision and, again, I want to listen to the Minister for Health and Social Services in the main debate. I do think, on balance, it is

probably best to keep the primary schools open and probably safe to do so. That is my own assessment of the medical evidence and what we have heard today so I think I will be supporting part (a) of Deputy Pamplin's amendment. I absolutely agree with his point that he is making in part (b), where he is asking that children of parents who have no access to childcare be allowed to attend school. There is an alternative way of addressing that in my own Proposition but I just think any way of helping those parents and those children is valid and is helpful so I will probably also vote for part (b). There are another 3 parts, so the monitoring system for vulnerable children, and I do not see that anybody could vote against that. The only part I do have some concern with is about the authorised or unauthorised absences, so I will listen to what the Deputy has to say on that when he reflects in his summing up and also the mental health assistants. I will vote for that as well but it concerns me that that cannot be maintained, so that is where I am with this amendment. I think it is great that Deputy Pamplin has brought this forward and that we are able to have a debate on different levels like this. I think it is a very helpful amendment so I thank him for that.

#### **4.2.13 Connétable J. Le Bailly of St. Mary:**

It was nicely summed up by Deputy Wickenden and I shall echo that sentiment. Why have States Members suddenly become so clever that we can ignore the advice of our medical experts? I shall be voting against all of the Propositions.

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

I will be quite brief. It is obviously a very difficult decision that States Members are going to have to make today and I want to address, first of all, the question of the medical evidence and why States Members are questioning it or going against it. Well, the truth of the matter is the evidence is all over the place. I have been looking and researching articles from the *Lancet*, the *New England Medical Journal* and others and reading what they are saying. If I can just quote one and, as I say, they are all over the place in terms of what they say. There is a recent study on 8th December 2020 in the *Lancet* that refers to research carried out by the Office for National Statistics and, if I can find the quotes, they are saying that primary school children, by and large, do not spread the disease and are not a problem but that secondary school students are. They gave various figures. It says: "Furthermore, a preliminary modelling analysis based on data from the U.K. Office for National Statistics COVID-19 Infection Survey found that secondary school age children are about 8 times more likely to introduce an infection to a household than adults. If restricted only to data from September when secondary schools were predominantly closed, that probability was only marginally higher than adults." So what they are saying is that with the schools being open, secondary school students are transmitting it on to adults more so than primary school students. Therefore, the idea of closing secondary schools for what is 5 days is, I think, over-blowing the amount of work they are going to be doing this week in preparation for exams, or whatever, especially if the material can be done online and I think it is just distorting the picture. So in other words, we are talking about 5 days and we are talking about work they can do online or they can be given work before they leave on the Friday. As far as primary schools are concerned, the evidence I have seen seems to suggest that primary schools are okay and, equally, from the childcare point of view, I think it is important that people can carry on. We are getting closer to Christmas and it will be okay. If the evidence was overwhelmingly in one direction or the other, then I would support the medical advisers but, in this particular case, they have to admit themselves it depends on what study they have read and so on. I think it really comes down to a political decision rather than a medical decision so I shall support the amendment.

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

I just wanted to address briefly Deputy Southern's tale of woe on the virus being rife in our schools. The current figures for positive cases in schools today I have been advised are 30 students have tested positive, 4 members of staff and there are, arising from those cases, 802 direct contacts in isolation.



That number is of course changing daily because people come out of isolation and come back to work after 10 days. So that is the context of a student population, which I believe is approaching 15,000. This is capable, in my view, of being managed. All sectors of the Island are living with COVID at these sorts of levels. It is difficult, it places a great strain on us and can place great strain on the public services but it is important that children stay in school. I believe it is the case that the Education Department is managing this situation satisfactorily. We have seen that bubbles for year groups or classes close when they have to but they are brought back with the satisfaction that any risk has been minimised as far as possible. We are not in that dire situation and indeed the situation is not breaking down. I propose to speak at greater length in the main debate but I just wanted to set some context.

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on the amendment? If no other Member wishes to speak, then I close the debate and call upon Deputy Pamplin to respond.

**4.2.16 Deputy K.G. Pamplin:**

Apologies to Members. I have had technical difficulties so I apologise in advance if I have missed some of your contributions but I think I have made notes and covered it all. I will start by saying when I saw Deputy Ward's Proposition, I had many concerns which I think many Members this morning have raised. One big issue really for me was the simplistic way it was being put across of closing schools. What I wished I could have seen was that being said in a way that it is the closing of the buildings but not the closing of education, i.e. it transfers to online education for the last week to prepare students for their revision and homework over the holiday period in preparation for next term. That work is essential next week or in whatever days we give schools to allow that to happen. That was my concern. You cannot literally close buildings and not provide that essential last week for those higher up students and then filtered the way down relevant to the year groups. I also wish I had made that point more clearly in my amendment because that is my concern, that online education and the practicalities and all the things that I have talked about in my amendments have to be in place for the educational needs I believe for students. I just wanted to get that off the bat because I probably will not be speaking in the main debate.

[14:45]

I will not answer all speakers but I thank everybody for contributing and I will pick up some of the overall themes and points made. I think the main thing is to talk about part (a) of my amendment about pupils year 8 and above. I thank Deputy Gardiner for getting ahead of me because I was going to ask the Attorney General to back up my research that I discovered about the situation when it comes to the law of leaving children unattended under the age of 16 and 12. As he has quite rightly pointed out why I have concerns about that and its interpretation. The guidance there is in place for any legal proceedings if it ever got to that stage for interventions that led to court hearings or further interventions by police, *et cetera*. That is why I focused it on part (a) so that is one part of it. The second part also is that obviously younger children who are at primary school, so that is obviously from age 2 to 11. As the Attorney General mentioned about the guidance of children under 12, that also includes year 7 in secondary school because the children's ages of year 7 are 11 and 12 so it just comes under that guidance of leaving children under 12 unattended. That was literally my concern about the potential for that and that is my safeguarding concern for children and is why I put that in there. Also now, thankfully, because of the information provided to us by S.T.A.C. this morning and Dr. Muscat and the Minister for Health and Social Services with the numbers that do back up S.A.G.E. (Scientific Advisory Group for Emergencies), which is the United Kingdom's Government scientific advisory group, they do have information available and data is that there is no direct evidence that transmission in schools plays a significant contributory role in driving increased rates of infection among children, particularly in young children. The numbers that we now see reflect

that. That is why I felt that we could leave primary schools open, if States Members decide to vote for the main Proposition. Equally the difference then technically because in primary schools the children are in one class with one teacher and of course, as we know, in secondary school that is not the case. You move from one classroom to the next classroom, from the science block to the music block and that is why, quite rightly, the medical advice is now children in secondary schools wear masks for that interaction. Of course in primary school children are in safe bubbles with one teacher where they come into the classroom, stay there until 3.00, 3.30 and then leave without having to ... and again, massive respect and full tribute to the excellent work that teachers in schools have put in place to enable that to happen all year, since school has happened. I hope that gives the explanation that some Members were explaining why based on all of that I put part (a) as it reads, because that was my concerns. The second part of part (a) is, and as other Members have said, those children whose parents have no access to alternative childcare because again not knowing, because we have not had the opportunity to speak to my fellow colleagues, what the sense was. I had no idea if Members were going to vote for the Proposition as it stood but the consequences for working parents, as I outlined in my opening speech, and as Deputy Gardiner mentioned in her speech, that a working parent, single parent, who is on a zero-hours contract, not a key worker, is suddenly forced with the sudden closure of schools or, as is happened at the moment, where year groups are self-isolating, that the decision is made that her employer says: "Well, you need to work." She says: "I now have to look after my 6 year-old or 8 year-old or 10 year-old child. I cannot leave them unattended. I have no care" that they can be included and they could go safely into the schools, who did such a great job with key worker students during the first lockdown. I really hope I put that across why part (a) is as it is. If Members of course vote for the main Proposition I believe that puts those safeguards in place. Part (b), the monitoring system. Again, thank you to Members who spoke to that. I just think the processes that are in place just need to be in place for all vulnerable children. If that is resourcing the Children's Hub, like they did last time, or however they see fit, again I struggle as to why I think Members would vote against that but there we go. Part (c) and really I have to say why Deputy Perchard is going to be an absolute asset to this Government because once again her contribution is brilliant, and I am so grateful for her. But equally, to remind Members, she was a professional teacher before she was voted into this Assembly. The notes that I have written from her, and she could ask me for a point of clarification if I have missed interpreted, but I think this is really important. "Unauthorised absence refers to instances where parents have informed the school that their child will be off and the school deems the reason an inappropriate one." For example, if a parent took their child out of school to go on holiday during term time they would be marked as having an unauthorised absence. If a parent calls up and says: "My child is sick" they will simply be marked as absent. Unauthorised absences are recorded and can have an impact on their attendance record. The reason for this part of the amendment is simply to add being off due to COVID concerns to the list of acceptable reasons for absence, so as not to negatively impact a child's attendance record. It also has an impact on parents. If you have a continued unauthorised absence it raises alarm bells and triggers processes and, rightly, in some cases action will be taken. Authorised absences do not result in such a response. This, I believe is about protecting the human rights of parents and their protection rights of their child but equally if they have an autoimmune disease or they are living with an elderly relative, and the risk is high, so they absolutely, following the processes Deputy Maçon explained, would contact the school, as is the process right now, explain that without the burden that some parents are anxiously going through. I hope, and if Deputy Perchard wants to consequently ask any point of clarification, I cannot make that any clearer. Thank you, Deputy Perchard, for your contribution. I would like to put that on record. The last part is about ensuring the necessary sources are made available to children and young people to ensure that access to mental health assistance is not reduced. Again, if I may thank Deputy Morel, who is going to prove such a great and important asset to this Government and its future, of his reading of this because he, like I, we are parents and we spoke to other parents, there is a natural concern. Like I explained, when a child is in school they have access to counselling in that school. Thanks to the efforts of the Minister for Education and the

Minister for Children and Housing, previous and current, that has been enhanced. I know the Minister for Health and Social Services and his new Assistant Minister for Health and Social Services are all about supporting the emotional needs of children. The problem is that is not readily available when schools are shut. I have spoken to health-based professionals and mental health charities and also professionals in advisory support that they just want reassurance that all children are told: "If you are struggling, if you need that continued counselling that you are not now going to be accessing face to face, would you pick up the phone and speak to this organisation or Youthful Mind or the Listening Lounge?" or whatever is appropriate, depending on the age bracket. That is all I am asking for and again, if the main Proposition is passed, that is what I am seeking. I cannot make that any clearer than I think I can. That is it, in summary. Again, I really wish, as I think we all agree, we are in this position. But I will end with this final input to help Members with this. Deputy Higgins was quite right, my work is never cobbled together. It is always taken in great consideration of scientific advice and medical opinion. I have a wonderful supportive relationship with the world of health, particularly Dr. Muscat and others. But at the moment, S.T.A.C. minutes are not at our disposal and it is a great shame because this morning the Chair of S.T.A.C. produced brilliant information and a really helpful intervention to States Members this morning. Would it not just be great if that was all at our fingertips. However the information that Deputy Higgins referred to is in the public domain, it is medical advice and peer reviewed on the *Lancet*, and also provided by S.A.G.E. (Scientific Advisory Group for Emergencies) that secondary schools, older students, if not properly managed there is a risk; you cannot ignore it. But younger children the risk is less. But interestingly, right now, today in Essex - Basildon in fact - it has England's third highest rate of transmissions with 433 cases per 100,000 people in the week to 5th December. The Essex County Council said head teachers will decide if their school closes. That means the online provision, support and educational needs; not literally school closing. That is really important because at the moment our figures are higher than that. That is where the anxiety of many people is coming from. I leave that there. I think I have covered all bases. Apologies if I have missed anything out. But I maintain the amendments. I will be asking for them to be called separately, and I propose them.

**The Bailiff:**

There is a point of clarification sought from you from Senator Mézec; will you give way to that, Deputy?

**Deputy K.G. Pamplin:**

100 per cent.

**Senator S.Y. Mézec:**

I am sorry if I missed it in his closing speech but I had asked a very specific question in mine asking, of those who he listed that he had consulted with, who is actually advocating what he is proposing in the first part of his, which is for primary schools to stay open and for year 7s in secondary school to still go in. Who is advocating the year 8 cut-off point that his amendment proposes?

**Deputy K.G. Pamplin:**

The Senator is quite right, apologies to him, not personal. No one was particularly advocating but I was pointed to the scientific paper that was published by S.A.G.E., which did conclude that young children were not high risk in transferring COVID-19 in the set-ups that are in place currently. Looking at the laws in place about leaving children unattended and the complications that could arise, that was my conclusion of taking on board everything I read. No one was particularly advocating, that was the conclusion about what I had researched. I hope that is helpful.

**Senator S.Y. Mézec:**

Is it possible for further clarification on that?

**The Bailiff:**

A clarification on what has just been said, yes.

**Senator S.Y. Mézec:**

He referred to S.A.G.E. in his comments just then. Did S.A.G.E. say anything about how you can safely run schools with ... we were told something along the lines of a fifth of students not there and numerous staff shortages, which is primary schools, not secondary schools where it is worse?

**Deputy K.G. Pamplin:**

I am just quickly scan reading the S.A.G.E. document. It does not seem to be but the evidence seems to suggest from contact-tracing studies that pre-school and primary age children are less susceptible to infection than adults, i.e. low medium confidence. That is a direct quote from the S.A.G.E. document. I hope that is helpful.

**The Bailiff:**

I do not think we can go any further in terms of clarification. Do you wish me to take the 3 paragraphs separately, do you, Deputy?

**Deputy K.G. Pamplin:**

Part (a), then part (b), then (c) and (d), depending obviously if they fall away. I will follow your lead.

**The Bailiff:**

I think you can take parts 1, 3 and 4 separately but I do not think you can subdivide part 4, for example. Shall we proceed on that basis then, Deputy?

**Deputy K.G. Pamplin:**

Yes, thank you, Sir.

**The Bailiff:**

The first vote then is on part 1 of the amendment and I ask the Greffier to put a link into the chat. It is there and I open the voting and ask Members to vote on part 1. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[15:00]

I note that you have not got a link there, Deputy Southern, but you have registered your vote in the chat. When I say “part 1”, I am looking at the top of the actual amendment, and that is the first part of the amendment to paragraph (a). Then at number 3 comes the second part of paragraph (a), I hope that makes it clear. Part 1 of the amendment has been defeated.

<b>POUR: 12</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Connétable of Trinity		Senator L.J. Farnham		
Connétable of St. Peter		Senator J.A.N. Le Fondré		
Deputy M.R. Higgins (H)		Senator S.W. Pallett		
Deputy L.M.C. Doublet (S)		Senator S.Y. Mézec		
Deputy of St. Mary		Connétable of St. Clement		
Deputy L.B.E. Ash (C)		Connétable of St. Lawrence		
Deputy K.F. Morel (L)		Connétable of St. Brelade		
Deputy of Trinity		Connétable of St. John		
Deputy of St. John		Connétable of St. Mary		

Deputy M.R. Le Hegarat (H)		Connétable of St. Ouen		
Deputy K.G. Pamplin (S)		Connétable of St. Martin		
Deputy I. Gardiner (H)		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy C.S. Alves (H)		

### The Greffier of the States:

Those Members who voted *pour* were: Deputy Doublet, Deputy Pamplin, Deputy Morel, Deputy of St. Mary, Deputy Le Hegarat, Deputy Gardiner, Deputy Higgins, Senator Moore, Deputy Ash, Deputy of St. John, the Constable of Trinity and the Constable of St. Peter.

### The Bailiff:

We come up to the second vote, which is part 3 of the amendment, and that is the addition of the words also in paragraph (a): “and those children whose parents have no access to alternative childcare.” I ask the Greffier to post a link in the chat. I open the voting and ask Members to cast their votes. I ask the Greffier to close the voting; Members have had the opportunity to cast their votes. Voting is closed. Part 3 has been rejected - an equality of votes and therefore it is not passed.

<b>POUR: 22</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of Grouville		Senator J.A.N. Le Fondré		
Connétable of Trinity		Senator S.W. Pallett		
Connétable of St. Peter		Connétable of St. Clement		
Connétable of St. Martin		Connétable of St. Lawrence		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy M.R. Higgins (H)		Connétable of St. Ouen		
Deputy of St. Martin		Deputy J.A. Martin (H)		

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

We come now to part 4. Part 4 is the addition of paragraphs (b), (c) and (d) to the main Proposition. The link is in the chat. I ask the Greffier to open the voting and Members to cast their votes. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Part 4 has been adopted.

<b>POUR: 24</b>		<b>CONTRE: 21</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Lawrence		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator S.W. Pallett		
Connétable of Grouville		Connétable of St. Clement		
Connétable of Trinity		Connétable of St. John		
Connétable of St. Peter		Connétable of St. Mary		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy of Grouville		
Deputy G.P. Southern (H)		Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		Deputy J.M. Maçon (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 of St. Mary		Deputy S.M. Wickenden (H)		
Deputy J.H. Young (B)		Deputy G.J. Truscott (B)		
Deputy K.F. Morel (L)		Deputy L.B.E. Ash (C)		
Deputy of St. John		Deputy G.C.U. Guida (L)		
Deputy M.R. Le Hegarat (H)		Deputy of St. Peter		
Deputy J.H. Perchard (S)		Deputy of Trinity		
Deputy R.J. Ward (H)		Deputy S.M. Ahier (H)		
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

### **4.3 School Closures (P.163/2020): second amendment. (P.163/2020 Amd.(2))**

#### **The Bailiff:**

We come now to the second amendment brought by Deputy Doublet and I ask the Greffier to read the amendment. Senator Moore, you have a question?

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

I was just going to ask if it was possible to identify those Members who did not vote in the second vote on the amendment, part 3, please. Because of the tied nature of it, it seems a shame.

#### **The Bailiff:**

I do not think we can without going through both sides and it is a little late to do that. It will obviously be a matter of record in due course. It can be capable of being worked out but I do not think it is possible simply to read it out at this stage. We now come to the second amendment, which is an amendment by Deputy Doublet, and I ask the Greffier to read the amendment.

#### **The Greffier of the States:**

1 Page 2 – After the words “appropriate and practical” insert the words “, and early years pupils, as the Minister considers appropriate and practical”. 2 Page 2 – After the words “appropriate and practical” insert the words “, and students in exam years, as the Minister considers appropriate and practical”. 3 Page 3 Designate the existing paragraph as paragraph (a) and insert the following paragraph – “(b) to request the Minister for Social Security to extend eligibility for the Isolation Benefit to parents or carers whose children are affected by school closures and who are unable to make alternative care arrangements.”.

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

I hope Members will bear with me, it has been quite difficult to write a speech for this, given I did not know what the outcome was going to be of the previous amendment. I will do my best and I think I am going to be brief because this amendment and the 3 parts of it really is a safeguard for Members who are minded to vote for school closures. I am not going to particularly argue either way because I think Members have to weigh up all of the medical advice and all of the practicalities that we have heard about, and possibly will hear about in the main debate, and decide on the main vote whether they want schools to close or not. But if Members are minded to vote for school closures I think it is very important that we have these 3 safeguards, which I am attempting to put in place with this amendment. I do thank Deputy Ward for bringing the Proposition. I know he probably struggled with whether to bring it or not and some Members have said: “Who are we to be debating this because we are not medical experts?” But I do think we are all intelligent people and we are all here to represent the population who clearly have strong feelings on this. I do think it is important that we are talking about this today. This amendment is a safeguard on 3 separate areas, which I will be asking to be taken separately so Members can vote for or against each one as they wish. The first element is to safeguard early years and the provision of schooling for early years children. To be clear, this covers nursery and reception classes in our state schools because of course nursery classes in private nurseries will not be affected by this, they will remain open and children receiving their 20 hours in private nurseries will be able to continue. I feel quite strongly that children of this age in our state schools should also be able to. I think Deputy Young and others have made the point that if we close the school building we are not stopping learning because it will move online. For early years, for nursery and reception children, this is not the case because they cannot learn online. In fact, there is some research that says certain levels of screen time is harmful for younger children, in particular. I did seek expert advice on this because I was not exactly sure where to pitch this and I was not exactly sure what age of children when they start being able to self-direct learning in an online setting. I was told that from key stage 1 upwards, children should be able, to a certain extent, to self-direct some of their learning on an online basis, which is why I have pitched this at early years.

The early years curriculum - I have mentioned children cannot learn online - is centred around social and emotional development. So children need to be with their peers and they need to be instructed environments with trained practitioners, who know how to meet their needs. I also make this amendment off the back of research that is being done by the Best Start partnership. Members will have received a briefing paper, which I forwarded to them, which has outlined some of the problems that parents are finding with their children now that they have missed so much of their schooling and care in their nursery and reception settings. Some of these things include regressions in sleep, toileting, speech and social behaviours. I am of the view that we should protect this group because their development is so fragile and they are at a critical stage of development that this age group should be protected. If Members do decide to vote to close the schools that should be an exception for early years. That is part (a). The next part of my Proposition concerns secondary school children in exam years. Again, although all school years are important this is another group of children who are at a critical point in their education. I believe that this should not be disrupted and if we do close the schools these year groups should be able to continue with in-person schooling. As the Minister for Health and Social Services has outlined, these are also the age groups that are most likely to spread the virus in terms of school-aged children. They are also most likely to congregate out of school and therefore it is safer if they are in school, in a controlled environment. Those are some of the reasons why I have included that group. Finally, and I will not spend very long on this because I think Deputy Pamplin made this argument quite well because he asked for children of parents who are not able to stop working to care for their children at home and to supervise their schooling, so not just children whose parents are essential workers. There are many families who I think are very worried, very concerned that if schools shut even for a week they do not have capacity to adequately supervise their children. I know that there will be many families who - I think Deputy Pamplin mentioned one example - are perhaps on zero-hours contracts who will just not have an income that week if they are having to be at home with their children to supervise their children's learning. The final part of my proposition asks for the equivalent of the Isolation Benefit to be paid to these families just for that week, if Members do choose to close the schools. I would ask that Members support this because they are 3 quite reasonable safeguards for 3 different groups of children and families who might be quite adversely affected if we do decide to close the schools. I make the proposition and I look forward to hearing the views of Members.

**The Bailiff:**

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

[15:15]

**4.3.2 Deputy J.M. Maçon:**

As with Deputy Pamplin's Proposition, because this amendment came through last night we have not had the time to examine this in great detail but I do thank Deputy Doublet for bringing this forward because it highlights some of the discussions that we have been having behind the scenes about the considerations of: could we do this, could we do that, what are the impacts? It has been incredibly difficult for all the reasons that Deputy Doublet has outlined. The medical evidence shows that we know in younger people transmission is less, they have less severe symptoms, if they even do have symptoms. We know that reduces the younger the children get but what we also know is how vitally important it is, the younger you are, to have that face-to-face professional teaching, whether that is structure play in the early years or perhaps more formal as you get older. The problem that Deputy Doublet's amendment presents is it is very difficult to argue between nursery reception and year 1, year 2, because again all that learning for that age of children is incredibly important, especially considering how much education these young people have already lost throughout COVID, *et cetera*. That is a huge problem. I thank Deputy Doublet for pointing out that the other side of it, which is something we have had to consider, is what happens regarding students in exam years? Some students take exams early so it can be years 10, 11, 12 and 13; that is you are A-level and G.C.S.E.



(General Certificate of Secondary Education) students. How important it is, for example, for them to either prepare for the mocks they will be taking in January or indeed for the exams that some of them will be taking in January. It is essential for them to have that quality teaching, face-to-face teaching, as much as they possibly can. Therefore, when we consider should we just keep the primaries open and close the secondary, well the problem is those level of secondary students need that facility, they need that teaching. Therefore, we then considered could we make an exemption for years 7, 8 and 9, but again the medical evidence is not there in order to support that. I think all of us accept the difficulty that the situation causes all of us, whether you are teaching or front line staff in the health service, or working in a shop. We are all feeling stressed. The other point which I think was very helpfully made by Deputy Doublet is, of course, to consider the wider impact on parents across the board and how some of them may not have the annual leave to take in order to look after their children, and where does that leave children. That is why, when we looked at it, we considered that the best thing for children overall was to keep the schools open across all the boards in order to provide that last week of teaching which is needed. After so much has been lost, let us not pretend that we do not have to worry about things like catch-up curriculum as well in addition to this. That is why this time in school is so important. Members will have heard from the medical advice today from the Health team and from Education that health outcomes and educational outcomes are inextricably linked, and that those children that lose time perhaps who come from a less affluent background will struggle to catch up in anything that they miss. If you are from a more affluent background there is evidence to suggest you can catch up, but if you are from a less affluent background then missing school time is going to hit you harder and you may not be able to catch up. Therefore, on balance and considering the evidence, that is why we were not able to suggest that the schools should close a week early. As for the other section of the Deputy's amendment - and I do not know whether the Minister for Social Security has had an opportunity with her officers to consider this overnight, I doubt it - but again the equivalent benefit that the Deputy is asking for, we do not have the structure around that, we do not know how it is going to work, we do not know how people will apply for it. That just leaves a huge amount of unknowns, and I will wait for my colleague from Social Security to respond to that. But while I thank Deputy Doublet for bringing this particular amendment, because it demonstrates the issues and problems that we have had to consider in deciding what is the best thing we can do for children, the easy decision may not be the right decision. After a lot of consideration, after examining the evidence, this is where my colleagues in the Council of Ministers and I have come down that the best thing for children at the moment is to keep the schools open.

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

The Assistant Minister for Education just used the phrase which is most useful in this particular debate: "It is a question of balance." Balance between one set of factors and another set of factors. The Assistant Minister appeared to have a one-track mind; while it is okay to stick up for your particular department, I think when you are searching for balance it would be nice if you gave a balanced argument rather than a one-sided presentation. This was a one-sided presentation around the advantages of getting exams under your belt and making sure that you do that. But the reality is out there already and we must pay attention to this, not have a debate and ignore what is going on around this Assembly. The fact is that we are having community transmission and the pandemic is in our schools. Those are facts. The balance argument; what is in balance is the difference between the possibility of a very debilitating disease as a result of the pandemic and the virus in particular, which may be with you all your life - it may not, but it may be with you all your life and you may be having long COVID and be suffering years down the line - and balance that with the possibility of having an easier time, a useful time getting your exams on your certificate and making sure that happens. I believe the balance involved in those 2 separate branches weighs on one side and not on the other. It weighs on the health side. Put at your risk your health, your entire health, maybe for a long, long time, very debilitating, against making sure that you get your certificates and that you

attend like a good student. Certainly in my mind I know where the balance is, and the duty that I feel is to protect our residents, our population. That is our prime duty. That is what we should be doing. The risk of doing other by maintaining our exam system and exam structure I think is outweighed completely. But again, let us get back on some of the other aspects of what is proposed here as the amendment to the main proposition. It is that the pandemic is so prevalent I am hearing that private nurseries are already closing. They are struggling. Why? Because half of their staff are self-isolating or are particularly vulnerable to the virus and, therefore, not coming into work. It seems to me particularly - I repeat it again but I often feel we have to - for the nursery classes I am afraid reality is already catching up with us. Pretty soon we will not be able to open many nurseries because staff are going to be sick. Then returning to the other group that we are trying to protect - these people taking exams in this year - we have to look at those as the Assistant Minister said, years 10, 11, 12 and 13, so 4 years, most of the school in some schools, who are the most prone to transfer the pandemic, the most responsible for community transmission. So, keeping the most risky students in school I do not think is a good idea. Close down or not close down the nurseries when the private nurseries are already closing down through lack of staff ... so between lack of staff, reality, and the most likely to transmit in the senior years, those 2 arguments alone, I know where my vote is going and it is not in the direction of either (a) or (c). Thank you.

#### **4.3.4 Deputy J.A. Martin:**

I thought I would speak early because of the bit that is directed at the Minister for Social Security, and I want to read out exactly what the use of Isolation Benefit is for: “The Isolation Benefit is legally based on the short-term incapacity allowance and is fundamentally linked to the health status of the person claiming benefit. It has also been used to support working-aged people during the pandemic in the following ways. If you are ill with COVID-like symptoms you can quickly get the Isolation Benefit without needing to get a doctor’s certificate.” This was put in place in mid-February this year. “Also if you require to self-isolate because you have COVID and are following public health guidance to minimise the spread of the disease you can also claim Isolation Benefit for the days which you are required to self-isolate. There are also other conditions for eligibility for this benefit, one of which importantly is that if you are able to work from home you are not eligible for this benefit. As of today the following groups of people can already claim Isolation Benefits: people or a person who have tested positive for coronavirus as confirmed by Environmental Health, or are showing symptoms consistent with public health advice to self-isolate, or have been identified as a direct contact of someone who has tested positive, have recently returned from travel abroad and are following public health advice to self-isolate.” More recently, this is the new bit I think that the Deputy would like to hear: “A parent who has to isolate with a child who has been in direct contact with a positive case, people who have to isolate because a member of their household that they care for also has to isolate, people who are unable to isolate within the home due to the restricted size of their home.” It would not be possible just to extend the Isolation Benefit to make payments based on the need of a parent to provide childcare, or even a parent who cannot provide childcare. School closures; there are many reasons schools have closed, there are building works, there is bad weather, there are industrial disputes and schools were closed earlier this year for quite a long time with COVID and there was all different help but not an extended childcare benefit. If we provide a benefit for a maximum of 5 days in respect of a parent unable to make alternative childcare, arrangements in respect of the child who would otherwise be attending school or nursey would be this: the standard working benefit - sorry, I said £222 this morning but it is £225 a week - that is 7 days, so it is £32 a day. Paying for those 5 days would represent £160. It also would be difficult to check whether or not parents did have alternative childcare arrangements available, and all this has got to be done in the next 24 hours to bring in this benefit.

[15:30]

I see where the Deputy is coming from; I say when the schools were closed and there was online learning in the summer there was no need for this benefit. Everybody managed, everybody helped. Obviously if your wages go down you must contact local services and if you are entitled to extra support through different schemes that are running you will get this. These have been added without finding out who the people are, what the cost will be, and this has been going on, as I say, from February this year but it never got added to when all the schools were shut and all the private nurseries in the summer. So I urge people not to support this part, and if I was a working parent and it is coming up to Christmas ... and as I said earlier, most people who work have had to book their holidays for this year in probably December 2019, they book them around their children's holidays, they book them around schools, and they have already had so much disruption of finding alternatives in the summer. But they all managed. Would £160 go a long way to help them the week before Christmas? Because they will probably be off the following week if they have planned it right, if they cannot work from home they will probably be off. But what the Deputy is asking is £160. Deputy Southern said I was ... I think the word he said, I was nasty because I was not thinking of the other people who work in schools. I cannot get it across enough; I am trying to be fair for everybody because we are only hearing one side, people are asking, people are phoning the department, people are emailing me and saying: "How can I work? I need my children in school." Senator Mézec said schools are not a childcare provider. Well that is very good but it is practical when you have got children you book your holidays around the school and you pay for childcare as well normally before and after and during the holidays sometimes if you cannot take the time. So, honestly, it does not help a lot of people who cannot work from home, they are essential workers in maybe not what we recognise as essential workers but their work is essential to keeping this Island going. They have done it and they will do it. We are not helping them. The only way we can help everybody, you follow the proper medical advice, you follow the guidance, you do not close the schools a week early. I go back and I listen to Deputy Southern very carefully because he mentioned me, and why would I not listen to him very carefully, he said: "Close them now a week early, do not muck about, do not keep bits open, close them now and we will talk about going back in January." I go back to my point; when you start making political decisions, there is a lot of pressure coming from unions, when will these children go back? I really urge people to not support anything. I know what the Deputy is trying to do. It has been hard to cobble a really decent Proposition together in 48 hours and then sort of wait and see which way the other one went. It is not good. All these works and all these benefits are not my money; I have to make sure that they are under proper rules, that they are given for the proper reasons, and that will not help. The only thing that I cannot repeat enough is we follow the medical advice. We have not lost control, as Deputy Higgins would like to look in every other medical guidance book. We are testing more and more and more and more, and we are finding more and more and more. It just what it is. We are managing. We do not need to lockdown. There is some panacea out there, and it is all on the Facebook, screaming, hashtag this, lockdown now. People are absolutely scared of being locked down. Why would we lockdown when we do not have to? But we do not have to close schools either; it is as simple as that. Everybody's job is important. Everybody is at risk if that is what you believe. If you follow the guidelines, you keep your distance, you wash your hands, and you do everything that is asked of you the infections will start going down. So we have to have that as well. I really think that I cannot support the Deputy's amendment. I see where she is coming from and I know it has come from the heart. I think the Deputy is probably worried that there will be people that might be suffering more if the decision is to close the schools. But the Deputy has a vote exactly like everybody else. If you are not sure and you think people might suffer more and you are not sure, that you really want to go against the medical advice, read the fantastic presentation we had from the head of S.T.A.C. this morning where he speaks from his heart but from a medical point of view, and do not vote even for your own amendments, and do not vote to close the schools. I will leave it there.

#### **4.3.5 Deputy J.H. Perchard:**

I just want to reflect on where we are in terms of the impact of the vote on Deputy Pamplin's amendment and where we find ourselves now with Deputy Doublet's. Now, Deputy Pamplin's amendment gave the Assembly an opportunity to provide support for parents who do not have access to childcare, and that fell away in a tied vote. That was a real shame because had that been successful the question of the need for the Isolation Benefit to be extended would have been answered because we would have just said: "Well parents who cannot get childcare but who are also being forced to continue to work outside of the home will have a school place." Something that I find very, very difficult to handle in the Assembly is when we vote against parts of amendments or whole amendments because we do not like the main Proposition. I think that is a really dangerous place to be because there is a lot of merit in safeguarding against some of the issues in a main Proposition. If you disagree with the main proposition surely it is prudent to support amendments or parts of amendments that create some safeguards around the issues that one has with the main Proposition. There is nothing more frustrating than a kind of thoughtless rejection of amendments because we do not like the main proposal. I think Deputy Morel is an example of someone who quite openly stated he might not support the main proposal but has reflectively dealt with the amendments because he knows, and we all know, that there is a chance that the main Proposition succeeds and if it does succeed we surely all want it to be the best version of itself it could be. I find myself in a position where I am absolutely going to support part (b) of Deputy Doublet's amendment because we did not provide the provision in Deputy Pamplin's. We could have done it; it would not have cost the money that it is going to cost if we go through the Isolation Benefit route because schools are already functioning, the school places already exist. That is not an extra cost for the state. But because the Assembly in its wisdom decided to reject the idea of providing support for parents who do not have access to childcare we are now talking about ... and I am grateful to Deputy Doublet for providing an alternative to that approach, given that it has now failed, but we cannot ignore the fact that the main Proposition might succeed. Members might be pretty confident that it will not. They might be pretty confident that it will. But until we have that debate we cannot bank on any particular outcome, so for me it is really important that, irrespective of our political views on this situation, Members safeguard against parents being stuck in a position where they might be faced with job losses because we have not agreed to provide school spaces for them when they have to work in person and not from home, and then we also reject the idea of supporting them financially through the Isolation Benefit extension. So let us not put parents in that situation. Even if we disagree with the main proposal let us not do that to hardworking people who work in the shops, who work in places where they cannot just work from home, who are on zero-hours contracts and being threatened with job losses. Those are the people we are trying to protect here in this particular conversation. If we disagree with school closures that is fine but this point right here is about protecting people who are probably on lower incomes so will have less flexible contracts than the rest of us who have the luxury of sitting at home and participating purely online. I mean, we are so lucky as States Members, we can have complete flexibility of our own timetable, we can take days off when we need them. When we are sick we just have to tell people: "I am sorry, I am sick today." Now that we are working remotely we literally log on and here we are. We do not have the risk of spending hours in a room shoulder to shoulder with another group of people for hours on end. It is just not okay in my opinion to completely derail sensible amendments just because the main proposal is somehow offensive to us. That is really galling because that for me lowers the quality of debate and it lowers the standard of what we are here to do. If you do not like the main proposal that is fine, Members can vote against it if they do not like it, but let us at least put the safeguards in place that the amendments provide for the people who would be most impacted should it succeed. That is what we are talking about. It is beyond frustrating to hear these kinds of political arguments, these kinds of point-scoring arguments that are not putting the people first. We are supposed to be putting children first but also we are supposed to be putting all people first in this pandemic, and the people who need our support are the ones who do not have the flexibility that we have and who do not have the options that we have, the luxury of having in terms of choosing to work from home or not. With that I really urge Members to reflect

on their rationale for not supporting the sensible parts of amendments to the main Proposition. Why am I against this? Is it because I just do not like the whole thing? Is it because I am in Government and I do not like my decision-making being questioned? Is it because I genuinely think this is not the right thing to do and we cannot afford to do it? Do I disagree with the principle that we should be supporting people who work in retail, just as an example of a group who cannot work from home? What is it that is driving my decision making here? Because at the moment listening to the arguments it does not feel like the people are being put at the forefront of those arguments. It does not feel that way. If Members are struggling to articulate those views then let us try again, let us hear someone else with the same view articulate the problem, the real problem with the amendments. Because going back to what happened in Deputy Pamplin's debate, the children whose parents have no access to childcare are exactly the people who need support should schools move to online learning for the last week of term. Those people are the people who are going to need us most to help support them during those 5 days that we are talking about, and yet we did not vote to do that. So can we all just reflect on our position on this and make informed decisions about what is best for the people through the amendments and deal with our views on the main Proposition at that point in the discussion.

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

I think we need to be clear on what this Proposition is asking us to do. As it is read out, request the Minister for Education to take steps necessary to close Jersey's state-run schools from Monday, 14th December. Now, to say that making provisions for people that are working and will have a place at school; the Proposition is instructing the Minister for Education to close the schools. So what is trying to be achieved here? Are we closing the schools or are we keeping them open for some? As far as I read this Proposition, it is instructing the Minister for Education to close the schools so how can there be positions open in that instance? That is why I could not support Deputy Pamplin's amendment there because it talks in circles; it tells the Minister to close the school and then says they should stay open. Again I have to refer back; the medical advice given to us is that for the whole Island it is safer to have children in a controlled environment than it is to be out in the community.

[15:45]

That is not just for schools, it is not just for parents, it is not just for teachers, it is for the whole Island. In their professional opinion that is the least risky option for contracting large numbers of the virus in this Island. I have to point out some of the stats. The U.K. had tested around 3,800 people per 100,000 and their rate of positive tests was numerous higher in percentage. We were about 2 per cent and I think they were about 5 per cent. We were testing 9,800 and only getting about 2 per cent that was positive, where the U.K. was testing far less people and getting a far higher rate of positive tests. It is hard to turn around and say in that comparison that Jersey's infection rate is going out of control where it is clear that we are doing more testing and getting less positive results. The medical advice is there for us for the whole Island, not for little bubbles. The Proposition asks the Minister to close the schools and that means close them. It is very hard to start making provisions for students to stay in school if they are not open. I cannot support any of the amendments or the main Proposition because they do not deal with the medical advice in the right way and they do not really set out the right level of ... it says to close the schools and to me that is not the right thing so I will not be supporting it.

#### **4.3.7 Senator S.Y. Mézec:**

I am only going to speak extremely briefly, simply because I think Deputy Wickenden has now given 2 speeches where he has completely missed the point of what all of this is about. This is not about the medical advice. It is not about disputing the fact that, of course, it is best for children to be in the controlled environment of a school. The point is that we do not think it is possible anymore. The figures have come out already. We know that 40 per cent of secondary school students are not at school and 21 per cent of primary school children are not at school. Whether it is medically better

for them to be in the controlled environment of a school is, frankly, academic, because they are not there anyway and they are not going back in because they cannot. The rules either say they cannot or their parents will not want them back in. This is the point: it is about whether you can effectively run schools under these circumstances. That is not a medical issue; it is an administration issue. It is an issue of whether schools are operating effectively. We are being told that this situation would be much easier to manage if there were substantially fewer pupils going into school and that there were certainty over those arrangements. Rather than what we have now where with a moment's notice swathes of students can be sent home, either because there has been contact in their group or because there are not enough staff able to turn up to the school building, because they are having to self-isolate. He has made that point in 2 speeches in a row. He is missing the point. This is about something different. It just is not the case that there is a big debate right now over whether the medical advice that the Government has received is right or wrong. If we are going to have this debate, we need to understand what it is about. A good starting point would be to read the report that came along with Deputy Ward's Proposition. Just to conclude, I will be voting against the first 2 parts of this amendment and in favour of the last part.

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

Contrary to the previous speaker, I will be supporting this amendment. As usual, Deputy Doublet has bought forward a very practical and pragmatic approach and also one that is focused both on children and particularly those very young children and their parents. Those parents with very early-years children are those who find it most difficult to work with home. Therefore, this is a very practical and sensible amendment. It should be taken extremely seriously by Members and I hope they will. I will not rehearse the arguments in relation to the second part, but I agree entirely with the words of Deputy Perchard. Deputy Pamplin had proposed a very sensible way forward and Deputy Doublet is, in effect, trying to meet with those very same aims, but in a slightly different way. In the absence of Deputy Pamplin's amendment, we are left with no other option but to support this.

#### **The Bailiff:**

Thank you very much, Senator. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon Deputy Doublet to respond.

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

Thank you to all Members who have contributed to the debate. I will sum up very briefly. Deputy Maçon, I understand the point that he made where he said: what about key stage 1 children and he was not sure that I had targeted parts ... the first part of my proposition, early years, he was not sure that I had targeted that properly. Subsequent speakers have perhaps summed it up, especially Deputy Perchard. This is a safeguard. Personally I do not think we should be closing primary schools, but if Members do vote to close all the schools this would just safeguard that particular group of children. I did not just pull this out of a hat, although I do have a certain level of expertise around early years, having studied child development and worked as a specialist early years teacher for 6 years. I did check my thinking on this with an expert and I was advised that this was the right place to pitch it. Of course, I had to draw the line somewhere for the Proposition, so that is the reason for early years being specified here. Deputy Maçon will probably vote against the main Proposition, but I hope he can support this amendment, again for the reasons that Deputy Perchard outlined. I am sure Deputy Maçon, because he wants to keep all of the schools open, would want to have this safeguard within the main Proposition just in case it is passed. I hope he will reconsider and or support at least part (a) and (b), which keeps certain levels of class groups open. Deputy Martin's contribution, I understand it might be short notice to introduce something like this. I had considered that and the fact that it was around 3 weeks ago that I asked about this type of benefit in a briefing and I was assured it was being worked on. I felt that in light of that assurance that there would be something

that would be able to be put in place. Given the fact that we moved so, so quickly in the spring to put support in place for businesses, I do not think that we have had the same level of support for families. We need to move quickly when COVID-19 causes us to make public health policy changes which affect families. We do need to move quicker and prioritise families in the same way that we are, quite rightly, prioritising businesses and our economy. I do not accept that it could be done. The fact that both Deputy Pamplin and myself, albeit we have gone about it in different ways ... neither of us knew that the other one was lodging amendments. It is quite telling really, is it not, that we both have put something in to help those families. It is quite important that Members support that. There was one particular line that Deputy Martin said. I wrote it down, because it really resonated with me, I am afraid to say, not in a positive way. She said there is no need for this benefit, everybody managed. She referred back to the spring when we had lockdown and everybody managed. I find that statement puzzling, because families did not manage and they have not been managing. I do not know about other Members, but I was absolutely inundated with phone calls from struggling families at that time. It is no different now. I have had people contacting me in absolute panic about what they will do if schools close and how they will work from home with young children at home or how they will manage without an income for a week if they cannot work because children are at home. Families have not been managing. It is fair to say, because of this virus and the impact on schooling that has been felt across the year that families are really struggling. If we take one point from this debate it is that we need to think very carefully going forwards about how we balance the needs of our economy with the needs of our families and our children. Indeed, why we are having a debate today about school closures when we still have shops and businesses fully open? It just feels to me like it is completely the wrong way round. I am not quite sure how we have ended up in this situation, to be honest. Deputy Perchard was the next speaker and I thank her for really refocusing the debate. There are Members who do not want schools to close and I am assuming they will be voting against the main Proposition, yet they have also said they would be voting against this amendment, which just does not make sense. Members who want schools to close, if they are going to be voting for the main Proposition, should support this Proposition for the reasons I have outlined. It does give safeguard to some of those most important year groups in the early years and exam years. Equally, Members who do not want schools to close and think they should all remain open, need to support this amendment as well, just in case the main vote supports school closures. That is everything. I thank Members for their support. I thank Senator Moore for her contribution. I will leave it there. I make the Proposition. I hope that Members on both sides will support this amendment, because it improves the main Proposition if you are supporting the main Proposition and it adds safeguards to the main Proposition even if you are not supporting it. I would like to take it in separate parts, please.

### **The Bailiff:**

Then we will take part 1 first. Part 1 covers: After the words “appropriate and practical” inserting the words “and early years pupils, as the Minister considers appropriate and practical”. I ask the Greffier to put a link into the chat. The link is in the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Part 1 has been defeated.

<b>POUR: 16</b>		<b>CONTRE: 29</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Connétable of St. Helier		Senator L.J. Farnham		
Connétable of St. Lawrence		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator S.W. Pallett		
Connétable of Grouville		Senator S.Y. Mézec		
Connétable of Trinity		Connétable of St. Clement		
Connétable of St. Ouen		Connétable of St. John		

Deputy of St. Martin		Connétable of St. Peter		
Deputy L.M.C. Doublet (S)		Connétable of St. Mary		
Deputy J.H. Young (B)		Connétable of St. Martin		
Deputy K.F. Morel (L)		Deputy J.A. Martin (H)		
Deputy G.C.U. Guida (L)		Deputy G.P. Southern (H)		
Deputy of St. John		Deputy of Grouville		
Deputy M.R. Le Hegarat (H)		Deputy K.C. Lewis (S)		
Deputy K.G. Pamplin (S)		Deputy M. Tadier (B)		
Deputy I. Gardiner (H)		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		

Part 2 is: After the words “appropriate and practical” insert the words “, and students in exam years, as the Minister considers appropriate and practical”. I ask the Greffier to put a link into the chat.

[16:00]

I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting. Part 2 has been defeated.

<b>POUR: 18</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Connétable of St. Helier		Senator L.J. Farnham		
Connétable of St. Lawrence		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator S.W. Pallett		
Connétable of Grouville		Senator S.Y. Mézec		
Connétable of Trinity		Connétable of St. Clement		
Connétable of St. Peter		Connétable of St. John		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy of St. Martin		Deputy G.P. Southern (H)		
Deputy L.M.C. Doublet (S)		Deputy of Grouville		
Deputy J.H. Young (B)		Deputy K.C. Lewis (S)		
Deputy K.F. Morel (L)		Deputy M. Tadier (B)		
Deputy G.C.U. Guida (L)		Deputy J.M. Maçon (S)		



Deputy of St. John		Deputy S.J. Pinel (C)		
Deputy M.R. Le Hegarat (H)		Deputy of St. Ouen		
Deputy K.G. Pamplin (S)		Deputy R. Labey (H)		
Deputy I. Gardiner (H)		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		

### The Greffier of the States:

Those Members voting *pour* were: Deputy of St. Martin, Deputy Morel, Deputy Gardiner, Deputy Le Hegarat, Deputy Doublet, Constable of St. Ouen, Deputy Guida, Constable of St. Helier, Deputy Young, Constable of St. Martin, Constable of Trinity, Constable of St. Lawrence, Constable of Grouville, Constable of St. Brelade, Senator Moore, Deputy of St. John, Constable of St. Peter and Deputy Pamplin.

### The Bailiff:

We come now to part 3, which is, of course, the addition of paragraph (b) on the main Proposition, to request the Minister for Social Security to extend eligibility for the Isolation Benefit. I ask the Greffier to post a link into the chat. I open the voting and ask Members to vote in the usual way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Just one moment, I am trying to work out whether that is a tie or not. Yes, that is a tie. Therefore, the amendment is defeated.

<b>POUR: 22</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Lawrence		Connétable of Grouville		
Connétable of St. Brelade		Connétable of St. John		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		Deputy of Grouville		
Deputy M. Tadier (B)		Deputy K.C. Lewis (S)		
Deputy of St. Martin		Deputy J.M. Maçon (S)		
Deputy L.M.C. Doublet (S)		Deputy S.J. Pinel (C)		
Deputy J.H. Young (B)		Deputy of St. Ouen		
Deputy G.C.U. Guida (L)		Deputy R. Labey (H)		

Deputy of St. John		Deputy S.M. Wickenden (H)		
Deputy M.R. Le Hégarat (H)		Deputy of St. Mary		
Deputy J.H. Perchard (S)		Deputy G.J. Truscott (B)		
Deputy R.J. Ward (H)		Deputy L.B.E. Ash (C)		
Deputy C.S. Alves (H)		Deputy of St. Peter		
Deputy K.G. Pamplin (S)		Deputy of Trinity		
Deputy I. Gardiner (H)		Deputy S.M. Ahier (H)		

### **The Greffier of the States:**

Those Members voting *pour*, starting in the link: Deputy of St. Martin, Deputy Perchard, Deputy Ward, Deputy Doublet, Senator Moore, Constable of St. Helier, Constable of St. Lawrence, Deputy Tadier, Deputy Le Hégarat, Constable of St. Ouen, Senator Pallett, Senator Mézec, Constable of St. Peter, Deputy Young, Deputy Gardiner, Deputy Alves, Constable of St. Brelade, Deputy Guida, Constable of St. Martin, Deputy Pamplin and the Deputy of St. John. In the link there was a vote *pour* from Deputy Southern. Members who voted *contre* in the link: Senator Farnham, Senator Le Fondré, Deputy Wickenden, Deputy Ash, Deputy Maçon, Deputy Lewis, Constable of Trinity, Senator Gorst, Deputy Ahier, Constable of St. Mary, Constable of St. John, Deputy Pinel, Deputy of St. Peter, Deputy of Grouville, Deputy of St. Ouen, Constable of St. Clements, Deputy of Trinity, Deputy Labey, Deputy Truscott. In the chat Deputy of St. Mary, Deputy Martin and Constable of Grouville.

### **The Bailiff:**

We now return to the debate on the Proposition. Does any Member wish to speak on the main Proposition?

## **4.4 School Closures (P.163/2020) - as amended**

### **4.4.1 Deputy J.M. Maçon:**

It has been a long day already. Protecting Islanders from the effects of COVID-19 remains the most significant challenge the Government faces. Our objective continues to be keeping the rates of COVID-19 low, while minimalising the impact on life, work and education. The key principle which acts to achieve this objective is to maximise targeted actions and this is what we have done to date with schools. Decisions about when to apply such targeted actions, like sending home classes or year groups, are based on the specific infection patterns observed. The judgement of clinical and public health experts has been paramount in determining the actions taken since the beginning of this pandemic. I cannot justify why we would deviate from that now. Their advice is unequivocal: schools should remain open. Every child has a right to education and the decision to send a class or year group home is only made when the objective to stop the spread of the virus by working out where the positive infection has come from and how far it has spread or when it is not feasible to carry out the learning, due to the impact of staff isolation. I ask, therefore, that Members reject this Proposition. The Proposition before us today is not targeted. They go against the judgment of our clinical and public health experts, they deny children the right to education and they will do nothing to stop the spread of COVID-19. I fully understand the concerns of parents, students, teachers and unions at the latest increase in COVID-19 cases in the community and consequently in our schools. I am truly grateful for the dedication that our teachers, teaching staff and the school leaders are demonstrating in providing continuity of education during this spike in cases. I understand that they are tired and that they are stressed - we all are - but they have risen to this challenge. Like our critical works and health colleagues, teachers and support staff were critical in the first wave, staying open to critical and vulnerable children, opening over Easter and May half-term, the teachers of Jersey have shown their strength, commitment and passion for public service in the second wave. It is key

that we allow them to carry on in their duties in caring, nurturing and educating our children and young people. I do believe that really we should not be intervening unless the medical advice is to do so, which we know at the moment it is clear that schools should remain open. The Chair of the Scientific and Technical Advisory Cell has said that closing schools has only a limited impact on the spread of the virus. The vast majority of other jurisdictions, particularly in Europe, which have gone into a second lockdown, have kept schools and educational establishments open throughout, based on this scientific fact. Dr. Muscat concurs with this fact and has spoken to many Members about his opinion on this. The evidence continues to show that the health impact on the virus on children and staff is low and that are potentially safest they could be in a controlled environment of a school. The medics tell us that the surge in COVID-19 cases in schools is being driven through the social contacts outside of school. This is done by what they know through the intelligence of the Track and Trace Team. The number of COVID-19 cases in the under 20s is low with minimal illness. If schools were to close, we know that the impact on the loss of education and what this might cause with the knock-on effect to mental health and well-being are a great challenge for children and young people. The impact of a school closure will be felt on the lower income and vulnerable families with pressure on working parents to find child care, a loss of education, safeguarding concerns, where some children could be left home alone. There is a real risk that vulnerable children and families could become even more vulnerable if schools close. We know, as has been reported to Members this morning, that when we went into lockdown the number of safeguarding referrals went down and as soon as the schools reopened the number of safeguarding referrals shot up. We know this is a huge concern for the medics and other teaching staff who are there to safeguard the Island's children. I appreciate the concerns expressed that being in school during the last week adds a risk of having to isolate over Christmas. We understand this concern, but we cannot guarantee that closing schools will prevent any child, teacher or family member from isolating over Christmas. COVID-19 is in the community right now. The cases being found in schools, from what we are aware, do not appear to have been spreading there. Again, this goes back to contact tracing. We know that it is not peer-to-peer in the classroom mainly, it is across different schools. We can pinpoint that through the contact tracing process. I am also concerned about what message this sends to other public servants or any other critical worker for that matter. What about health officers or customs staff? What about volunteers in faith and community settings? What about our supermarket workers? We must carry on and we must carry on with the public health guidance that has been published, washing our hands, keeping our distances, wearing a mask, is crucial at this time. To close schools early is against the medical advice based on minimising the chances of isolation is misguided. It damages the educational outcomes of children. It exacerbates the gap between the haves and have-nots in this Island. It is far from putting children first. Putting children in harm's way is something that I cannot accept. When we began this debate at the very beginning we had ... I believe it was Deputy Tadier who said that this was a political matter. It is not just a political matter. It is a legal matter as well. As the Minister for Health and Social Services has already explained, in order to close a school on grounds of COVID-19, myself or the Minister for Education, we hope she makes a swift recovery, has to be satisfied that it would be proportional and necessary to do so. Not only that, we also have to get the consent of the Minister for Health and Social Services and the Minister for Health and Social Services has to get the advice of one of the top clinicians in order to support that. We know that the medical advice is that schools should not close. So the States Assembly could put us in the position where the political decision is one thing, but in order to do that and go through the legal process we find ourselves in a bind. What are the statistics? Well, we knew yesterday, for example, that in primary schools 253 out of the 266 primary school classes are open. That is 95 per cent of our primary school classes. When the question is asked: is it necessary and is it proportionate to close all schools - because that is what this Proposition is asking for - is that necessary and proportionate to do so? The evidence is not there to back that up.

[16:15]

I mentioned earlier today that the Children's Commissioner has said that closing school buildings should always be a last resort and also make in the best interest of all pupils all pupils. As we have said throughout this debate, the issues around children and safeguarding, the protections around that, children from disadvantaged backgrounds and the impact of not receiving an education has a negative impact on them, as Members have been talking about in previous debates. The impact on parents, parents who may not be able to get time off to look after their children, who may not have, for example, normal lines of childcare that they may use, grandparents, *et cetera*, due to other current restrictions. I really must reiterate this point: we know that for some students in exam years it is essential that they prepare for their exams, they prepare for their mock exams or take their exams in January. Other Members have spoken about the anxiety of being at school. But we also know from surveys that the Children's Commissioner has done, children have anxiety when not in school, when they cannot see their friends, when they are not doing learning. We also know for older teens, not being able to prepare for their exams causes them a huge amount of stress and anxiety. There is damage either way, it would appear. What is the best thing to do? As I have already mentioned, when we talk about the educational gap, and this is key, of those children who have already lost so much time in school, have had so much disruption that I cannot see how it is in the best interest of the children of this Island, of the Island as a whole, that we close all schools today or next week, which is what is being asked for. It is not in the best interest of the children. It is not putting children first. Therefore, I would urge Members on educational grounds and on health grounds to reject this proposition.

#### **4.4.2 Deputy J.H. Perchard:**

My concern has always been around the educational impact on young people and children and the impact on their family life. I do not have a full speech written out and prepared that I am going to read, but I have just made some notes that I am going to talk through. I appreciate that Members will have different opinions on what is best for our young people and their parents. I am going to outline why allowing schools to migrate to online learning for the last 5 days of term is better for young people and their families. For me, this is all about the consequences of unexpected disruption. Some students have been in and out of school several times this year because of having to isolate. Parents are getting unexpected phone calls to pick up their children. We were told in our briefing this morning, 3,300 students were off school as of 8th December. That is 21 per cent of primary school children and 40 per cent of secondary school children who are currently absent. I can absolutely guarantee you that a lot of those children would have been sent home unexpectedly, after showing up to school one morning. For anyone who is a parent whose child has not been one of the 2 out of 5 kids who have been sent home unexpectedly, just imagine this: you have done the school run, many parents will then go off to work, then they receive a phone call saying: "I am really sorry, you need to pick up your child again because a case has been identified in their bubble or their class or their year group and we are telling everyone to go home and isolate." The parent then has to be excused from work, drop everything that they are doing, drive back to school to pick up their child, to go home and isolate. That, for me, is why this Proposition makes sense. That scenario is not sustainable. It is about Christmas, but it is not just about Christmas. In January, we should not be allowing that scenario to happen again and again. We are currently at a stage where 2 out of 5 secondary school children are at home, but they were put at home unexpectedly. For me, as a teacher, I can tell you that from everyone's perspective an unexpected absence is far more damaging to educational outcomes than a planned for and controlled working from home absence. It is common sense. You do not need to be an educational professional to understand that. An unexpected absence is going to be far more disruptive to children, to teachers, to parents, to guardians than one that is planned for and controlled. This is my point about exam classes too; absolutely the well-being of our students who are in exam cohorts is paramount. Exams are stressful enough. I have seen what that looks like first hand and supported children through that phrase of their lives, G.C.S.E. and A-levels first hand for 5 years. I can tell you the stress we put on our young people in the best of times is huge, let alone

in the times in which we live now. Those young people do not need unexpected disruption to their learning. Those young people need planned and controlled systems and structures around them, so that they know they can just carry on focusing on their education and learning and not be worrying about whether they are going to get sent home from day to day or how many times they are going to have to isolate during the term unexpectedly. That is the point, that is the main driver of this proposal, from my point of view. Yes, the decisions have been made on medical advice. That medical advice that we are hearing about, about schools, is all about the low transmission rate. Yes, the transmission is lower in schools, but no analysis has been done at the Government level of the personal indices, of the impact of unexpected absences on educational outcomes. I asked that question this morning and the answer was that this has been done at school levels. My question is: why, since the beginning of this pandemic, have we not given schools the complete autonomy to make a decision based on their own internal assessment on the impact on educational outcomes? It is not correct to state that if a head wanted to take action to migrate to online learning for a week that they could independently do so. We have had that email, over lunchtime, clarifying that there are hoops to jump through, that it needs official approval from officers and then the Minister. We heard in our briefing that there is division of opinion between head teachers. There have been heated discussions between heads about what they would like to do for their individual school. So why are we not allowing the heads who want to shut and go to online or who want to end term early, because they cannot sustain their staffing levels, why are we not allowing those head teachers to just make a decision on what is best for the children in their care and the educational outcomes of those children? I would have much preferred to have been in that position of allowing each individual head teacher to take the call themselves, but we have not given them that autonomy. So, for me, I have to support this proposal, because I know that there are head teachers who have said they would rather shut the doors of the buildings, keep learning online until the end of term. For me, this proposal delivers a solution that covers those schools that have not been allowed to make that decision for themselves. The main Proposition was criticised for not having much nuance, but that is, from my point of view, because the nuance has been denied by not allowing head teachers to make independent decisions. Any head teacher who has forcefully argued behind closed doors for online learning for the last week of term should have been allowed to implement that themselves. In education there is nothing more important than dealing with the children that are in front of you in understanding what they need, what is best for them to succeed. Only teachers who are dealing with children in school will be able to tell you exactly what a child needs in terms of their educational attainment and their educational outcomes. If, for some schools, it is not sustainable and if it is damaging to a child's education to keep them in school, because of the unexpected disruption, then they need to be listened to. The comparison between teachers and other public services is an unfortunate one. This is not about sides and divisions. It is about understanding that different professions have different strains put upon them. This is the reality that teachers have to deal with. They work in a confined space. They spend an hour at a time with about 30 other human beings. It is not possible to socially distance by 2 metres let alone one metre, in a classroom. That is the reality that teachers are living with. When public health guidance says one thing and it cannot be adhered to in a certain setting, then the people who work in that setting are, of course, going to take issue with the fact that they cannot do things that they feel will keep them safe, based on public health guidance. For me, this is all about educational outcomes of children. The advice has been based on medical indices and is absolutely right to say that there is a lower rate of transmission in schools, but the analysis on educational impact has not had any impact on the decisions made to keep schools open. What we are talking about are the last 5 days of the longest, hardest term. I know many parents, students and teachers would be greatly relieved to know that they could go online for the last week of term. Regarding the vulnerable students, I already outlined what happens with those students in holiday times normally. None of that work will stop and none of that work will be undone. If Members are not familiar enough with what happens to safeguard vulnerable children, please ask someone who does know. Schools are experts. S.E.N.Co.s (special educational needs co-ordinator) in schools are experts. They work

closely with external organisations throughout non-contact time to do everything they can to keep children safe. With 40 per cent rate of absence in secondary schools, we cannot argue that we are currently serving out students to the best of our ability, because they are just not able to be in school. Unexpected absence is much more disruptive, has a much greater impact on well-being anxiety, educational outcomes and working parents' lives than planned for and controlled working from home. With that, I am obviously going to be supporting the Proposition.

#### **4.4.3 Connétable R.A. Buchanan of St. Ouen:**

I listened with great interest to Deputy Perchard's speech, because her speeches are always intelligently put together and incredibly well-informed, especially as she is a teacher. The one thing I would say to her is my own experience of this pandemic is expect the unexpected, count on nothing and be grateful for what does come your way. These are the 3 lessons we have all learned this year. You cannot count on anything, because what you think is the landscape today turns out to be completely different the day after. I have had some personal brushes with the pandemic. My wife contracted it. She then sadly passed it on to my granddaughter. We, as a family, have spent 7 or 8 weeks in one form of isolation or another. We are the lucky ones; we have all recovered. I did not get it and nobody else in the family did, but it does bring it home to you that this is a real and present problem and danger. I just want to pick out a few things that I have heard over today. Deputy Perchard alluded to some of them.

[16:30]

Firstly, the evidence does not show that the health impact of the virus on children is low and that we have been told that they are potentially safest when they are in a controlled environment in a school. Schools are definitely not spreaders of COVID-19. The surge in schools have been driven by contacts outside the schools. The number of cases in the under-20s is low and luckily with minimal illness in that group. Some things that Patrick Armstrong said, which really caught my imagination, and I will quote directly from what he said: "If schools were to close know that it has an impact on the loss of education. It imposes a huge mental health and well-being challenge for children and young people. I am told that educational research has shown that for a number of decades there is a direct correlation between the time spent in school and education outcomes, even short absences make a difference. We have to look at this in the context of children already who have missed significant amounts of time this year, both earlier this year due to closures, due to COVID-19, and last year, sadly due to the teachers strike." He then went on to say: "Missing school matters. If you come from a more affluent background with good internet access, with decent I.T. equipment and with parents who are able and willing to help you, you can make up ground. However, if you come from a low social economic background, you will not. In reality, every time we deny children access to education you increase the gap, in terms of their equity of access and as a result indirectly affect their health and educational outcomes. There is a more subtle problem with closing schools. This was pointed out to me last night." I am continuing to quote from Dr Armstrong: "The question posed to me when I asked to pass this on to you: what message are we giving our children by effectively saying: your learning time does not matter?" The impact of school closure would be felt on lower incomes and vulnerable families, pressure on working families to find childcare, a loss of education and safeguarding concerns when some children could be left at home." I know from personal experience it is very difficult to get childcare at short notice and some will have to take paid leave or, worse, unpaid leave, adding to hardship for these people in what has been an incredibly difficult time for them in any case with the number of days lost from work; businesses closing, hospitality closing. The pain has been felt throughout the community, not just in the education environment. There is a real risk that vulnerable children and families could become even more vulnerable if schools closed. Again, to quote Patrick Armstrong: "The next misconception I wish to address is that children are safer at home. That is probably true for most children but unfortunately not true for all children and that has been borne out by an increase in cases of child abuse during lockdown." As we know, COVID is in

the community and right now and cases are being found in schools that have not been spread from elsewhere; they have been brought there. We know it is tough for teachers and I know this in particular because my daughter is a teacher and I know how hard she works and how difficult it has been. She has had to teach her classes from lockdown for about 4 weeks and she is also deputy head of the school she works in. So she has put in the most incredible hours and worked incredibly hard but she does it, as all teachers do, because they are absolutely devoted to their children and want to make sure that the children have the best possible outcomes. I know Education are aware of this and they are doing everything they possibly can to protect teachers and manage the resources as best they can. In summary, mass closure is not supported by medical advice and I do not think it would have any additional COVID benefit. We have to think about Education who are managing their resources as best they can to keep children's education going and teachers safe in what are the most difficult conditions we possibly could imagine at the moment. I think even if we go to online learning, there will be an impact on children's learning. If some schools close, children will gather in uncontrolled surroundings, which will result in an increase in COVID spread, particularly among teenagers. We know from the presentation we had this morning from the States police officer who came along to talk to us that there will be a spike in antisocial behaviour, which will put pressure on other people in the community. I am also really concerned about the extra pressure that will be brought on parents if schools close with short-term notice, especially those who are in the lower income brackets who will struggle to find help and, if they do find it, will struggle to find the funds to pay for it. I am not in favour of this Proposition although I am glad some of the amendments went through. My view is that we should let the Minister for Education, who I have great faith in, and her team and the head teachers decide how they manage the schools and we should leave the management of schools to them, not try to manage from this Assembly.

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

There are, in my mind, 3 very important issues here. The first was touched on by the last speaker, the Constable of St. Ouen, when he spoke about how lower income families would be more adversely affected than higher income families. Closing the schools will increase income inequality. As the Government have undertaken to tackle income inequality, it is important that we do not support this proposition on that basis. The Proposition is also against medical advice and we are not medical professionals and we should not consider overruling their advice. It is clear schools should stay open, and the points have been made by many speakers, and so for a second reason, the reason of medical advice, we should not close the schools. Finally, the Government brought forward putting children first and the Assembly agreed unanimously to support putting children first. To do this, we must support children and I cannot support this proposition because it goes against putting children first. I think those are 3 very compelling arguments to not support this Proposition and I would urge Members to not support this Proposition.

#### **4.4.5 Deputy L.B.E. Ash of St. Clement:**

There was, and I am sure you remember, a song a few years back - I think it was by Pink Floyd but I cannot be certain - 2 lines of which went like this: "We don't need no education" and it then went on to say: "Teacher, leave those kids alone." Now, I felt this morning Dr. Patrick Armstrong gave us the medical view on why both these lines at the moment are extremely erroneous. He quoted high level medical expert advice that he had obtained from those whose field was child education and he gave us a strong message as to why lost school days are particularly disadvantageous to a child's development, especially when those children come from less affluent backgrounds. He also stated, which Constable Buchanan stressed a little while ago in his speech, that children being safer at home is not necessarily true. Especially in older age groups, they will congregate, and we might like to fool ourselves but the facts are they will congregate, will probably smoke, or some will smoke, some will share cans and bottles. The social interaction will make transmission much more likely in a social environment than it would at school, unless things have changed particularly from when I was

at school. What I found very sad in what he said this morning, and I believe it is a sobering thought for all the Assembly, and indeed for many of us in Jersey, is that Christmas is not necessarily a marvellous time for all. For many it can be a very stressful event and children who are in those situations are much safer at school where they are visible. As Deputy Martin said earlier, the other question that is put forward by closing schools early in this particular fashion is when do you then deem they should reopen. Yes, vaccines are arriving and hopefully when we get the Oxford one, which should be approved at any time, we hear, we will increase the rate but even then we are unlikely, even at best, to complete by the end of February. Do we then write off the spring term? Who is then going to make that decision? If this decision is made today by the States, who then makes the decision to reopen? The medical experts? Apparently not because we have disregarded what they say. The Minister for Health and Social Services? Apparently not because we have disregarded what he says. The Minister for Education? Apparently not, because we have disregarded what she says. Do we have to get the go ahead from the official opposition, the unofficial opposition, Unite, or do we perhaps have to go back to the Assembly to have permission to reopen the schools? It is a very sobering thought. Of course I appreciate the difficult situation that some schools and teachers are faced with, especially as I realise the tiredness and pressure teachers are under and must feel. Unfortunately, COVID has placed a myriad of professions under extreme pressure: civil servants, shop workers, health workers. Although people may not like this, and I can say this as I am not a member of this particular group, the Council of Ministers themselves have been under extreme pressure, taken extreme abuse, have had long, long hours and have to take decisions that are life and death in many cases and no Minister really wishes to have to take. This is a very emotive subject and, as the Children's Commissioner said today, a very, very difficult one with no answer. I have had as many, if not more, emails and communications that wish for the schools to remain open as I have had calling for them to close. In my view, as long as the health authorities do not desire to close schools, the decision should rest with individual parents as to whether they wish their children to attend and the head teacher as to whether they wish to close their school as to remain open is not practicable or desirable. Unfortunately, that option is not on the table today in the black and white Proposition that we have before us. So, in my opinion, I have to go with expert advice and I trust in those experts, and with the Minister for Education and Minister for Health and Social Services, that the situation will be monitored and reacted to accordingly.

#### **4.4.6 Deputy K.G. Pamplin:**

Ironically, I made the schoolboy error of saying I would not be speaking in the main debate but here I am. In the true fashion of this fast-paced pandemic happening in real time, it has now been confirmed, and States Members have this in their email box as we speak, that a number of students in Hautlieu School - I understand to be around 15 - have tested positive for COVID-19 and have been sent home to isolate along with their households. I can also confirm, that as a parent I have received an email from Les Quennevais School. Year 11 have also had a confirmed positive case of COVID-19 and all year 11 students have been sent home to isolate with their households today. That means Les Quennevais School currently only has year 7 and 8 in the Island's most modern and newly constructed and brilliant school. I quote the head teacher of that school: "Our capacity to operate as normal is severely impacted as we have 32 teachers isolating or absent from school and we have also lost 4 members of our support staff. This presents a huge challenge we are all trying to work through." That is the reality that is happening right now. I also would like to mention that it has just been announced that all secondary schools and colleges in Wales, based on medical advice, are to close and switch to online learning from Monday, 14th December. I also have it under authority that S.A.G.E. is reviewing this for the England authorities as well. The Science and Technical Advisory Cell, that we know as S.T.A.C., may review the current situation, taking on board the current situation, taking on board the advice from head teachers, parents and families. As this situation is fast moving, in the essence of continuity and the situation we find ourselves in, that advice may change. I bring that to everybody's attention as that has just happened in real time. As I said earlier,



my frustrations are - but I totally see and have great respect for my colleague Deputy Ward, I understand what he was doing - without saying specifically the closing of the buildings to switch to online working safely and therefore with, thankfully, most of my amendment now been put in place but crucially not the bit that worried me the most, how suddenly hard workers of this Island would be put in a position where they had no childcare that they can be factored into, this advice may change very quickly. But without that technical thing of switching to online is the frustration of where we find ourselves, because we very well may find that technical advice may change.

[16:45]

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

As is often said, I am pleased to follow Deputy Pamplin, the previous speaker, because he is absolutely right, the advice may change. That is the situation we are in and I believe if S.T.A.C. were to change their advice then schools would close and the Minister for Education would make that decision appropriately. I want to come in with a couple of points really from my own observation. One is I was listening intently to one of the Assembly's best speakers, and that is Deputy Perchard, and she said many correct things but one thing I felt just did not stack up from a logic perspective was the idea that by adopting this Proposition we are providing the flexibility and the individual element of teaching by allowing schools to move entirely to online learning. That is not borne out by this proposition because this is a blanket proposition that closes all schools. As Deputy Pamplin just said, it does not in itself say that they should move to online learning. It just closes the schools. We have seen with the failure to endorse the first part of Deputy Pamplin's amendment and the early part of Deputy Doublet's amendment that primary schools and nursery schools will also be closed. I believe, as Deputy Doublet said, it is virtually, if not impossible, to teach nursery school and certainly early years primary school and even older years in primary school in an online fashion. Therefore, I feel that by taking such a blanket proposal, we would be failing the Island's children if we were to adopt it in this way. I also want to speak to the Assembly as a parent and not as a politician and I want to speak from my experience. This is difficult to say because what I am about to say is not positive. I have been concerned, listening to the debate today, that as often happens with technology, people are talking about online learning as though it is an equal substitute of in-person education. Now, I am pleased to say that when I spoke to some parents earlier in the year, there were some parents from some schools who were pleased with the education or satisfied with the education their children were receiving online. Unfortunately, I cannot say that for myself as a parent. The standard of education that my child received online was far, far below that which I expected, and was possibly due to the fact that my child is not in an exam year, is not in what is seen as a critical year, something in itself that I feel is an incorrect way of looking at education; every single year is critical in education. I know that my child felt that she was being let down, I felt that she was being let down, and the standard of online education did not come anywhere close to that which was needed, and that continued for months earlier in the year. I know to subject my child and her cohort to receiving that standard of education again in the year, remembering that also these children had their education disrupted last year when strikes closed the schools, is just too much. We are eating away far too much at our children's education in this way. I do not mean to criticise, I do not want to lay any blame anywhere in particular, but what I do know is that to suddenly go to online education without any level of preparation, without any level of standardisation, without any level of real oversight of the standard of education that our children receive, means that there is a massive inconsistency in the level of education that our children will receive online. So I really want to highlight to Members that online education is not something that you just roll out and everyone is happy and everyone is learning to the same standards as they were before, because I have seen with my own eyes that that is not the case. So for that reason I cannot support this Proposition. It does not have the nuance in it to distinguish between differing needs, it does not have an understanding that online education does not meet many children's needs. The idea that we would be sending children home where their parents perhaps are having to work and their parents are not able to look after them ... we learnt

earlier that there is no minimum age at which children must be supervised, so it is quite possible that some parents would feel that their need to earn a wage would overcome the need to stay at home with children who they see as well-behaved, but that in itself would mean that children are being neglected. We also cannot know, even if children have access to the technology, the position they are in within the home. You can have siblings having to work within the same room but interacting with different online classes, therefore unable to access the standard of education they need. You can have other children isolated in their bedrooms, unable to socialise because they are being forced to learn only online. When the format of the lessons is not in such a way as to encourage at least online interaction, as I have seen, then those children feel deeply isolated and that affects their well-being, their mental health, and that is not something I am willing to subject Jersey's children to without the expert medical advice backing up the absolute need to do so. Basically, I am saying it is only in the last resort that we should move to this situation for our children, when we are told by the medics that we need to do this for their physical health, because if we do this there will be children who will suffer mentally deeply as a result of this. I have heard too often: "It is only the last week of school." I am afraid that does not stack up to me. Every week of school is incredibly important, as every year of school is incredibly important. I fear I repeat myself but, for those reasons, for the lack of flexibility this Proposition offers, for the lack of knowledge, the knowledge I have that the standard of online education can fall far short of where it should be, there is no way that I can support this Proposition.

#### **4.4.8 Deputy I. Gardiner:**

Thank you to Deputy Morel. I am reflecting on your speech and I am asking myself where I am as a mother before I give my speech as a Deputy. I cannot agree with you more that online education is not 100 per cent suitable for all children, including my own daughter. I think a lot of loss happened during the last year in her education when she was online for 3 months and we are catching it until now. But I will move to me as a Deputy and I have several questions. I do not remember if Deputy Maçon has spoken already or anybody else from Education can respond to these questions and also if the Minister for Health and Social Services has had his speech on this Proposition. I do trust medical advice and I do think medical advice does not suggest that we need to close the schools now. The main problem that we have now is that we do not have a system in place to manage this crisis within the schools and the full support that head teachers can have. So I need to really understand clearly, if possible, what evidence the department has from the head teachers and I was really concerned, listening to Deputy Perchard and somebody else and the emails that we have received, that head teachers are divided. So it is not a clear, straightforward case that head teachers support closing the schools a week earlier. They are divided between them. It does look to me that what we really need is flexibility and more power for the head teachers to decide what is best for the bubbles in their school and what is best for their school and to have this authority. We did have good evidence from S.T.A.C. and we had good evidence from Health, but I have not had evidence about the impact of the closure of individual bubbles on individual schools. The numbers do not really stack up for me. I do think we need to give free choice to the parents and if parents decide not to send children to school they might do this and they decide that they will be with their children at home for a week. I am really surprised that we could not pass amendments. Amendments could make it easier to go forward because we know that it is unlikely that the age group under 12 can be left unattended. We are forcing people who are not key workers, who are not essential workers but they are workers, to leave businesses without them, so business owners need to know how they can work for the next week without their employees, because the employees need to look after their children. So we are damaging the economy again. I cannot see how the cafés can be open and the schools closed. It is difficult for me to see this. The main question I have, and it is going back to the Proposition, is we assume that by closing the schools that everybody will move to one-week online learning, but from previous speeches I now have an impression that basically we are closing schools and no online learning is in place, because this is the Proposition. If it is different. I would like the person who will be giving the closing speech to make that clear and it has been agreed with the Government that

if this proposition is passed it means that the kids will go for one week of online learning. I am genuinely concerned that we do not have support for the parents, support for the children who are not in a small category that will be protected if this Proposition is passed but will happen for the wider population. We need to look at Islanders as a whole. I am still not sure how I am going to vote but it is likely I will not be supporting the main Proposition.

#### **4.4.9 Senator S.Y. Mézec:**

I think there are 2 fundamental points that need to be made, because listening to some people you would think these points are disputed when they are not. When you deliberately bring up points that nobody is disputing and try to argue against those, that is called a strawman argument and it is a very poor way of making a case. The 2 points are that, firstly, nobody wants the schools to close. Let us be clear that this is far from an ideal situation. There is absolutely nobody who is desperate to operate our schools in a way that is not normal and to change what are currently the plans for fun. That is not on the agenda. Nobody is interested in doing that. Everybody accepts that it is best for children to be in the school environment for the term time as allocated, receiving education in the conventional way. That is our aspiration and that point cannot be disputed. The second point is that this is not largely an argument about medical advice. It keeps being referred to by some speakers who appear to want to outsource their personal decision-making to unelected medical advisers and say we will just do whatever they say. That, firstly, is not how a democracy should work, because there are political decisions that take in other considerations that are not medical, but it misses the point of this Proposition that it is largely about the practicalities not about the medical advice.

[17:00]

Of course there are situations where it is perfectly safe to operate a school environment, have students in there learning, for it to be perfectly safe. Earlier in the term, absolutely nobody would have made the argument that that was a problem. Where the problem has now arisen is that we are in a second wave. It is the case that people outside of school are either contracting COVID-19 or are coming into close contact with people who have and so they are at a risk of having got it, who are then interacting with schools in some form or another. That has meant that substantial numbers of people are having to self-isolate and not be able to go into school and work in the way that they normally would and that large numbers of students are not being able to go into school. That is being done on medical advice. It is the advice that if they are in that situation they should not be attending school. The side effect of following that medical advice is that you make it extremely difficult to run a school effectively or teaching to be delivered to those students properly, for teachers who are going into school to be able to manage their workloads effectively when they are trying to teach some students in person, some students online, turning up in the morning and finding out a colleague has not turned up because they are having to self-isolate and suddenly having to cover for all of their work on top of that. Turning up in the morning, basically the first thing they are having to do is to put their plan for the day in the bin and improvise something. What they improvise, even with the best will in the world, may not necessarily be what is in the best interests of the students. Is the medical advice that the schools should remain open? It clearly is and that point is difficult to dispute but it is not about whether it is safe to do so, it is about the practicalities that come into it because of all the other side effects of other pieces of medical advice that come into it. Of course we are told things that we already know about the effect of students being taken out of schools for substantial periods of time and the effect that that can also have disproportionately on children from households with lower incomes. There is one point in this that is difficult to reconcile here is that if it is so terrible for children to be outside of school, why do we not just cancel the holidays because every point that can be made about how all this horrible stuff that will happen to these children if they are not in school next week counts equally as much for the week after where they will not be in that environment, where all of the other things that people are claiming would be valid. It is an absolutely inconsistent point. It is perfectly possible for children to be outside of the school buildings and for us to try to do

what we can to make them thrive in other ways. It is a really bizarre point from, I think, the Constable of St. John about how this will make income inequality worse. That is not true. I presume he is saying that because he thinks that if people have to take unpaid leave to supervise their children then they would obviously be earning less. That is not the definition of income inequality because that could very easily happen to any family if there was an illness or anything else that meant they had to take time off. Income inequality is about structures and a one-off situation like this does not affect the overall structure. If you want to deal with income inequality you have to raise the wages of the poorest and tax the incomes of the richest. That is how you deal with it. Trying to look after the best interests of children and the people working in schools now is not part of the structure of how you deal with income inequality. He is just wrong to say that. But even as we speak, and I thought it was very appropriate here, we got an email, like the ones we have now started getting to give us an update as we go. I see the Constable of St. John has asked for a point of clarification, does he want to take that now or at the end of my speech. I am happy to take it now.

**The Connétable of St. John:**

When I spoke about the income inequality it was the effect it would have on the child because the evidence is that children from lower income families are less likely to catch up than the children from higher income families. Therefore it perpetuates the income inequality. The Senator has completely missed the point altogether.

**The Bailiff:**

Thank you for that clarification, Connétable. Does that assist, Senator?

**Deputy S.Y. Mézec:**

It does, I maintain he could have adumbrated the point more clearly but if that is his angle then that is a perfectly legitimate point, and I will therefore look forward to his support in future debates for more resourcing for the education system and for dealing with income inequality in those children's families so that they have an easier time when they are going through their education and preparing for their future. I welcome that clarification if that is what it ends up leading to. But before dealing with that I was about to refer to the emails that States Members have now been getting daily to give us an update on what is happening in the schools, how many classes are having to be sent home because of contact with somebody with COVID-19 or because of staff shortages? We have that email now in the course of this debate and it is not a good picture. That seems to be the case every day as things are getting worse. We now find out that one primary school has had to close 3 classes because of the staff shortages. I tell you what, I feel very sorry for the headteacher of that school who is now probably having an extremely difficult time trying to manage that, trying to manage staff issues as well as make sure that the education of the children is catered for effectively. To do that with no notice whatsoever must be extremely difficult and that is one of the reasons why so many people working in our schools are feeling stressed out about this, do have anxiety and why in the polling that has been done of many of those workers, are desperate for this to be reconciled so that they can get some certainty so they can provide a much better plan. The idea of putting children first has come into this and when we launched that pledge I did accept that it was always going to be a risk that it could end up being a line that is used by anyone to advance any agenda and try to use it to dismiss anybody with an alternative point of view. That unfortunately has happened to a degree today. Those who are arguing to close the schools now are not putting children first, in fact in their view they are doing the exact opposite. They believe they are putting children first and there are some who would say that you cannot put children first by putting teachers last, that is what it feels to a degree here. But for children to go into school and at extremely short notice be told that they are being sent home because of a contact or staff shortages or whatever, I presume that those children, particularly the younger ones who are aware that something is going on in the world that is quite scary, will find that very worrying, be upset by it and be scared by it. They have turned up to school thinking it was

going to be a normal day to be told it is not because this virus was potentially present in the environment that they were being sent to. That must be worrying for them. By accepting Deputy Ward's proposition we take that out of the equation by saying: "Do not worry, you will not be going near that environment, instead it would be managed similar, hopefully, to how it was earlier this year with more online learning and fewer numbers of people going into those schools." There are 2 sides to it and let us not have any presumption that those who are in favour of closing the schools for the majority of students at an earlier time than they are already going to be closed, because they are going to be closed to all students anyway, we are just simply bringing that further forward, are not doing that for any other reason than they think it is in the interests of everybody who is concerned about the effect of delivery of education to those students, the young people first and foremost but also the well-being of those who work in those facilities delivering that service. The last point I want to make is just a technical one to address the point that was made by Deputy Ash, purely because he is just point-blank wrong on this when he spoke about what happens to bring the schools back and taking this decision as an Assembly. Who then makes decisions in future about when schools go back and he listed them off. Would it be the Government, would it be the Opposition, would it be Unite? If you read the wording of the proposition you would see that this Proposition expires at the end of term and makes very, very clear that this is a temporary measure until the end of term and when that point hits business as usual carries on after that, and the Minister for Education and the rest of the Government can do what they think is appropriate and the right of other States Members to challenge them on that continues as normal as well. So we simply revert to that when this Proposition expires at the end of term. That is not a reason to muddy the waters by acting as if this has more long-term consequences when it clearly does not. I am urging Members to support this proposition because whether we like it or not it is going to be the case, as the trend over the last few days shows, that over the next week and 2 days there is going to be more disruption in our schools whether we like it or not, because of staff members having to self-isolate, because of children coming into contact with people who test positive. That disruption serves nobody's interest, it is going to make that time extremely difficult and stressful for those who we entrust to deliver education to those young people. It may well be that in an ideal world we want those children to continue to go to those school buildings for their education, but there is an alternative which frankly is just much easier to deliver, which involves closing the schools on Monday for the majority of students and providing support around that that we know we are capable of doing. Providing certainty to those who are running the schools to say your chances of turning up in the morning and finding out you are going to have to run around like a headless chicken trying to make sure the school is functionally properly is severely reduced because you have reduced the numbers of people going in there and the chances of positive contacts and the numbers of staff you need to operate the building and the facilities in the first place. It makes it easier to do what we all want, which is to make sure that those interests of those children are best served. It is on that basis I ask Members not to proceed with any sorts of arguments that pretend that people want schools to close, as if that is a good thing when it is obviously not a good thing, and not pursue any further arguments that suggest that this is purely about medical advice when it is not. It is about the ancillary issues connected to that and it is our job as elected Members to consider the whole picture. It seems that some Members purely want to focus on one concluding sentence in a whole package of information we have been given, when it is our job to do a lot more than that and so I urge Members to support the proposition.

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

Senator Mézec spoke a great deal of sense and Deputy Pamplin said much of what I was going to say with regard to what is happening this afternoon in real time. I believe that St. Michael and St. George's schools will have broken up by this weekend, that the boarding schools have all broken up and that Beaulieu will be moving to online learning next week. They are only a couple of school years left at Les Quennevais School. In an ideal world I would not want the schools to close but we are so far removed from an ideal world. Please just look around you, are we in the Assembly? No,

we are not. I would like to say, and really emphasise, that, yes - in capital letters - Missing School Matters, children and students' learning does matter. It is paramount along with health. Your health and your well-being really matter. Your schooling is of utmost importance, your learning matters. As a Member of this Assembly, I believe that the safety, health, well-being and learning of children is absolutely paramount.

[17:15]

I really do believe this and this is why I will be supporting Deputy Ward's proposition. Because this learning, well-being, health, school attendance does matter. Two days ago I was contacted by an assistant head who I really admire, a really hardworking, intelligent and dedicated teacher who told me just how short-staffed schools are, how anxious both the students and teachers are, how many children are off through isolating or because their parents have chosen to keep them home. How difficult it is to run lessons not knowing from one hour to the next whether teachers will be practising trades or the children will be sent home. Please try and imagine this. Is this scenario good for children's health, good for students learning, good for students and teachers well-being? I do not think so. One thing very pertinent to this debate is that this is now 10 December, we have all lived through a traumatic year. For heaven's sake, do we need to keep children at school for one more week, with decimated class sizes, with not enough teaching staff. Then someone at school is tested positive for COVID so off you go, go home and isolate and, by the way, we know you are stressed, we know you are anxious but do not worry, you can sit in your room on your own on Christmas Day because we kept you for 4 or 5 more days when we could not teach the whole curriculum because all this is happening. How is this fair? How is this keeping children and students safe? How is this looking after the well-being of students and their teachers? We are talking about 4 days of school so close to Christmas in which I would guess at the end of the term with hardly any learning so that all, in the circumstances, that we are going through at the moment can go on. Can we not move the learning to online for 4 days? Can we not be sensible? Can this Assembly be kind? Can we not really safeguard those who have been so badly impacted? Please, put children and teachers first. I am not suggesting you close for the foreseeable future. I am saying what this Proposition says, please close in time for Christmas, so the risk of isolating over Christmas is lessened. Go back at it on a time in January when both teachers and children will be rested. I have and we have all received no end of emails with some really heart-wrenching descriptions of what the reality in schools at the moment is really like. I have spoken to a wide range of parents, I have taken it upon myself to contact people and I met with them, as I have been in St. Martin and elsewhere, and not one has said keep the children at school at this time. Please, use emotional intelligence as well as cold, hard numbers, and understand how schools are in such an awful situation at the moment. Please, I implore you, read the emails, listen to the teachers, listen to the students who are anxious and overwhelmed. I have the utmost respect for Dr. Muscat and Dr. Armstrong, I really do, but this is a much bigger picture than just medical advice. I have heard that maybe at least half of the students will not turn up to schools next week. The schools cannot operate effectively at the moment. We need certainty over arrangements. We need to help alleviate the upset and the stress and we should all support this Proposition.

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

Some contributors to this particular debate have deployed the practice of trying to pick little holes in the argument, in the overall argument, so that they can find an excuse, a reason to vote against this Proposition. I urge them not to continue with that thinking but to listen instead to the likes of Deputy Perchard, for example, who gave a holistic version of reality and in a very calm and cool way and analytical way expressed what we are trying to do here. She concentrated on the practicality of the daily in and out of what is going on. What she had to say rang complete bells with me because of the experience of, (a), my sister-in-law and, (b), my grandson. They are in the north-east of England and at one stage were way ahead of us in the league table of how many people had contracted the

disease. My sister-in-law is a primary school teacher and she is a severe asthma sufferer and, therefore, very highly vulnerable. She has been living on her nerves for the last 9 months. Whether she is going to contract the virus or not is a daily occurrence for her. Every time she goes in she is thinking about transmission of the virus. She had 3 weeks off in the first wave when she had one child in her class who needed to isolate. Since then it has been like a game of yo-yo or something. She is off for 2 weeks because somebody has contracted or been in touch with the virus and then she is back for a day or 2 and then another of her pupils gets the virus and off she goes again. When I say “off” she is working from home, teaching demonstration lessons so that people can learn from the video. It is not as if she is doing nothing, she is working; she is working from home. My grandson, his best friend was tested and found positive; he is 14. His mother phoned the school and said his friend has tested positive, what should I do? She was told bring him in as normal. Then three-quarters of an hour later she was phoned to say: “Can you come and fetch him, he should not be in?” She also, incidentally, got a phone call that very afternoon once she had picked him up to say: “Can you come in again and pick him up, we have not recorded that he had gone home?” The daily routine of organising education is getting broken up left, right and centre by the sheer practicality and demands made on the education system. Again, I go back to the theme I have been developing, get the balance you need to choose between is the balance of a serious illness that may be with you for the rest of your life causing you all sorts of disability and 5 days of education in your entire educational history, in which we are saying at the end of term you have to keep on studying in order to get your results. I think what we are arguing is a short-term closure versus a long-term benefit and that is the reality. I urge you, having come this far, to vote for this Proposition.

#### **4.4.12 Senator S.C. Ferguson:**

I would just refer to Senator Mézec’s comment about resources and so on and use of resources. Frankly, as far as I am concerned, I would use the resources that we have in the Education Department and use them more efficiently. I know various ideas for intelligent use of resources, some of it has been frustrated by the civil service around the top education at Highlands. I was at school in the 1950-something epidemic. Half my school went down with the flu and half the staff. It was, admittedly, not quite so fatal but it was certainly something we had to work around. But as quite a lot of my teachers had been part of an evacuation of the school during the war and things like that, they were really quite organised. The rest of us got taught but we were pretty well on into our O-levels and we had to pay attention to that as well. What is happening in the U.K. now, there was a comment on the news I think that schools will be closing on 14th December. Perhaps we are on the right track but we are doing it a bit early. We may be slightly before the year, in the middle of the argument, I suppose, really. The other comment I would make is that if the online teaching was so bad, my nephews had some intensive training in computer teaching and how much did we organise for our teachers? I do wonder if we had given them the tools to do the teaching and help them with that. I would suggest that the Education Department have a think about it. But on the whole, I do not remember any sensible work being done during the last week of term, with sort of parties, Christmas carols, things like that. But I do not think there was anything intelligent. I will support suspending teaching, suspending the schools on Monday because I really cannot see that there is much problem and much point in arguing over it, for heaven’s sake. Where is the wonderful pragmatic approach by the Health Department that we were told about at the beginning of the day today? I do not know how long ago it was, it feels like midnight. It is quite pragmatic. The programme that the union rep on the radio this morning sounded quite sensible and it just seemed to me that it was a good compromise and we ought to jolly well think about it instead of just sort of saying no, no, no. Bring the union reps, the doctors and the medical people in and just approach it sensibly, talk about it. But anyway that is my fourpence worth.

#### **4.4.13 The Deputy of St. Mary:**

At this late hour I shall focus on one point very briefly, which is that the Proposition begins to request the Minister to take the steps necessary to close Jersey's state-run schools without any flexibility as to whether some should be closed and some not. The 2 issues at play here, one is the medical advice and the other, of course, is the pragmatic situation we have of there being possibly insufficient staff to run a school. Until I heard the speech by Deputy Perchard, I had naively supposed that the head teacher's recommendation was, in effect, the final say and I bow to her experience on that. But I cannot think that input from the head teacher will be ignored.

[17:30]

Going back to the email we received this afternoon announcing that one school had sent home 3 classes due to staff shortages, I cannot think that that decision was made without the recommendation of the head teacher. There is some extra pragmatism to be involved here and I would like to think that just as the Deputy of St. Ouen said in the first speech of today, this really should not be a States decision. We should have in place a system whereby the health authorities and the school, Education Department, are sufficiently in line to make these decisions without needing to come back to the States. In a way that is where I leave it. I do not think it is right for this Assembly to pass a Proposition which need only request the Minister but, effectively, denies her the ability to take advice on the situation in each school. For that reason and that reason only I shall be voting against the proposition.

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

On Tuesday Beaulieu School sent a message to all parents asking them to decide what they would prefer for their children next week, whether they would prefer for them to learn online at home or whether they would prefer for them to undertake their online learning in an allocated and supervised classroom at the school. Those parents will have until this afternoon to inform the school what their preference is. But it is a very good example of a very pragmatic way to approach this problem and I commend the school for having done so. They have been followed today, as we have already heard, by the whole of the country of Wales who have taken a similar view due to the increasing numbers. Today, in seeing our latest figures, we must note that 4,372 people are now direct contacts of people who have tested positive and, therefore, they are having to isolate. We know that 40 per cent of secondary school students are not currently at school. I do find it rather difficult to understand how colleagues can argue that it is ineffective to send pupils on to remote learning, as opposed to the traditional classroom learning in a situation that is completely chaotic and disorganised. It is very hard to understand how teachers and head teachers, in particular, are supposed to continue to flex and manage this ever-changing situation, which I am sure, unfortunately, by tomorrow will be worse than it was this morning. Some Members have talked about the mingling and the concern that is happening around that. Yes, the police have, sadly, had to write to head teachers today and ask them to remind pupils to not mingle in town after school. But that is what they do after school, and during the week next week they will be expected to be in their classes, albeit remotely, and to be learning because it is an important thing for them to do. Children do know that, their parents know that and we, as the legislators, value education; we value our children. I think in supporting this proposition today it shows also we value those people who are there to deliver education. Because education and the quality of it that we provide our children is of paramount importance to ensure the future of our Island. I do understand that there are issues for children who have struggled with online learning and who have struggled with isolation during these difficult times this year. But under the current rules they are able to maintain a bubble and to perhaps go and work with a friend so that they have some communications and contacts with the outside world during their last week of school, which of course is normally a time of great enjoyment and celebration as we all look forward to Christmas. But as we have been reminded many times, this Christmas will, sadly, be very different. I do urge Members to think about the practical and, as Senator Ferguson said, the pragmatic approach. Let us bring some order to the chaos that seems to be descending upon the Island and do a sensible thing.



**4.4.15 Connétable L. Norman of St. Clement:**

This has been quite a good debate, a lot of passionate speakers on both sides of the argument. But I ask myself 2 questions: firstly, what is in the best interests of teachers and school staff? If you take that question alone, clearly the answer is to support the proposition and to close the schools. When you ask the question, what is in the best interests for children, what is most likely to keep them safer? Clearly the answer is to reject the Proposition and to keep the schools open. I think too about other key workers, other groups and I can see what they are doing to keep Islanders safe. I think about prison officers, I think about the firefighters, I think about the police force and I think, particularly at this time, I know they are going through a difficult period, the staff at the ambulance station. All of those groups, many of them will not have a Christmas either, not in the way that we would think of it. Teachers are key workers too and they have a duty of care to their charges, so they must do their bit too. When I go back to my first 2 questions, do I say I am going to vote in the best interests of the teachers or I am going to vote in the best interests of the children? I think, for me, that is a no brainer and I shall be opposing the Proposition.

**4.4.16 Deputy J.A. Martin:**

It is definitely a given that Christmas is going to be different for everybody this year. Whatever we do with the schools, whatever we do with all the other workers, Christmas is going to be different. It has been a completely different year. But I can say hand on heart, and it has not always been the same with us States Members, I have followed the fantastic medical advice from S.T.A.C. and Dr. Muscat. Over the last month we have had debates on elimination strategy, we have had open the airport, shut the airport; they were all democratic and they were things that rightly should have come to the Assembly. Differing opinions, there was medical advice back in one but there were also things that needed to come to the Assembly, and they did. Deputy Perchard, in one of her speeches, I have absolutely so much respect for Deputy Perchard, she is a brilliant speaker, I am too old in the tooth to learn to speak like Deputy Perchard, but I listened intently to what she said and she did say, whatever anybody thinks: "This is about what we decide to do and if schools close or when they even open again in January." I am sorry and that is my problem because we are getting some pressure from teachers, we are getting much more pressure from the unions. Deputy Perchard has got a point of clarification. I can take it now, Sir, it is up to you.

**The Bailiff:**

Yes, a point of clarification if you are prepared to give way for it now, Deputy.

**Deputy J.A. Martin:**

Absolutely, of course, Sir.

**The Bailiff:**

Deputy Perchard, your point of clarification.

**Deputy J.H. Perchard:**

Yes, thanks to the Minister for giving way. I am not quite sure what she said I said but I definitely did not say the words that she just said. If she could just clarify the quote she was using from me because I did not say whatever collection of words she just said I said.

**Deputy J.A. Martin:**

Yes, sorry, I did not say, Deputy Perchard. So this is about who decides if the school closes or even opens again in January. I apologise if the Deputy did not say that, I wrote it down as she was saying it because it has been mentioned before. But Hansard will tell but I will withdraw that if the Deputy did not say that; that is what I thought I heard. But I have heard it earlier today and I think, to make my point, I am saying when we start ignoring medical advice, the Chair of S.T.A.C. today, early

morning he read out something he said he had written at 5.00 a.m. this morning and the Constable of St. Clement asked him if he could get it typed up and sent out because it was so so relevant to all issues. He was talking about how Health and Education are so interlinked and the staff there are doing a brilliant job; Education he was talking about. He said his staff are tired as well. He is tired. He makes decisions that do not always go down well but they are the decisions he faces on the medical science. What I am saying today, whatever Senator Mézec says, it is a political decision. Because we have had the health advice, we have had some debates, as I say, on the elimination or not opening the borders. We seem to be running a side show on social media, screaming for lockdowns, do it now, do it now, well that was a week ago but do it now. What is this obsession with lockdowns? But now it has come to the schools. The teachers are probably finding it hard when they find out that one of them has been in contact or one of them has tested positive. But do you not think the rest of the Island are facing this? Every worker in Jersey, they are not just teachers and they are not just students. I then have to speak about the students, it was quite clear, we were looking after vulnerable students early on in the COVID. Dr. Armstrong said this morning it was a very low number that were being looked after because a lot of parents do not like to come up and say: "I think my children could be in the vulnerable category." Then they muddle on, they muddle on. What we have got, and I know it was down to everybody to vote for the amendments, we have got nothing but stay open or close. We have got no support for the mum or the single parent dad next week who really should be in work. Even if we had got the benefit, it would have been £160, not the week before Christmas; that is not what they want. But now if you close the schools today and they cannot get the sufficient childcare, they will get nothing. Please phone my department and, hopefully, there will be some support for you under other different things. If you are entitled to income support and you cannot work, absolutely. We have been very, very good. We have not been asking people to work who we know they cannot work, especially with younger children. But it will be the benefit, it might not be what they would be able to earn the week before Christmas, when in this year particularly they probably want to give their families just that little bit more, not what some people can have but just that little bit more. These are low-income families and that is why when I hear ... I cannot believe I hear the speeches from Senator Mézec, Deputy Southern, the proposer of this debate, who firstly and always state: "We have left the Government" because they said the Government had not done enough about income inequality. But today that argument cannot stack up with them. This will affect the most vulnerable children, I call them vulnerable parents because they probably might be a single parent or 2 very low-earning parents who probably do childcare and go out to work. They meet over the breakfast table; one has done a night shift and one has done a day shift. I have said this earlier, in the real world you book your holidays a year before. They book their holidays around term time so then they can book their holidays when term finishes and one of the parents can normally cover. No, we want to throw that out today.

[17:45]

We just want to say, well, it is sometimes too hard for the teachers and then I hear that the teachers can make decisions, they are making decisions. If Deputy Ward had not put 2 feet in first, and I absolutely believe the medical advice or talking to the head teachers, we may have got to this on Tuesday, Wednesday next week. The advice today is not to get to this because it is just saying you have missed so much school. We heard it from Deputy Morel, his experience of online was not as good as he thought. But what I will say about online, it does not keep the children in the safe place of the building of the school for as long. The onlines that my grandchildren were getting could be done in about an hour or 2 hours, maybe it was because they sat down and just done it and that was them, they did it and then they were free to sort of play on the computer games or run round the garden or go out for that hour walk. But to get online, that took a bit of time. We are now talking about closing the schools tomorrow and it all will be okay because everyone can work online. It is not fair to everybody. The Constable of St. Clement has just mentioned other people and I do not want to and I never meant to, Senator Mézec, pit other workers against workers. I thought we were

all in this together; that is the way we have been getting through this, all in this together. But now we, as politicians, want to go completely against the medical advice and to help the most vulnerable children, the most low-income earners on the Island. We want to just pull the rug off of them and say: “Next week you have no childcare.” Some of them will probably even get the sack because it will be turn up or not, because there is somebody else who can do your job. Because there are people down at my department who are signing on and they need to work. So I am sorry, I have upset some people, it is all about politics to me. I did not come into this job to be the most popular person in the world. Politicians are the most probably hated people in the world. But when they start mixing politics with medical advice in a pandemic like this, we should be very, very well-disrespected. That is all I can say. Do not vote for this Proposition. Too many unknowns. Kids need to be in a safe environment where they can be seen. When they can be seen that is when the teacher can see if there is something wrong. They cannot do that on a computer, especially if it is a computer shared by 3 or 4 children in one home and they are all trying to get on to lessons. We need to sort that out. We will do more but we cannot do it by Monday.

**4.4.17 Deputy M. Tadier:**

I held back up until now from speaking in all of these debates. But I have heard quite enough nonsense now to bring myself in and to give both barrels, including to the last speaker and some of the other speakers that have gone before her. I suspect there are a lot of teaching professionals tuned in this evening and it is probably because we are running over slightly; members of the public are able to tune in where they might not have otherwise been able to do so. They might have picked up a lot of double-speak in the last speech by the Minister for Social Security. I would put this in context and say that first of all she is the Minister for Social Security. If she is saying that there is an issue with the poorer students in the Island and income inequality, it is completely within her gift to do something serious about it.

**Deputy J.A. Martin:**

By tomorrow?

**Deputy M. Tadier:**

Sorry?

**The Bailiff:**

I am sorry, I did not say anything. I hope nobody else did deliberately.

**Deputy M. Tadier:**

I think it was a faint cry of the Minister for Social Security: “By tomorrow.” Teachers will be aware of the concept of double-speak, like I say. For some reason, this Proposition being put forward is being criticised for being too black and white. But surely that is a good thing. What we need in terms of securing childcare, because some of this debate has been about what happens if parents, and presumably teachers, because teachers can also be parents, if they need to secure childcare. Surely it is better if they know in advance what is happening on Monday rather than what the Minister for Social Security and other Ministers have been saying is: “We might close the schools if things get bad enough.” How quickly will you close the schools? You will probably do it at a few hours’ notice, maybe a day’s notice. The alternative is what I have been sent today by a constituent about the big school in my constituency, the new Les Quennevais School. It has been reported on the news today that 36 staff members are isolating, 60 per cent of students have been sent home due to coronavirus cases within Les Quennevais School in Jersey. All of those students who have been sent home, their families are going to have to organise childcare. Where is the money for childcare, Minister for Social Security? Your Government, your incompetent Government, has done nothing about them. They have to wait until they contract COVID in order to be sent home. For somebody to contract it and to make provisions at the last minute. Rather than this Government saying: “You

know what, it is a week before term, we know that we can send people home to be taught online and that will work.” Let us look at the medical advice, shall we, because the medical advice from the Minister and from Dr. Muscat, and I tuned in to the public question and answer session and the statement and the advice last week was very clear. It says: “We ask people to work from home wherever possible.” One of the reasons given was of course that you might socialise more after work when you go out. So the difference between of course teachers and schools and other establishments and other public sector and private sector workers is the sheer volume, the sheer number of individuals that are in one building for many hours a day in close proximity. There is a difference between practice and theory where you say: “Okay, as long as you are wearing a mask, as long as you keep 2 metres away from each other”, completely ignoring the fact that young people, whether they are 5, 11, 15, they are really tactile. You can give them the advice not to touch each other but, because of their age and their instincts ... I mean it is difficult enough for adults when we are out not to go up to each other and say hello and shake hands and keep one’s distance. Imagine how much more difficult it is for students. So this Government has decided that it is better to wait for whole schools to be shut down because the cases of COVID are so overrun. Remember, the schools were closed earlier in the year. We closed the schools down and we had online teaching when there were no cases virtually. Now, when the cases are rampant, the medical advice seems to have changed. I go back to the point about the Minister for Social Security and say that she is wrong because vulnerable students will be supported at school. This is what the Proposition is highlighting. It is also the case that teachers are well-placed to pick up the clues and the signs when there are those students, whether physically in school or accessing their classes online, to know the ones who need help. There have been provisions made already. Teachers are geared up to be able to do this. They know which students do not necessarily have devices at home, which they could access their lessons on, and they will be provided with them. All this has already been happening. I would say that we need to start listening to and respecting the professionalism of our teachers who are on the front line. When they say there is an issue, we should acknowledge that and we should act. The idea that there is some kind of abstract correct thing that only the Minister and only the medical advice can dictate what is the right thing to do at a given time is clearly not the case. I would also say that who is it that looks after the children? How is it that we as a Government or an Assembly can seek to put children first if we do not put those who look after our children first? If we do not even listen to what they are saying and act accordingly. I would also introduce an element of philosophy and I will not use this as a categorical argument. It is not necessarily the strongest one. But there certainly is an element of Pascal’s Wager in this. Because, if we close schools next week, and we should not really be talking about closing them, we are talking about closing the physical buildings. Remember I said these are buildings where hundreds and sometimes 1,000 people can be present in these very large schools, like Le Rocquier and Les Quennevais School. That is not like a police station. That is not like the fire brigade. That is not like a bank that might be operating in town with adults, which can be much more regulated and much more secure. These are potential breeding grounds for passing on the illness. With the contact tracing, how many alarms are going to be going off telling people: “You have to now isolate. You have to have a test.” Or maybe you cannot get a test because we do not have enough bandwidth to do it, so you are going to have to stay at home potentially for 10 days or 2 weeks. So you are going to see teachers and students falling like flies next week potentially, and this will all be on the hands of the current Government when they could have done something about it. So the consequences of doing nothing are potentially severe. The consequences of doing something are beneficial. It gives clarity. Everyone knows where they are. It means that teaching can go on online. It means that there is provision in schools. That has been thought of. This is not black and white in that sense. There have been provisions put in place. Just to add, teachers have been working very hard already. They have been putting things in place. They know that at any moment they may need to go to an online scenario. They have been doing hybrid sessions already, like we have. It is easy for them to adapt to do that. So I would say there has been a lot of scaremongering. I would say that the Government has not stepped up to the plate. Medical advice

is medical advice. But it needs to be acted on politically. The same medical advice can result in a whole variety of different political decisions being taken. I would say that there was a point in time where this Government could have claimed to be doing the right thing to have the confidence of the public. But the big mistake that they made was saying that they did not want to enforce isolation for the first 24 hours. That is when they let the foot in the door to the virus to spread virulently, as viruses do. We are now in this sorry state and the Government need to start stepping up. This should not be about petty politics and saying that simply: "Because this is not our idea we are not going to support it". I do ask all Members seriously to think about the ramifications of voting against this Proposition today. Because it will be on their hands when we see another spike next week and all schools have to shut anyway. But they will be shutting as a reaction to COVID, not preparing to keep our teachers, our parents and our children, safe.

#### **4.4.18 Deputy J.H. Young:**

This is an emotive debate as well as being an important one. For me, as I said when we spoke about the amendment, is that I find it difficult to deal with because of the emotion and the feel. Because of the stress that I have seen family members who are teachers at secondary school, what they have gone through this year. Frankly, who would be a teacher? They have done incredible work. They have adapted. They have got to work during holidays. But I do not think anybody could have predicted, certainly none of us did, that we would be in this winter crisis of infections running out of control. We are told it is not out of control but frankly 600-plus infections looks pretty well like that. I do agree there are clearly lessons to be learned in the future as to how we got into that situation, but now is not the time. So we have this issue before us now, which we are asked to decide on as elected Members of what happens in our schools. The first thing, I want to be clear, I do not accept the logic that this is about challenging medical advice. Absolutely not. The advice we got is outstanding. But when we deal with schools it needs to recognise that schools are communities. They are separate communities in my view comprising the children, the staff and the parents, and the body of the community that support them. Those communities vary very considerably across the Island.

[18:00]

What I would have liked to have seen, and why this has come to us, is because I do not see an effective and agreed strategy to manage the operational risks that we are having to deal with, none of us expected. That is a strategy that needs to allow us to respond flexibly and quickly. Because, as other Members have said, we can be debating this today and then tomorrow it will be different and then on Monday it will be even more. So COVID has highlighted for us, we need to be able to deal with uncertainty and we need to be adaptable, and that means to me to be flexible. I am disappointed that we have not had that strategy in place. I do not know why it is the case. But I think that strategy should allow, I believe, autonomy for the school heads. Because they are the leaders of those bodies and a good school head knows absolutely what I have said. It is not just their staff, it is not just the children, it is the communities. You bring them together in this magical way that great schools do. Those school heads need to have that autonomy to decide and make those decisions on a case-by-case basis, based on the situation on the front line, as our teachers have been for 9 months or so. What I am not liking in what I have seen in some of the presentations, I am seeing what I think is too much of a centralised command and control regime. Seeking to have a one size fits all within our education world. Those are the symptoms I see. I want to have more autonomy for heads. Because they have the really important job of blending those mixes of the teachers, the children, and the community. I think that is the task. It is not just a question of medical advice or a question of education advice or some kind of theory abstract thing. It is practical. Just look at the school premises. This is really about managing buildings and operational management issues where there is a risk. Of course the buildings widely differ. We have old Victorian buildings with no open space, no circulation space. How does one seek to even socially distance or separate groups of people in such a space? Then we have at the other extreme magnificent purpose-built buildings. So there is

such variability. The groups of children themselves and the particular skill base of the teachers, whether it is special needs or what it is, varies. Dealing with a different cohort. So all that requires consideration. So where I finished up, because I have really struggled. My sympathies are with those teachers who have struggled. But I have searched for what is the right decision. Because I absolutely recognise that the other aspects of health considerations, education policy, the implications for people who work in our shops and childcare and all that. It is all absolutely right. I am searching to find - I hate the word balance, I never like it - but I am trying to find where that line is. When I finished up, I am not convinced an imposed solution across the board is right. Whether or not that imposed solution is everybody to close or everybody to open. So with that on my mind, I think some of the amendment elements that might have helped us to take some of the edge off what is a very centralised one size fits all sort of provision. It is for those reasons I am concluding that I cannot support the Proposition. It is not because I am worried about breaking ranks. My reasons are very different from others I think. I want to see much more autonomy for heads. As we have seen in the U.K., that is why they have been successful in things like academies, school trusts. Once upon a time all schools were controlled by a kind of centralised command and control. That has all changed elsewhere. But in Jersey I fear that we have still got this leader now. That is a big challenge and what I have said is not a criticism of our Minister for Education, it is not a criticism of our Assistant Minister for Education. It is not a criticism of staff. But we heard views are divided and sharply divided between head teachers. I think they should be able to adapt and adjust within their own constituencies and have more freedom. So I think that is a political point and something in the future we should look at in the way we run education from this point after. Trying to do that now is too much. But nonetheless I am afraid, with that, I am not going to be able to support the Proposition.

#### **4.4.19 Deputy T. Pointon of St. John:**

You startled me there; I thought there was still a long way to go. I was not intending to speak but 2 statistics have come to light that give me some concerns about the fact that the intention is to keep schools open. The Assembly should be aware that the R rate in Wales is now 1.27. Welsh schools are going to go online for students to continue their education at home for the final week of term. Jersey's R rate is currently 2.9, yet we intend keeping schools open, risking an increase in transmission within schools and a damaging increase in the number of students sent home at very short notice, denying parents an opportunity to plan to accommodate for sudden changes in local school changes. I will not bleat about the internal politics within the Council of Ministers or the principles of disregarding medical advice. There is time to be pragmatic about all of that. What I do ask is, given the sudden changes, the swift changes that are taking place in Wales and here in the Island, that the Assembly please support this Proposition to go online until the end of term.

#### **4.4.20 Deputy M.R. Le Hegarat of St. Helier:**

I too have received many emails from teachers. The emails I have received make it quite clear that they are happy to go to online working. I have supported the other amendments to this Proposition because I felt that gave more scope to what was in front of us. I do want some clarification and it may be me that has not understood fully what this proposition says. But for me the proposition says that we are going to close schools from Monday. Other Members throughout the debate of today have said about online working and that children can work online from home. So, for me, I need the proposer, Deputy Ward, to clarify for me, does this mean closure of the schools completely with the exception of those people who fit into certain categories, or does this mean just the closure of the building and then online working starts? Because, for me, that is a very different course of action. One I could support, the other I could not. The reason I could not support full closure of schools is because I do have concern in relation to those individuals, the parents of children, who would find themselves in a situation where they had no childcare. I know that schools are not childcare provisions, however parents plan and, like most, I have to plan very carefully for a young child when both myself and my husband were full-time employees and always one of us working 24-hour

rotating shifts. Whatever time of the year it was, we had to plan our childcare. We had no relatives that were able to provide care during the day. We were fortunate that neighbours and some relatives were able to pick up from our chosen childcare provision, and that was normally kids clubs of various forms, from sporting to just general everyday kids clubs. So for me it is imperative that is quite clearly made. I also heard this morning, and I did not see any presentation from the police, however yesterday I went into town early morning. As I entered the supermarket I saw an ex-colleague and I asked them what they were doing in the supermarket. They said to me that they had to be deployed there in order that they could ensure social distancing and no gathering of children, pre-school, going into the supermarket. So I do have concerns about some of these impacts. I fully understand that those children in schools will be able to do whatever they wish outside of those school hours. So, for me, it is important that we take all of these things into consideration. So when Deputy Ward sums up I would like him to clarify exactly what his view is of what will happen on Monday. That will make my final decision.

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

This has been a difficult debate because everybody in the teaching profession and in Government and ourselves wish to ensure that we do the best for our children and hard-working teachers. As I have said at the beginning of this day, and my view has not changed, I still believe that this debate is unnecessary because the situation is capable of being managed. It is not clear to me at all that the education system is at breaking point. The fact is that all sectors of the Island are living with the impacts of COVID. We are trying to balance the harms that have arisen as a result of the spread of infection in the Island and people are feeling the strain. Not just in schools and educational establishments, but throughout the Island. There is great uncertainty and there is anxiety. I fully accept that. Deputy Pamplin, in his generalistic mode, when he spoke quoted from a head teacher I think, who said that this is a huge challenge we are all trying to work through. I thought that is the important thing. So many people are recognising the challenge that we face and they are stepping up to try to work through it. In large part the Island is managing to do that. We have heard today how the Education Department is coming up with responsive and pragmatic solutions. Yes, they are inconvenient to some people. The short notice that is given to ask people to go home and isolate, yes, it is really inconvenient. It spoils people's days. It has implications for childcare and all of that. But better than send almost 15,000 pupils home, it seems to me, without a week of education. The situation is not chaotic. Those year groups that have been sent home, as advised in the press release just a couple of hours ago, they have been asked to isolate on advice because in a secondary school year groups, they can mix together for different subjects. So it is not very easy immediately to isolate direct contacts. But the track and trace team will complete its work, will establish the direct contacts of the person who is a positive. The remainder of that group will be out of isolation.

[18:15]

They will be back next week to continue their education. So the Government is managing the situation. Sure, a lot of people are involved. Sure, it is inconvenient and difficult and it gives rise to difficulties I am sure in teaching and following curricula. But the situation is being managed. There are specific targeted measures. At all times the safety and well-being of staff and students is paramount. That is why people are advised to go home until the test and trace system has done its work and identified the direct contacts. After that, everyone can return. What we have here in this Proposition is a blanket move to close everything. My understanding of the wording of the Proposition is that schools close. That is to say schools cease to operate. It does not say that the premises are closed but we continue to work online. In any event, to achieve the quality that is needed for all students, Senator Moore has told us, like Hautlieu School, some students could work online at home. But some students would need to come into school premises in order to access proper online facilities because they might not have those facilities at home or not have the space at home or their parents could not stay with them, or for whatever reason. There needs to be a choice if online services

are to be offered. So, if online services were to be offered in the schools, the schools would have to remain open, which they could not do under this Proposition. The health advice is crystal clear. It is good, sound advice, it seems to me, and we know this because we have seen this in the health profiles that Statistics Jersey have issued from time to time. We know that children in lower income households have poorer educational attainments, which leads to poorer health outcomes, so need that good support that schools give. A week out of school will have an effect, that is the advice we are receiving and I consider that it would, combined with the many weeks that have been lost earlier this year. I do have a worry also about safeguarding because, as the medical director told us, during the first school closure we saw a huge drop in safeguarding referrals. But since students came back to school, there was a surge again in safeguarding referrals because students were visible. I do fear that would happen again if schools were closed earlier. I am sure Members that read the advice or heard it this morning - the Assistant Minister for Education referred to it extensively, as did the Connétable of St. Ouen and Deputy Morel - so I will not go through it again. But I would urge Members to have due regard to it because this is so vital. I thought I would just reply to the Connétable of St. Martin, whose speech said that would it not be so awful to isolate at Christmas. Of course it is awful to be isolated from your family at Christmas but it will not just happen to teachers or students, it may well happen and will probably happen to many other workers because we need to suppress this virus. But it must be put in context. There are 15,000 or so students whose educational outcomes might be affected by what we are debating today. The current active cases in schools are 30 students and 4 staff. I think we should reflect on that. I also have a concern, having tried to and proposed the Gatherings Regulations, that children out of school for the longer school holiday will have trouble in observing the gathering guidance and gathering regulations. Not often through any deliberate steps at their home but because children do gather together. We saw this at half-term and gathering together by them was possibly one source of the increasing transmission that we have seen. In schools there are mitigations that prevent spread. The risk of spread outside of that structured environment is greater. Then I thought I would just try and take Members through my dilemma were this Proposition to be adopted because I have said I do not think this debate is appropriate. It should not be the States Assembly that is directing the workings of the educational system; that is the operational aspects of it. The States Assembly needs to be assured that educational policies are in place and that the system is capable of educating our children. It is for the Minister for Education to be responsible for the decisions made at an operational level. The Minister for Education is empowered under the law I quoted earlier to close schools if she thinks it is necessary and proportionate to do so. That is the dilemma that will face her if this Proposition is carried because are there health grounds for closing the school? Are there educational grounds? We have heard from the Assistant Minister for Education that is not the case. They are accepting the medical advice, as we all should. The Minister for Education would then be unlikely to come to me to seek my consent to a school closure because she cannot say that it is necessary and a proportionate thing to do. However, if the education system can no longer function for the reason that there are too many staff absences or students absences then that might be a ground for saying this is something that is necessary to do. Then my duty would be to turn to the Medical Officer of Health and ask his advice. His advice may be the same but if pragmatically the system can no longer function then it can no longer function. It might be the right move then to close the schools. But we are not in that situation. The Minister for Education does not believe she is in that situation, nor her Assistant. We have heard in briefings from the department that they are able to take specific targeted measures to control the situation and keep the schools open and keep the education of children through to the proper date for the Christmas break. Therefore, I would have to urge Members that there are no grounds at the moment for supporting this proposition. If it was to be the case that the system could no longer function, the Minister for Education and authorities would be well aware of that and would be able to take action. Therefore, I will be voting against this Proposition and ask all Members to do the same.



#### **4.4.22 Deputy C.F. Labey of Grouville:**

I am going to be quick, you will be relieved to know. I had not spoken before because I thought the Deputy of St. Ouen, the Minister for Health and Social Services, had set the situation out very clearly at the start of the day, as he has done again just now. But I would like to ask the proposer of this proposition of his understanding: is it his understanding that a school can close upon recommendation from the head teacher to the Minister for Education? I would like him to answer that yes or no. Does he believe that the situation can be managed between the head teacher of a school and the Minister for Education?

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

I will be brief because a lot of what I would have said has been said by others. However, I do want to say a few things and one was that I circulated to all States Members the results of the Japanese supercomputer analysis of particle spreads, which demonstrated how the virus is transmitted as an aerosol. We have heard from Deputy Young, who talked about the poor quality of some of the older schools, especially in terms of size of classrooms and ventilation. The virus can spread more than 2 metres and hang in the air. I would like to know what studies our medical authorities or the school authorities have done about looking at Jersey schools and the appropriateness of teaching in different schools and different classrooms. I am sure the answer to that is none. The evidence that comes from these studies using particle analysis shows the danger of it as an aerosol spray and I do believe that we are incubating the virus, especially in secondary schools, which then goes on to spread into the greater community. While I did not see the advice given by the Director of Medical Services this morning because I was unable to attend the briefing, I have been reading all the advice on keeping schools open and closed throughout the world in prestigious medical journals such as the *Lancet* and the *New England Medical Journal*, and others. The medical advice is mixed and not consistent. We are being told that we must take the advice of our medical adviser. I am sure he has read exactly the same journals that I have and knows that it is mixed and therefore it is his opinion. I respect his opinion. We followed their advice up to now but there comes a point, when looking at expert evidence elsewhere, that we have to come to our own decision. In this particular case, I do not think it is safe to keep the secondary schools open. It is not only the teachers who are affected. It is the school assistants and others. Looking at the research, many of them have succumbed to the virus. Again, children with asthmatic conditions, adults with asthmatic conditions, or other medical conditions, which can affect their health seriously, should not be in these environments. Therefore, I cannot understand the attitude of the Government. It seems to be: "We cannot be told by States Members what to do. We know best." Up to now I have been prepared to accept it knew best but I have got to the stage now where I begin to wonder. Therefore, I shall be supporting the Proposition.

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

Again, I will be brief. I was not sure if I was going to speak on this main debate simply because I am concerned that even if we do make a decision today that it will not be carried through by the Minister for Health and Social Services, given what he said earlier today about the fact that any decision made has to have his consent. The whole debate has felt somewhat futile to me, which is disappointing. I did want to pick up on something that the Minister for Health and Social Services said about the Minister for Education not having concerns about schools closing because I am afraid that is not my understanding of the situation. My understanding is that she has presented her concerns to the Council of Ministers, and this was the reason why S.T.A.C. has produced the advice that they did. It was prompted by the Minister's concerns. S.T.A.C. did not just produce the medical advice out of thin air. It was in response to the Minister's concerns. I know that the Minister has been concerned about what is happening in schools. She is extremely concerned about the welfare of teachers and of pupils, and trying to balance those needs. I do feel that perhaps if she had been listened to and allowed to bring forward a compromise solution, and trusted by the Minister for Health and Social Services, that we would not be here today.

[18:30]

I am quite cross about that and I think we could have saved a whole day of debate. But nevertheless, here we are. The other thing that I am quite cross about is I feel that very young children are often forgotten. We have made progress in terms of putting children first, and many Members have really taken that on board and act, speak and vote according to those principles. But for some people, we perhaps picture a child of late primary school age or secondary school age but children, at all different stages, have very different needs. Never more so when they are in their early years of life. We know from the 1,001 Days principles that the first 2 years are the most important. But that continues into the early years, the preschool years; nursery and reception. I just feel that those children have been forgotten. I understand that Deputy Ward, in bringing this Proposition, we are all working in very short order and to very tight deadlines. But I just cannot see a way that I can vote for this without the caveat in my amendment that would provide for those early years children and give them what they want. Many of the arguments in favour of voting for this Proposition have rested on the fact that schools will not be stopping education, that it will move online. But I just have to reiterate the point that early years and very young children, they cannot learn online. The harm that is done to early years children, very young children, by removing their education, and let us not forget it was removed from them for an extended period of time this year, and yes, an extra week does make a difference. I am really concerned about those children and if we vote to close all the schools today I am so concerned about the impact on those children. When I spoke in my amendment I mentioned some of the negative impacts that were outlined by the Best Start partnership, who are doing some fantastic work, like speaking up for very young children and babies. I hope that Members will keep an eye on the work that they are doing because it has immense value. I do not think I can support this. It is such a shame because we could have had a solution today whereby we were balancing the well-being needs of teachers, which I am also very concerned about. This is why this is a very difficult decision because I have been a teacher. I was a teacher for 6 years and I remember this time of year. It was absolutely glorious in some ways because it was festive and exciting but also by the end of this term teachers are absolutely exhausted. I really do feel for them because I just cannot imagine what it has been like in 2020 being a teacher. This is a horrible decision to have to make but, on balance, I have to put the needs of children first. I have to do that and I just cannot support this Proposition. I will not go too much into the next point but, suffice to say - I think I covered it in my amendment - that it is also parents that I am concerned about. I know that there has been a lot of talk on social media about closing the schools; teachers and some parents have been quite vocal about calling for school closures. But, privately, parents have also been contacting me and I have used the word "desperate" in the amendment speech that I made and that is the word that keeps coming to my mind because that is the tone of the communications that I am receiving from parents. Some parents were at complete desperation when schools were closed earlier in the year. They are almost terrified of going back to that point where they have their young children at home and they are trying to work and you just cannot meet the needs of your child when you are at home and trying to concentrate on work as well. It is awful, it is horrible for the child and it is horrible for the parent and nobody wins in that situation. I know that those parents, some of them have not felt like they could speak out, I think for 2 reasons: some of them are concerned that they do not want to come across as putting their work and their jobs first before their children's safety because people are being so vocal and saying: "I am going to keep my child safe and pull them out of school" but some parents just cannot do that even if they might want to. Also, some parents are upset that they cannot stay home with their children. They wish that they could afford to do that. They wish they could take their children out of school and do nice things like baking at home. But that is just not the reality of life for many families in Jersey. I do have concerns for teacher well-being and my advice to those teachers who are feeling stressed and anxious, is if they are feeling unwell and feeling like they cannot carry on that they should go and see their doctors and have their needs assessed because they need to put their own well-being as a priority as well, alongside the well-being of the children that they teach. I hope

that teachers will try to look after themselves through this period. I am going to finish there and my conclusion is that I am really sorry to Deputy Ward, I cannot support this Proposition. It has been a really difficult decision for me but that is the conclusion I have come to. I will finish there.

**The Bailiff:**

Deputy Tadier has asked for a point of clarification from you. Are you prepared to give way to that?

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

Yes, Sir.

**Deputy M. Tadier:**

I was listening to the last couple of sentences with particular care. Was the Deputy suggesting that teachers who are finding it stressful at the moment should get signed off next week; go and see their doctor and get signed off school next week for the last week of term?

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

I can only restate what I said, that teachers should look after their own well-being at all times of the year, not just now. But teachers need to remember that they must consider their own well-being as well as the well-being of the children that they teach.

**Deputy M. Tadier:**

Get signed off if need be. Thank you.

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

I will be brief. I do not need to remind Members or indeed you, Sir, of what a long day we have gone through today. Of course Members were invited to a presentation at 8.15 a.m. this morning at which Patrick Armstrong, who chairs S.T.A.C., made what, to me, was a very telling speech. I was pleased that at my request it was shared with all Members because there is not much in his words to us today I think that can be argued against. I am not going to rehearse the salient points from it because other Members have already made comment on it. I am finding this a very difficult debate, not least because I understand that whatever the decision is made today, and if the decision is made today to support the Proposition, it is highly unlikely that that decision will be carried out. The outcome of this debate, if approved, will not necessarily be the outcome that is delivered. That is frustrating for me. I think it will be frustrating for the majority of Islanders who know that we are debating this today, albeit at very short notice. It will be frustrating for those parents who I speak to, including members of my own family with young children at school, who have no idea what is happening. They have no idea whether the schools will close next Friday, as they are meant to do, or whether they will close tomorrow, or indeed at any other time next week. It is the not knowing what is happening that is causing, I think, undue concern. It is frustrating for us all, I am sure, to think that we are going to take a vote in a moment, perhaps sooner rather than later, that may request the Minister to close the schools. However it can be and is highly likely to be - I do not know if the word "ignored" is correct in this instance - but as I said earlier, it is unlikely to be delivered based upon what we heard the Minister for Health and Social Services say earlier. I think that the public need to recognise, and Members of this Assembly need to recognise - it is certainly my understanding - that the decisions of this Assembly cannot be foisted upon a Minister to comply with those decisions, and that is the frustrating point for me. We have debated for many hours. We have heard very good arguments both for and against this Proposition but I think ultimately Deputy Ward, the mover of the Proposition, may be successful in the outcome of the debate, when we vote, however he is not likely to be successful in what is ultimately delivered. I just want to leave it there and thank Members for listening.

**4.4.26 Senator J.A.N. Le Fondré:**

Members will be delighted to know it is a lot shorter than I was intending to say. There have been a lot of very good speeches today and it is a really difficult subject this; we know that. The Council of Ministers obviously did consider all sorts of the alternatives, some of which we have seen in the amendments. But ultimately it came down to choosing between one group of teachers or one group of pupils and another, it also meant that generally the less well-off potentially would suffer. It has always been about a balance of risk. I am very glad the Connétable of St. Lawrence referred to the very wise words, in my view, from the Chair of S.T.A.C. because it is very clear, in the professional advice, that the closure of schools increases risk at a time when the risk of keeping schools open, including for staff and pupils, is lower. Yes, there is always going to be some disruption but, as we have seen, using primary schools as the example, over 80 per cent of pupils are in attendance. In fact, the stats are higher in terms of classes and numbers of schools. Secondary schools are harder but still the majority, in terms of pupils, are attending. But all of these things, and it is with a degree of irony - I do not know if it is irony - the first positive case that we had was 9 months ago today and it shows how long that this has been going on. I still reiterate, even though the last 2 or 3 weeks have been harder for Islanders, that we remain in good place, that the strategy is working, and that we remain with systems that are following the strategy we have been doing. But we do continue to monitor. We have other measures to go to if we needed to. The fundamental is I wanted to make 3 points I think. One is to just read one sentence from the Chair of S.T.A.C.'s notes, which is that: "Our medical advice is clear now. Looking at the balance of harm, for the reasons I have outlined, it is better for all children, and in particular our most vulnerable children, to be at school." I will not go to the rest because it is late and many Members heard that earlier on today. The second point I wanted to just make again, which I think many Members have already made, is to reiterate the point the Proposition is to request the Minister for Education to take the steps necessary to close Jersey state-run schools. There is no other choice. There is a provision for vulnerable children and children of key workers but it is to close the schools. It is not about remote learning and all that type of stuff. It is quite literally a decision there. As we know, and in fact, as the Minister for Health and Social Services alluded to at the very beginning of the day, and as the Connétable has said previously, Ministers cannot break the law and they cannot require or force or coerce officers to break the law.

[18:45]

The law says that not only must the Minister firstly make the judgement, and it does slightly coincide with the comments from the Children's Commissioner yesterday who said that she would be asking the Minister to look at the facts that she has, the medical advice, the scientific advice, and that she makes any decision in the best interests of all Islanders' children. What we have to do on competent authorities is look at the overall position for the Island community and what we think is the best way forward for that community as a whole. Not just individual sectors. That is based on the medical and professional advice we have. It is worth repeating that the Minister has to obtain the consent of the Minister for Health and Social Services, and the Minister for Health and Social Services must consult the Medical Officer of Health. We have heard the advice of the Medical Officer of Health and of the Chair of S.T.A.C. in relation to that position, which they do not support the closure. It is this proposition that creates the very invidious position of potentially the Assembly requesting the Minister to do something which would be - certainly from what we have heard from the Minister - contrary to the law that this Assembly has approved. That is obviously one of the reasons but my fundamental reason for not supporting any part of this Proposition is the words of the Chair of S.T.A.C. which, in the overall balance of harm, it would cause more damage than the benefit the Deputy is trying to achieve. I would make a plea in future, if we come to these kind of things, as a Scrutiny Panel, please ask us and we would be very willing to at least discuss and brief, and all the rest of it so at least we can have an understanding of the issues before we come into a debate. But that is separate. On that note, I really do urge Members, please do not support this amendment and I am concluding there. Thank you.

**The Bailiff:**

Thank you very much, Chief Minister. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak on the proposition then I close the debate and call on Deputy Ward to respond.

**4.4.27 Deputy R.J. Ward:**

I thank all the contributions. It has been a long day. Before I start I just want to make clear to Senator Le Fondré that this is nothing to do with a Scrutiny Panel, this is a Proposition brought by myself. That is quite important. So where we do start. I have so many notes, I will not be able to answer everybody who spoke but I will answer questions. Deputy Carolyn Labey ...

**The Bailiff:**

You mean the Deputy of Grouville?

**Deputy R.J. Ward:**

Sorry, Sir. I did try to put the email that was sent to everybody from Deputy Maçon explaining the situation in terms of schools and how the decision is made to close or not in the chat. In order to answer that I would need to read it out and it is quite long but I will do that if that is what is required. I know everyone has been here a long time. Effectively, from my reading of it, closing classes is possible with the communication with the department but closing schools has to go to the Minister. That is answer I got from the Assistant Minister. I hope that answers her question. We have had a number of things that were covered today from the Proposition and I am surprised by some people's attitudes and approach. We have got a number of messages that have come out of the speeches today. One of the clearest ones is that too many Members consider education establishments, schools and colleges, to be childcare above all else and they are not. Another one is that we seem to have outsourced any decision on closing schools to the Medical Officer and it saddens me greatly to hear that if this Assembly passes this Proposition today it will effectively be ignored. That, unfortunately, is not a surprise because so many propositions have been thrown on to the backburner by officers and never come back or are never acted upon. It is one of the failings of this Government, among so many others. There is a really important thing in schools which makes them different from other workplaces, one is the fact that we do not have distancing measures in schools. Bubbles do not need to distance, they do not wear masks, they do not have to do that. That is one of the reasons why we are seeing issues with students outside of schools because within schools they are expected to act normally within their bubbles, perhaps clean the desk down after themselves and wash their hands a little bit more. But when they get out of school all of the distancing rules apply so we have given mixed messages to our young people yet again. The theme of mixed messages I will come back to later on when we talk about what I would refer to as the hypocrisy of the poverty argument that has been made today. The teachers well-being, this is another message that has come out of today, is a secondary issue for the Council of Ministers and that is a real sad situation for us to be facing. There is also a disregard for their professional bodies, their unions, which are held by too many Members of this Assembly in disregard and that is a real shame. We can see why we had the problems last year that led to industrial disputes. Perhaps if people realised and engaged with those trade unions a little more they would realise how beneficial they are. Indeed, I would encourage all workers, all of those supposedly little people that were referred, to join a trade union and then you will have a big voice and you will not be treated as a little person anymore. That is why trade unions exist. That is my recommendation. All Members of this Assembly should be joining a trade union. We talk about medical advice. Medical experts tell us that damp homes are bad for our young people but we do nothing about standards of housing, licensing laws for landlords; this Assembly voted against it and so those conditions still exist on Jersey throughout. So we have ignored that medical advice. Medical advice says there should be a sugar tax but we would ignore that medical advice. Medical advice is that thousands of children are hungry or are malnourished but we ignore that medical advice, although there will be an opportunity in the Government Plan to do something about that with free school

meals. So I hope that those people who have looked for medical advice will now support that. That could be a real beneficial outcome from today. Poverty leads to lower outcomes but what have we done on this Island over years about poverty? There are a number of Members of this Assembly who have been around a very long time but we still have poverty, massive income inequality and a situation where children are not safe to leave school because of the dangers they face at home, it seems. So that is a failing of not just this Assembly but many before it and a failing of our system, which needs to be addressed. I hope in the next elections people remember that and vote for the people who will address those failings. In a normal Jersey year parents in zero-hours contracts - in normal Jersey times - if their child gets ill not only have to go and pay for the doctor which they can probably ill-afford but they have to take off work and will not be paid. It saddens me that the Minister for Social Security has not addressed these issues but is willing to do that today for an argument for not closing schools and guarantee a better safety and perhaps a Christmas out of isolation for our students and our teaching staff. These are the mixed messages we have got from today, the somewhat disjointed arguments that are not just inconsistent but opportunistic in exactly the wrong way. This is not about all pupils because some of the private schools are finishing early. Some of the schools that are able to are sending their children online to work and they are thinking about their safety first. There is a serious problem arising right now. It has been announced just now that Scotland has banned all non-essential travel to Jersey because of the rate of our infection. That does not bode well and it does not say that this Government has handled this crisis well. We cannot lie to ourselves in that way and we need to be realistic. Schools and nurseries are closing now due to a lack of staff who are isolating. That is in an uncontrolled manner without the support that is needed for those schools. More and more schools are closing down classes and year groups in an *ad hoc* way at short notice for parents coming to school, and they cannot plan. The issue of whether there is childcare or not is not going away but it will be a thousand times worse when we cannot plan. There were so many empty words about appreciating risk. They are empty words. If you want to do something about it then tomorrow go and volunteer in one of the schools, because they need a hand, put on your face mask and go and sit in a classroom with 30 students who are not distancing all day. Perhaps in a secondary school you can encounter 400 or 500 students in the day. Let us have a go at that, shall we? There is an arrogance of Government here and a disregard for a profession that we really rely on. Unless the Government does something about that, relations with a really vital sector of our economy, a sector of our economy, because that is what trains the future people who will make the wealth, they will be disregarded and I for one will not stand by and allow that to happen. As an Island we cannot fully protect our teaching staff and our children because of a lack of I.T. infrastructure so that they cannot learn online because of sustained underfunding of education for many, many years. For the prevalence of unsecure work practices and because we have an epidemic of poverty and insecurity on the Island that has not been addressed by successive generations of politician, who may well have their own interests at heart rather than that of the vast majority of the population. Teachers seem to be expendable on this and part of a teacher's contract is not martyrdom, it is not turn up for work and get yourself ill, ruin your Christmas. I would like to thank those teaching staff; the many, many staff who have had the courage to email quite personal stories, personal worries because as a professional you do not want to admit that you are not coping, but they have done it and they have put that trust in me as a representative of this Island. That is why I have brought this forward and that is why I am speaking up for them. If we forget that we are not a representative of people on this Island and we are not doing our job appropriately. Deputy Perchard was so correct when she talked about disruption and the need for planned and controlled systems and structures. The Minister for Social Security, if she cannot make any sort of change rapidly then perhaps she needs to look at what the role of the Minister for Social Security is and how she can be more effective in that role to act rapidly and when it is needed. Constable Buchanan, we are not saying learning does not matter, we are saying that health matters and that is the key. Deputy Renouf, I would like to ask you, what is an acceptable level of infection for you in schools? Because at the moment it seems that it is okay that we have that many. Many of which will be hidden because we are not

testing and tracing as effectively as the Government spin doctors would like to have us all believe. The millions spent on the Communications Unit is not effectively getting that message across. The notion of Deputy Ash that these young people go out and smoke, perhaps it is the name, Deputy Ash, he is hung up on that. One of the most difficult things to answer here is this notion that if we close schools a week earlier for the safety of children and teach them online ... and can I just make the point that the Proposition is brief, it is open but it does say to give power to the Minister to do what is practicable and in terms of my ... this is where my role as chair of Scrutiny comes in. I know that the department have put many things in place to try and make it practicable, so there is a trust there that they will not just say: "Close the schools, everyone go home, bye, bye, we do not really want to know any more." That could not be further from the truth. There will be provision of online learning, teachers will not allow that to happen and there is one simple reason why they will not, they are professionals, they have pride in what they are doing and they spend their time committing to the children that they teach. If you think they are just going to walk away and leave it, that is a huge mistake. I have a few other things. Sometimes the comments made get so personal, comments about the reason you brought this through and it is not a very good Proposition and so on. I would like to be the first person to quote Taylor Swift and say: "The haters are going to hate, hate, hate but we shake it off." So we move on. It is really important that we bring these things forward to the Assembly because if we do not do that, as Deputies, then all we are are rubber-stampers of Government and our Government is not good enough, effective enough or strong enough to be rubberstamped and keep the Islanders safety at the forefront of what we are doing. One good thing about today is that the real value of schools has been shown.

[19:00]

The notion that if we close them down our society falls apart. That shows the value of education, the value of schools and the value of teachers. I commend that approach. I hope we remember that when we come to funding issues in the future, pay rises for teachers and the future of our young people. In some of the comments made today Members have successfully destroyed the morale of a section of our society; teachers and school staff. That will need to be rebuilt in the long term. In terms of the Proposition itself, yes, it is about closing buildings, Deputy Le Hegarat, and moving online. It is covered in part 2. As for the amendment, I have no problem with the amendments that are there from Deputy Pamplin. I understand what he was trying to do and I appreciate that co-operative working with a Proposition that was started. There was a great singer/songwriter who wrote a song called "Fear is a man's best friend" and what we have got from the Government is a fearmongering approach to this. This notion that if we close the schools 4 or 5 days early to do the right thing, to try and stop infection, to try and stop the nature of isolation at Christmas-time, then children will be so affected that they will never catch up. There has been an 11-week term where teachers have worked themselves into the ground to provide the best possible education they can, often without the resources that they need because we have still not addressed resourcing of education in schools. That is simply not the case. I read at the beginning a number of real-life situations, which have probably been clouded and forgotten by most through the amendment debate but I urge Members to remember the reality of this for people working in schools, the reality of the current situation for teachers and I will say this - I cannot remember who said it but they said - "We cannot do this tomorrow because it will not be planned but it might have to happen on Tuesday. It might have to happen next week." What we need on this Island is proper leadership. Leadership means taking courageous decisions, the right decisions at the right time for the right reasons and not falling back on advice that you were unsure about just so you do not have to make that decision. I urge Members to support this Proposition, make the decision and tell teachers that you do value them, you do not want them isolating at Christmas, you do not want children isolating at Christmas, and if you are not going to vote for that, please take responsibility for that happening when you walk away. Thank you, I make the Proposition.

**The Bailiff:**

Thank you very much, Deputy. I would ask the Greffier to put a vote into the link. The link is in the chat. I open the voting and I ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Proposition has been defeated.

<b>POUR: 15</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator S.Ferguson		
Connétable of Grouville		Senator J.A.N. Le Fondré		
Connétable of St. Peter		Connétable of St. Helier		
Connétable of St. Martin		Connétable of St. Clement		
Deputy G.P. Southern (H)		Connétable of St. Lawrence		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy J.H. Young (B)		Connétable of Trinity		
Deputy of St. John		Connétable of St. Mary		
Deputy J.H. Perchard (S)		Connétable of St. Ouen		
Deputy R.J. Ward (H)		Deputy J.A. Martin (H)		
Deputy C.S. Alves (H)		Deputy of Grouville		
Deputy K.G. Pamplin (S)		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (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 M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

### **The Deputy Greffier of the States:**

Those voting *pour* in the chat: Deputy Southern and Deputy Perchard. Then in the link: Deputy Ward, the Connétable of St. Martin, the Connétable of Grouville, Deputy Higgins, Senator Moore, Senator Pallett, Deputy Alves, Senator Mézec, Deputy Tadier, Deputy Young, Deputy Pamplin, Deputy of St. John, Deputy Perchard again. Those voting *contre* in the chat: Deputy of St. Mary, Deputy Martin, Senator Ferguson and Deputy Morel. Then in the link: the Connétable of St. Clement, Deputy of St. Martin, Deputy Le Hegarat, Senator Le Fondré, Deputy Labey, Deputy Wickenden,



the Connétable of St. Helier, Deputy of Grouville, Senator Gorst, Deputy Pinel, Deputy Guida, Deputy Ahier, Deputy of St. Ouen, Deputy Lewis, Deputy Truscott, Senator Farnham, the Connétable of St. Brelade, the Connétable of St. Ouen, Deputy of Trinity, Deputy Ash, Deputy of St. Peter, Deputy Maçon, Deputy Doublet, the Connétable of Trinity, Deputy Gardiner, the Connétable of St. Mary, the Connétable of St. John and the Connétable of St. Lawrence.

**Deputy J.M. Martin:**

Is it possible to ask if we could have the *pour* and *contre* that are in the chat added to the ones in the link so we have got an overall ... if it is too much, it does not matter. Thank you.

**The Bailiff:**

The vote in the link, as you see, is 28 votes *contre* and 14 votes *pour* and I count an additional, I think, 4 votes cast in the ... it is 15 votes *pour* and 32 votes *contre* when it is all added together. That concludes Public Business for this meeting and we stand adjourned until 9.30 a.m. on Monday, 14th December. Thank you very much.

**ADJOURNMENT**

[19:07]