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THE STATES assembled on Tuesday,
24th August 1993 at 9.30 a.m. under
the Presidency of Senator
Reginald Robert Jeune, O.B.E.

All Members were present with the exception of -

Edwin Le Gresley Godel, Connétable of St.
Mary - out of the Island.
Margaret Sylvia Rose Beadle, Deputy of St.
Brelade - out of the Island.
Alan Payn Bree, Deputy of Grouville - out
of the Island.
Richard Peter Clarke-Halifax, Deputy of St.
Saviour - out of the Island.
Evelyn Mabel Pullin, Deputy of St.
Saviour - out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Health Insurance
(Pharmaceutical Benefit List)
(Amendment No. 15) (Jersey) Order 1993.
R & O 8569.
2. Spring Traps (Approval) (Jersey)
Order 1993. R & O 8570.
3. Export of Agricultural Produce
(Amendment No. 9) (Jersey) Order 1993.
R & O 8571.
4. Diseases of Animals (Approved
Disinfectants) (Amendment) (Jersey)
Order 1993. R & O 8572.

5. Royal Court (Amendment No. 2)
Rules 1993. R & O 8573.

Building loans - maximum rate of interest
(P.87/93): report of Housing Committee. P.130/93

The Housing Committee, by Act dated 14th July 1993 presented to the States a report setting out the Housing Committee's position with regard to the proposition of Senator Richard Joseph Shenton which enquired as to the maximum rate of interest of building loans.

THE STATES ordered that the said report be printed and distributed.

Le Riches Stores Limited, Red Houses, St. Brelade: car park development - petition
(P.83/93): report of Island Development Committee. P.131/93

The Island Development Committee, by Act dated 15th July 1993, presented to the States a report on the petition regarding the proposed car park development by Le Riches Stores Limited at Red Houses, St. Brelade.

THE STATES ordered that the said report be printed and distributed.

Housing: States rental waiting list and development programme as at 1st July 1993.
R.C.27/93

The Housing Committee, by Act dated 23rd July 1993, presented to the States a report on the States rental waiting list as at 1st July 1993.

THE STATES ordered that the said report be printed and distributed.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 16th August 1993, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved, as recommended by the Public Health Committee, the lease from Mr. Ian Richard Jayes and Mrs. Viviane Alice Jayes, née Pourteau, of the four-bedroomed property Bechet

Cottage, La Rue Bechet, St. John, for a period of two and a half years from 20th August 1993 at an annual rent of £9,100, subject to annual reviews in line with the Jersey Cost of Living Index.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Parish rates review. P.124/93.
Presented by the Connétable of St. John.
2. Agricultural and horticultural industry: future policy. P.125/93.
Presented by the Agriculture and Fisheries Committee.
3. Field 454A, St. Saviour: purchase of land. P.126/93.
Presented by the Public Services Committee.
4. La Grande Maison Cottage, St. Catherine: approval of drawings. P.127/93.
Presented by the Housing Committee.
5. Draft Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Regulations 199 . P.128/93.
Presented by the Finance and Economics Committee.
6. Draft Building Loans (Amendment No. 12) (Jersey) Law 199 . P.129/93.
Presented by the Housing Committee.
7. Inquiries under States of Jersey Law 1966. P.132/93.
Presented by Senator J.S. Rothwell.

Arrangement of Public Business for the present Sitting

THE STATES acceded to the request of the President of the Defence Committee that the draft Motor Vehicle Registration (Jersey) Law 199 (P.116/93 - lodged on 10th August 1993) be considered prior to the proposition on the Liberation 50th Anniversary celebrations

(P.106/93 - lodged on 27th July 1993) at the present Sitting.

Arrangement of Public Business for the next Sitting on 28th September 1993

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next Sitting on 28th September 1993 -

Field 1007, St. John: development. P.86/93.
Lodged: 6th July 1993.
Senator R.J. Shenton.

Building loans: maximum rate of interest. P.87/93.
Lodged: 6th July 1993.
Senator R.J. Shenton.

Building loans - maximum rate of interest (P.87/93): report of Housing Committee. P.130/93.
Presented: 10th August 1993.
Housing Committee.

Draft Nursing and Residential Homes (Jersey) Law 199 . P.102/93.
Lodged: 27th July 1993.
Public Health Committee.

Agricultural and horticultural industry: future policy. P.125/93.
Lodged: 24th August 1993.
Agriculture and Fisheries Committee.

Field 454A, St. Saviour: purchase of land. P.126/93.
Lodged: 24th August 1993.
Public Services Committee.

La Grande Maison Cottage, St. Catherine: approval of drawings. P.127/93.
Lodged: 24th August 1993.
Housing Committee.

Draft Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Regulations 199 . P.128/93.
Lodged: 24th August 1993.
Finance and Economics Committee.
Draft Building Loans (Amendment No. 12) (Jersey) Law 199 . P.129/93.
Lodged: 24th August 1993.
Housing Committee.

Car park development, Red Houses, St. Brelade - Le Riches Stores Limited: petition. P.83/93.
Lodged: 22nd June 1993 and referred to the Island Development Committee.
Senator N.L. Quérée.

Le Riches Stores Limited, Red Houses, St. Brelade: car park development - petition (P.83/93): report of Island Development Committee. P.131/93.
Presented: 24th August 1993.
Island Development Committee.

Inquiries under States of Jersey Law 1966. P.132/93.
Lodged: 24th August 1993.
Senator J.S. Rothwell.

Facilities for the accommodation of pregnant women and adoptions. Questions and answers. (Tape No. 199)

Senator Richard Joseph Shenton asked the Connétable of St. Lawrence, President of the Education Committee, the following questions -

1. Will the President inform the House what facilities are available for the accommodation (other than in States' housing) of pregnant women, indicating -
 - (i) the criteria for eligibility;
 - (ii) the number of places; and
 - (iii) waiting list for such assistance?
2. Will the President also inform the House of the number of adoptions which have taken place in Jersey during the last five years?
3. Will she also say how many enquiries her Department receives annually from prospective adoptive parents?
4. Will she also list, in general terms, the criteria used for the selection of adoptive parents and more precisely, the age limit and other factors which would exclude prospective adoptive parents from consideration?

5. Will she say how much the adoption services costs in annual terms?"

The President of the Education Committee replied as follows -

1. At present the Education Committee provides accommodation through La Chasse House for those expectant mothers who fall within the following criteria of need or eligibility -
- (i) (a) Young women who are vulnerable because they lack family support due to rejection or estrangement, or whose families are themselves of poor coping ability, or who have no family.
 - (b) Teenage mothers who have no fixed accommodation or are homeless and without suitable arrangements for themselves and the expected infant. (They may be staying at different friends' houses and leading transient and unsettled lives.)
 - (c) Expectant mothers with special needs, e.g. learning difficulties or physical handicap, emotionally disturbed, or victims of abuse, or suffering from some form of addiction (whether drugs, solvent or alcohol).
 - (d) Expectant mothers who are not looking after themselves properly and therefore placing the health of their unborn child at risk.

There is no age restriction to admission at La Chasse if the expectant mother is in need of support and supervision for the reasons outlined above. However the majority of expectant mothers falling within this criteria in recent times have been young mothers,

often in their teenage years.

- (ii) At La Chasse House we provide ten units of accommodation for expectant mothers, and mother and babies, including four family units that can be used for families up to two adults and two children.

Pregnant women are not normally admitted until shortly before the birth of their baby unless there are problems relating to pre-natal care or accommodation which fall within the criteria I have already mentioned.

As part of a co-operative venture with the Housing Committee the Education Committee will also shortly be opening the former refuge at 6 Plaisance Terrace as a small hostel which will provide a further five units of bedsit accommodation for mothers and babies.

In addition a further two units of accommodation are in the process of being created at a family centre shortly to be opened at Le Squez.

These resources are being provided in response to the growing number of young single parents who are in need of support and supervision during the period following the birth of their child. The units will be available for the admission of expectant mothers if required, although they will generally be used to accommodate young single parent families who are ready to move on from La Chasse House, but are not yet old enough, or ready, to move on to fully unsupervised accommodation.

The majority of the single parent families we help through La Chasse House are eventually housed by the Housing Department when they become eligible for accommodation in the States sector.

- (iii) The waiting list for admission to La Chasse is on average between four and six persons, although not all are expectant mothers; some will already have had their baby. For those awaiting admission who require it, La Chasse House is able to offer day-time support at the unit and outreach support to the expectant mother pending full residential admission.

The waiting list is due partly to the delay in being able to move families out of La Chasse and on into States' accommodation, a problem partly created by the fact that many of the mothers are 16 and 17 year olds who do not qualify for housing in their own right until their 18th birthday. Once they are 18 the mothers are eligible to move on to hostel accommodation provided by the Housing Department, pending placement in more permanent States accommodation.

The waiting list has already been significantly reduced as a result of the Housing Department's building programme which appears to have reduced the period which these young families may have to wait before moving on into Housing accommodation by approximately a half from two years to one year on average.

The situation will also be further improved with the five new bedsit units planned at 6 Plaisance Terrace, and two at Le Squez, which will be available later this year. These units will accommodate those single parents who are ready to move on from La Chasse but who are not yet eligible for States' accommodation.

2. There have been 11 adoption placements made within the Island during the last five years, three involving children

over the age of six months.

This figure does not include mother's own child adoptions or adoption by relatives but rather the adoption of children by non-related persons.

Nor does it include the adoption of children from abroad, of which there has been four cases in the last five years.

3. The Children's Service receive on average eight enquiries a year from couples wishing to adopt children.
4. The criteria for selection is partially determined by the Adoption (Jersey) Law 1961, and practice recommended by the British Agencies for Adoption and Fostering, and approved locally by the Jersey Adoption Panel.

The basic criteria for selection are as follows -

1. Couples should have been married for a minimum of three years.
2. At least one of the applicants must be 25 years of age or over and the other at least 20.
3. They should both be of good health. A medical report on both applicants must be submitted.
4. They should have a secure home environment.
5. They should have sufficient means to support a child.
6. There must be medical confirmation of their inability to have children and they should have received medical advice about their infertility.
7. They should have an understanding of the implications of adoption.

All applications from couples wishing to adopt are considered by

a local adoption panel which is comprised of officers of the Children's Service and representatives of the community. The latter include a registered medical practitioner, an independent counsellor with a local voluntary agency, and a representative of the clergy. The Panel are advised by a Crown Advocate on all legal issues relating to adoption.

There are other factors which preclude consideration, for instance -

The panel could not consider an application from any person suffering a health condition which is either life threatening or would affect the ability of the person to effectively parent a child.

The criteria of eligibility is comprehensive and reflects the duty of the Committee to ensure that the best possible placement is made for the child, whose interests are paramount in all matters relating to adoption.

8. The cost of the services is difficult to estimate as they are not costed separately, but are provided by the professional child care staff as a part of their duties - the services of the Adoption Panel are of course voluntary.

The assessment of adoptive couples and the placement of children are just part of the adoption service.

The Children's Service also carries out Guardian ad Litem duties on behalf of the Royal Court in respect of relatives seeking to adopt children e.g. mother's own child adoptions, in which single mothers marrying for the first time, or a parent remarrying, seeks to adopt their child (or children) within the new marriage.

On average 12 such applications are dealt with each year.

The Service also provides a counselling service for adopted adults of which we deal with, on average, 15 referrals a year.

All these services are provided from within the general budget of the Children's Service.

As these services are not independently itemised or costed it is only possible to give an estimate based on an average year's costs of professional officer time which would be in the region of £20,000."

Tenancy agreements which prevent occupants having resident children. Questions and answers. (Tape No. 199)

Senator Richard Joseph Shenton asked Deputy Leonard Norman of St. Clement, President of the Housing Committee, the following questions -

- ``1. Will the President inform the House if his Committee has under consideration the enactment of legislation which would make void provisions in tenancy agreements which prevent, without valid reason, occupants of certain flats, etc., from having children resident with them; or alternatively, legislation which would enable his Committee to control such contractual conditions, as is done with rent control?
2. Will the President give the House his opinion on the effect on the housing situation if such legislation were to be adopted by the States?"

The President of the Housing Committee replied as follows -

- ``1. The States have only recently addressed this issue when approving proposals brought by the Housing Committee to amend Rent Control Legislation. The changes in question took effect earlier

this year.

Members will recall that the States amended the Rent Control Law to enable the Housing Committee to exempt from rent control tenancies which conform to a Standard Tenancy Agreement. This standard lease was produced by my Committee and approved by the States as a schedule to the amended law. It was drafted to reflect best practice in private tenancies, and to define clearly rights and obligations of both landlords and tenants. For example, the standard lease prevents the use of 'ingoing' and 'key money', and any provisions which prevent tenants from having their children living in the property with them, provided that overcrowding does not occur.

Whilst the standard lease has been available for a short time only there is evidence that it is becoming increasingly used by landlords.

2. My Committee does not recommend any further changes to legislation which would further control the activities of landlords and tenants in the private sector. There is overwhelming evidence everywhere to suggest that the more restrictions Government imposes in the area of private renting, the less private rental accommodation is made available. This obviously results in further shortages of rental accommodation; higher rent; and increased demands for Government to build new accommodation for rental. My Committee is far more interested in creating conditions which encourage the provision of more accommodation to rent, such as the introduction of the Standard Tenancy Agreement already referred to, and the private sector rent rebate scheme."

Provisions that exist for payment to pregnant women. Questions and answers. (Tape No. 199)

Senator Richard Joseph Shenton asked Deputy Terence Augustine Le Sueur of St. Helier, President of the Social Security Committee, the

following questions -

1. Will the President please tell the House what provisions exist for payment from his Department to pregnant women?
2. Will he indicate if any minimum period of contribution to the scheme and/or period of residence in the Island is required by the present legislation or rules? Does the present system allow any flexibility in cases of hardship?
3. Will he further indicate the number of maternity payments made during the last year for which figures are available and the number of requests for help to his Department which were refused?
4. Will he state what practice is followed in his Department when help is not available under the Social Security Scheme?
5. Will he tell the House what literature is available regarding benefits for pregnant women; both as regards material support and counselling?"

The President of the Social Security Committee replied as follows -

1. Benefits from my Department are available to pregnant women in the same way as they are available to other members of the community, but certain benefits are targeted to pregnant women specifically as a result of their impending confinement. There are four particular benefits, viz -
 - (i) Maternity Grant - a lump sum, currently £244.44, paid at or near the time of birth as a contribution towards the cost of confinement and the provision of a baby's layette.
 - (ii) Maternity Allowance - a weekly benefit payable for a maximum of 18 weeks with a standard rate of benefit £81.48 a week, as a contribution to offset loss of earnings caused by the

pregnancy and confinement.

(iii) Emergency Sickness Benefit - payable, again at up to £81.48 a week, when maternity allowance is not payable but the expectant mother could otherwise qualify for sickness benefit over the period of the confinement for up to four weeks.

(iv) Milk at a reduced price - is also available for pregnant women at a current subsidy of 21p a half litre for 3.5 litres per week. This benefit continues after the birth, until the child has reached the age of five.

2. Maternity grants, maternity allowance and emergency sickness benefit are all contributory benefits and are reliant on the payment (or crediting) of contributions at certain times. These contribution conditions vary for each benefit, and are summarised as follows -

(i) Maternity grant - at least three months of contributions must have been paid by the mother (or her husband) in the quarter but one before the baby's birth. For instance, if the baby was born in August 1993, contributions would need to have been paid for any quarter prior to the end of March 1993.

(ii) Maternity allowance - at least three months contributions must have been paid by the mother before the end of the quarter in the previous calendar year corresponding to the quarter in which the birth occurs. For instance, if the baby was born in August 1993, the relevant quarter would be that ending on 30th September 1992.

(iii) Emergency sickness benefit - the same contribution conditions as for maternity

allowance, except that the relevant quarter (as for maternity grant) is the quarter but one prior to the date of birth.

Milk at a reduced price is a benefit not connected with the Social Security scheme but merely administered by my Department, and is available to all pregnant women resident in Jersey irrespective of contribution record.

As far as residence is concerned, domestic Jersey legislation requires the birth to take place in Jersey in order to benefit. However under the terms of various reciprocal agreements, births in other countries are accepted for Jersey benefits, and births in Jersey may be accepted for another country's benefits. Reciprocal agreements exist in the United Kingdom, France and Portugal, amongst others, so that providing a woman has maintained a complete contribution record in these countries, she would be fully covered amongst those countries for their maternity benefits.

The maternity benefits administered by the Social Security Committee are based on statutory insurance principles. Hardship is not a pre-requisite to obtaining benefits, nor is the system means tested. One major anomaly of the system at present is that it allows working married women to opt out of paying contributions, leaving them vulnerable in this area of statutory insurance. The States, however, have agreed that this option should shortly be removed and this will have the effect of ensuring that working women will in the future be covered for maternity allowance. The frank answer to the Senator's question is that the system is not flexible in cases of hardship, but attempts to be universal and even-handed to all contributors, leaving any cases of hardship to be dealt with by other agencies.

3. The Department does not hold figures for benefit claims which have been refused, although with the new computer

database system completed earlier this year, and as part of our business plan which attempts to monitor and satisfy customer needs, disallowed claims could in future be analysed.

The Committee's Annual Report and Accounts for the year ended 30th September 1992, were presented to the States earlier this year. Page 54 of that report details maternity benefits paid during that period and shows that 1,140 maternity grants were paid at a total cost of £262,605, whilst 1,078 spells of maternity allowance were completed or started, at a cost of £896,881. In the calendar year 1992 there were 1,137 births registered in Jersey, which would suggest that maternity benefits are taken up very extensively indeed, and that the number of pregnant women not receiving benefit must be small.

4. Having already indicated that the number of occasions on which financial help would not be forthcoming is quite small, I can only point out that the primary rôle of the Department is to offer financial support through the Social Security Law. This does not preclude the staff in seeking to steer pregnant women, or indeed any enquirer, to other agencies or other States departments such as Housing or Public Health or Education, which may be able to offer assistance within their particular responsibilities. If the problem is one of financial support, and to the extent that benefits under the Social Security Scheme may be inadequate, the Department would suggest initially that the claimant approach the appropriate parish authority for assistance.

Furthermore it should not be forgotten that as soon as the baby is born the Department is able to offer assistance from the very substantial Family Allowance system that is means tested and aimed at low income families, single parent or otherwise.

5. In the Social Security Department there are many leaflets available describing

in detail the benefits on offer, the most relevant being SSD8 - Maternity Benefits, which contains the basis of the answers to these questions. These leaflets are also available at many doctors' surgeries, the Public Library, etc. We also have an interactive television video screen in La Motte Street as a visual aid for those so disposed. We do not produce any literature specifically on counselling, but no doubt the women's medical practitioner could and would be better placed to provide more expert guidance on how to seek such information, both before and after confinement."

Assistance to pregnant women through the parochial welfare system. Question and answer. (Tape No. 199)

Senator Richard Joseph Shenton asked the Connétable of St. John, Chairman of the Comité des Connétables, the following questions -

- ``1. Will the Chairman inform the House what assistance can be given to pregnant women through the parochial welfare system?
2. Will the Chairman in particular inform the House of the criteria for eligibility for such assistance (including period of residence)?
3. Will the Chairman tell the House what information is available in printed literature regarding help for pregnant women?"

The Connétable of St. John replied as follows -

- ``1. The assistance that can be given to pregnant women through the parochial welfare grant system will generally be in line with the published scale rates of benefit although discretion may be exercised depending on the particular circumstances and requirements of individual applicants.

The assistance provided will usually take the form of a weekly cash payment

to meet normal basic needs together with help with rent if any has to be paid.

Pregnant single women may apply for and receive a welfare grant from their parish if they are unemployed and are unable to support themselves due to insufficient income and resources.

They are generally required to be over 20 years of age and be born locally or have resided in the Island for a minimum period of five years. Those aged 17-20 years may themselves be assisted on a discretionary basis if they have to provide and fend for themselves through no fault of their own and also meet the other qualifying conditions.

Those who are living with their husbands or partners are considered to be the responsibility of those persons and are not eligible to apply for and receive welfare grants in their own right.

If they are fit enough to work, they are required to be registered at the Job Centre of the Social Security Department as persons genuinely seeking employment and for whom employment cannot be found.

If they are unfit to work they are required to produce a medical certificate and claim any benefit from the Social Security Department to which they are entitled. This benefit is taken into consideration when applications for welfare benefit are assessed.

2. The criteria for eligibility of a welfare grant are set out in a booklet entitled 'Welfare Grants' which is issued jointly by the Comité des Connétables, the States Finance and Economics Committee and the Working Party on Need and is available in all Parish Halls and the Social Security Department. The booklet gives general guidance and includes a loose leaf with current weekly scale rates of welfare

benefits. Whilst pregnancy is not specifically mentioned, the condition would be recognised as a need for welfare if the person concerned was unable to work and the current weekly scale rates of welfare benefits would then apply.

3. I have pleasure in giving the Senator a copy of the Welfare Grants Booklet for his own use when discussing welfare with the members of the public."

Hygiene in dental surgeries. Question and Answer. (Tape No. 199)

Senator Corrie Stein asked the Connétable of St. Saviour, President of the Public Health Committee, the following questions -

1. Will the President advise whether his Committee has laid down procedures on hygiene in dental surgeries in the Island?
2. If the answer to the above question is in the affirmative, will the President please inform the House what measures are taken to ensure that the procedures are followed?"

The President of the Public Health Committee replied as follows -

1. I am advised that the procedures applied in both general practice and the Hospital Dental Service are in accordance with those issued by the British Dental Association Advisory Service under the title 'The Control of Cross-Infection in Dentistry' dated July 1991. The guidance is detailed and furthermore states 'all dentists have a duty of care to take appropriate precautions to protect their patients and their staff from risk of cross-infection'.

In this context, routine cross-infection control procedures are designed not only to safeguard patients, but to protect the dental team. An awareness of sterilisation and infection control requirements, coupled

with the proper use of protective clothing and equipment are essential and the need for up to date immunisation against Hepatitis B Virus and other infectious diseases, including tuberculosis, poliomyelitis, rubella, tetanus and diphtheria, is recognised within the guidelines.

Further detailed measures are described in the document concerning the need to clean and subsequently sterilise all instruments and equipment after use. Such precautions are particularly explicit in regard to handpieces which should be sterilised routinely after each patient using an autoclave.

More generally, my Committee is aware that all dental practitioners, be they working in the private sector or within the Hospital Dental Service, have a duty of care for their patients and any failure to provide adequate sterilisation facilities could lead to proceedings for misconduct before the General Dental Council.

2. The Department of Health, through its Consultant Microbiologist, has drafted a local code of practice entitled 'Cross-Infection in Dentistry' and this is to be distributed to all private and public dental practitioners in the Island. Whilst this code is modelled on the British Dental Association's policy to which I have previously referred, it is more specific and practical in its application, particularly in regard to disinfection and sterilisation procedures.

My Committee has instructed its officers to report back as quickly as possible, following consideration of this code by the Jersey Dental Association on the procedures which will be followed to ensure their co-operation in applying and updating the code of practice from time to time.

I have, however, every confidence that local dental practitioners are already adhering to high standards of hygiene laid down by the British Dental Association as compliance with such

standards are not only in the interests of the patients, but vital to protect staff from the risk of infection."

Decommissioning of French nuclear installations.
Question and answer. (Tape No. 199)

Deputy Stuart Syvret of St. Helier asked Deputy Michael Adam Wavell of St. Helier, President of the Defence Committee, the following questions -

- ``1. Will the President inform the House whether E.D.F. or the French Authorities have established a fund to pay for the de-commissioning of their nuclear installations and if so how much is it?
2. What will the de-commissioning procedure entail?
3. Will the President inform the House of the procedure members of the public should follow should they wish to convey any objection to the development of further reactors at Flammanville to the French planning authorities?"

The President of the Defence Committee replied as follows -

- ``1. Decommissioning costs are built in as part of everyday operating costs in the same way as any Company takes account of depreciation charges. There is, therefore, no finite figure. There is discussion in France at the present time over arrangements to decommission the reprocessing Plant at Marcoule in the South-East, which may happen in 1998. This plant reprocesses fuel from gas cooled reactors which are being phased out. There are no plans to decommission any plants on the Cherbourg Penisular in the near future.
2. The Installation has all the nuclear fuel removed and the structure is then allowed to cool. After some years radioactive equipment categorised into high, intermediate and low level

activity will be removed. This will eventually be disposed of in accordance with internationally agreed options. These are likely to be land disposal or sea dumping.

3. The date of the Commission of Enquiry into the intention to site a further two reactors at Flammanville has yet to be decided, but this could be as early as October 1993. The Commission is not a public enquiry as we understand them, in the sense that the public do not attend the Sittings. However, the public are invited to send in written evidence for the Commission to consider. Accordingly, I have written to ask the President of the format of the written evidence and the date by which it is required. When I have this information I will inform the House."

Standards of medical care. Question and answer.
(Tape No. 199)

Deputy Stuart Syvret of St. Helier asked the Connétable of St. Saviour, President of the Public Health Committee, the following questions -

1. Is there a set complaints procedure that members of the public can follow should they wish to complain about standards of medical care that they have received and if so would the President outline it?
2. On average how many complaints a year are made concerning health care in the Island and how long do these complaints usually take to resolve?"

The President of the Public Health Committee replied as follows -

1. I confirm that my Committee has approved and implemented a comprehensive policy for handling complaints which has been widely distributed throughout the Department of Health. It is my Committee's policy to provide a high quality of care and ensure that all who come into contact

with the service are treated with courtesy and respect. However, from time to time, a minority of patients will wish to draw our attention to aspects of their medical care and treatment with which they were dissatisfied or consider might have been improved. My Committee believes that such comments can be valuable in assisting management and staff to maintain and develop improved standards of care.

I would stress that the procedures to which I refer apply throughout the health service provided directly by the Public Health Committee. They are not applicable to general medical practice nor to health related services provided by voluntary organisations.

I will now outline the key elements of our complaints procedure which are based on the following -

1. Good communication

Good communication is fundamental in order to minimise misunderstanding and also serve to establish realistic public expectations as to the level of service it is possible to provide within available resources. The communication process is designed to ensure that hospital staff are fully involved and aware of the complaint and the outcome of any investigation. Underlining these procedures is a need to ensure patient confidentiality is maintained at all times.

2. Investigation of complaints

Each Hospital Unit has a designated officer to manage the complaints procedure and this officer will be made known to patients and others if they indicate they wish to make a complaint. This officer is not directly involved in handling all complaints, since in most cases

the matter is settled by the staff immediately concerned; for example, the senior nursing staff if a complaint primarily concerns a nursing problem.

A record is maintained of all significant complaints, and the officer is responsible for ensuring the proper investigation of complaints, but in more serious cases, the Chief Executive and unit manager would always be involved.

When is it necessary to investigate a complaint, the officer will interview any staff involved, frequently will invite the patient concerned to discuss the problem and the officer will not be denied access to any relevant records which are necessary to establish a full picture of the cause for complaint.

In responding to a complaint, the officer will seek the views of the staff responsible, and aim to agree an appropriate reply which would not prejudice the outcome of any further investigation. Copies of any correspondence will be made available to the staff directly involved.

Let me now turn to the question -
WHO MAY COMPLAIN?

Any person who is or has been a patient at a hospital (either an in-patient or out-patient), or has received or is waiting to receive any services provided by the Department of Health may make a complaint.

If the person concerned has died or is unable to act for themselves, then another person may represent them. In the case of a complaint received from a third party - a relative, another individual or organisation - it is essential to protect the confidentiality of patient

information. Whenever possible it is established that the complaint has been made with the person's full knowledge and that they have given permission for the necessary enquiries to be made.

It may be appropriate to reply to a third party seeking the patient's written authorisation, if possible, for the investigation to proceed. If the patient is incapable of providing authorisation, then it is possible to proceed with discretion to safeguard confidentiality.

If I may now turn to the PROCEDURES involved.

As I have said, the complaint should normally be addressed to the staff directly involved. For example, if a complaint primarily concerns nursing staff, the first response would normally come from the Sister or nurse in charge, and initial investigation would be a responsibility of senior nurse managers. Similarly, complaints concerning medical treatment are directed initially to the Consultant responsible for the patient's treatment.

The first stage of any complaint will be when -

A patient or their relatives express misgivings or comment on the service delivered, and these are often resolved by staff giving an immediate and acceptable explanation of events.

The following steps are then taken -

the provision of an explanation as to why the problem has occurred;

if appropriate, the offer of any apology (without implying liability);

where possible, to ensure that action is taken to prevent recurrence of the problem;

the provision of a note of the complaint to the manager of the department, consultant or senior member of staff.

If the person cannot or does not wish to discuss the matter directly with the staff involved or the Department manager, then they are invited to contact the designated officer, and be provided with information on the complaints procedure.

The patient may make a complaint by telephone, in person or by writing. When possible a written record is made of the complaint, and the patient asked to sign it - but refusal to do so would not delay investigation of the complaint.

If a member of staff or department manager initially deals with a complaint, they should use their discretion in deciding whether to notify the Designated Officer, depending upon -

the seriousness of the complaint;

whether the complainant was satisfied with an explanation;

the likelihood of recurrences or possible further consequences.

The details forwarded to the designated officer should include -

the cause for complaint;

the action taken;

the outcome; e.g. changes in procedures to prevent recurrence;

whether the patient was satisfied with this outcome. If the designated officer considers that the complaint needs further investigation, a copy of the complaint details will be made available to the staff directly involved.

The complaint will be fully investigated within the shortest possible time, and if necessary the staff involved interviewed and the patient invited to discuss the complaint, possibly with the staff.

Complaints should be made and dealt with as quickly as possible to enable reliable investigation and effective management action. Ideally a complaint should be made well within three months of the incident giving rise to the complaint, since undue delay may prevent a full investigation, but there is no absolute time limit if there is a reason for delay.

Now I shall turn to the -
response to an
investigation

The patient would normally receive an acknowledgement within two days, and a further response at the earliest opportunity, giving an adequate explanation for the problem outlining any action to resolve the cause for complaint and, if appropriate, offering an apology. Where possible a response will be provided within three weeks to keep the patient informed - if necessary an interim reply will be sent to outline the progress and indicating the likely timescale for a full response. When a complaint concerns -

- (a) the exercise of clinical judgement which cannot be resolved by discussion with the consultant concerned;
- (b) the conduct of staff which may

be the subject of a disciplinary procedure;

(c) the alleged physical abuse of a patient;

(d) a possible criminal offence;

(e) a matter that has high likelihood of litigation ensuing.

The unit manager is advised without delay, so that the complaint can be dealt with promptly according to the circumstances.

Should a patient remain dissatisfied with the outcome of the investigation of a complaint which has been notified to the designated complaints officer, they must be informed that they may refer the matter to the Unit Manager. If the matter still remains unresolved, the complaint is referred to the Chief Executive, who will decide on any further action to be taken and if appropriate may refer the complaint for consideration by a member of the Public Health Committee. The complainant may wish an independent representative to support them in pursuing the matter with the Public Health Committee.

2. In any one year approximately 50 written complaints are received and in the vast majority of cases the incidents are investigated and resolved in a matter of days. However, in some of the more complex cases, and in circumstances where there is an indication that patients are considering legal action, the response time can be considerably longer. It will be appreciated that in such cases my Committee has an obligation to ensure its own legal position is safeguarded. In the case of complaints regarding standards of medical care there is also obligation for the clinician to seek advice from their

medical defence association or other relevant medical body. In such circumstances every step is taken to try and resolve the matter as quickly as possible and to the satisfaction of the complainant and the hospital staff although such cases, few as they are, can be time consuming and costly.

More generally my Committee is very conscious of the need to ensure that, wherever possible, the public are satisfied with the health service they receive. During 1992 13,782 patients were treated as in-patients at the General Hospital alone, whilst there were 137,771 separate attendances at out-patient clinics and the Accident Department. It is clear, therefore, that the volume of activity throughout the hospital is very high and it is against this context that the level of complaints should be measured. It should also be appreciated that the number of letters of appreciation and commendation on the quality of service significantly out-number letters of complaint. I am confident that members of this House who have experienced treatment first hand, or through their own families or, indeed, through contact with the public, will share my Committee's conviction that the health service available within the Island is of a high standard. As some indication of quality of care, on two recent occasions that submissions were made by the general hospital to national annual health care quality award schemes, each entry was short-listed as a finalist, from a field in excess of 400 competitors.

I would wish to place on record my full confidence in the quality of care provided by the Committee's professional staff. We will, of course, continue to strive to improve standards and where necessary to respond as thoroughly and promptly as possible to complaints from members of the public."

THE STATES, adopting a proposition of the Establishment Committee, decided in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, as amended, to approve the appointment of Mr. M.J. Hingston as a Member Representative of the Committee of Management for the period ending 31st December 1994, in place of Mr. M. Nicolle, who had tendered his resignation.

Plémont Café, St. Ouen: transfer of administration

THE STATES, adopting a proposition of the Public Services Committee, approved the transfer from that Committee to the Tourism Committee of the administration of the Plémont Café, St. Ouen.

Field 638B, La Route des Côtes du Nord, Trinity: gift of land

THE STATES, adopting a proposition of the Island Development Committee -

- (a) agreed that the public of the Island should accept a gift from Mr. Cyril Alfred Le Brun of the freehold of an area of land measuring approximately 2,000 square feet and the wall thereon, along the southern boundary of Field 638B, La Route des Côtes du Nord, Trinity, as shown on Drawing No. 15/T/11, with the public being responsible for the payment of all legal fees, and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which might be found necessary to pass in connexion with the said land and any interests therein;
- (c) authorised the payment of all legal expenses to be incurred in connexion with the acquisition of the said land from the Roadside Walls and Banques Vote No. C0939.

Motor Vehicle Registration (Jersey) Law 1993.

P.116/93.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Vehicle Registration (Jersey) Law 1993.

Liberation 50th Anniversary celebrations.
P.106/93, P121/93 and P.123/93

THE STATES commenced consideration of the proposition of the Occupation and Liberation Committee regarding the Liberation 50th Anniversary celebrations and accepted an amendment of Deputy Graham Huelin of St. Brelade that in paragraph (b) of the proposition, after the words "St. Helier" there should be added the words "which will include a permanent memorial of a suitable theme to commemorate the liberation of the Island, the design of which will have received the specific approval of the States".

THE STATES, on the proposition of Senator Richard Joseph Shenton, deferred consideration of a further amendment proposed by the Occupation and Liberation Committee until the next Sitting, when a further report would be available from the Committee.

THE STATES thereupon adopted the proposition in connexion with the 50th Anniversary of the Liberation of the Island from enemy occupation in 1995 and -

- (a) approved the establishment of a permanent exhibition of the Liberation Tapestry in E Store, New North Quay, St. Helier;
- (b) approved the establishment of a permanent Liberation Square in front of the Tourism Department, St. Helier, which will include a permanent memorial of a suitable theme to commemorate the liberation of the Island, the design of which will have received the specific approval of the States; and
- (c) authorised the planning of a programme for the celebration of the 50th Anniversary of the Liberation of the Island up to a maximum expenditure of £150,000;

as set out in the report dated 6th July 1993.

Compensation claims by ex-internees. P.107/93

THE STATES, adopting a proposition of Senator
John Stephen Rothwell -

(a) expressed their support of claims for compensation made on behalf of those civilian residents of Jersey who were deported from the Island during the German Occupation to internment camps in Germany, contrary to international law;

(b) agreed to request Her Majesty's Government to make further representations to the German Government on behalf of the ex-internees in respect of their claims.

Members present voted as follows -

``Pour" (44)

Senators

Shenton, Binnington, Horsfall, Baal,
Rothwell, Le Main, Le Maistre, Carter,
Stein, Qu  r  e, Chinn.

Conn  tables

St. John, St. Clement, St. Lawrence, St.
Ouen, St. Brelade, St. Martin, St. Peter,
Grouville, St. Helier, St. Saviour,
Trinity.

Deputies

Le Gallais(S), Rumboll(H), Wavell(S),
Blampied(H), Norman(C), St. John, St.
Peter, H. Baudains(C), Buesnel(H), St.
Ouen, Coutanche(L), Huelin(B), Jordan(B),
St. Mary, Bailhache(H), Rabet(H), S.
Baudains(H), Le Fondr  (L), St. Martin,
Walker(H), Crespel(H), Trinity.

``Contre" (0)

Deputy Stuart Syvret of St. Helier
abstained from voting.

Interception of Communications (Jersey) Law 1993
(Appointed Day) Act 1993. P.108/93

THE STATES, in pursuance of Article 12 of the

Interception of Communications (Jersey) Law 1993, made an Act entitled the Interception of Communications (Jersey) Law 1993 (Appointed Day) Act 1993.

Wills and Successions (Jersey) Law 1993 (Appointed Day) Act 1993. P.109/93

THE STATES, having agreed to suspend Standing Order No. 47, accepted an amendment of Senator Corrie Stein that the Law should come into force on 1st September 1993, and in pursuance of Article 25 of the Wills and Successions (Jersey) Law 1993, made an Act entitled the Wills and Successions (Jersey) Law 1993 (Appointed Day) Act 1993.

Royal Court (Amendment No. 7) (Jersey) Law 1993. P.110/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Royal Court (Amendment No. 7) (Jersey) Law 1993.

Criminal Justice (Compensation Orders) (Jersey) Law 1993. P.111/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Compensation Orders) (Jersey) Law 1993.

Field 1243A, Mont à l'Abbé, St. Helier: approval of drawings. P.112/93

THE STATES, adopting a proposition of the Housing Committee -

(a) approved drawings Nos. 2906/6, 9, 14, 15D, 20D, 21E, 22E, 23D, 24D, 25D, 26E, 27A, 28E, 31 and 33, showing the development of Field 1243A, Mont à l'Abbé, St. Helier to provide 24 two-bedroom flats, 38 three-bedroom houses and one four-bedroom group home, and authorised the Greffier of the States to sign the said drawings on behalf of the States;

(b) authorised the Finance and Economics

Committee to make available bridging finance under Article 7(1)(e) of the Public Finances Administration (Jersey) Law 1967, as amended; and

- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contracts.

St. Paul's Gate, St. Helier: development.
P.113/93

THE STATES, adopting a proposition of the Housing Committee -

- (a) authorised the Housing Committee to enter into agreements with St. Paul's Association and Lynnfield Developments Limited to provide for the construction of 17 two-bedroomed flats, with ancillary storage and car parking, on land owned and to be acquired by the public, in manner hereinafter described, at Dumaresq Street, St. Helier, adjacent to St. Paul's School, as shown on drawing No. SK/1;
- (b) authorised the exchange without charge between the public and St. Paul's Association of areas of land each measuring approximately 1,033 square feet, within the said area as shown marked 'A' and 'B' on drawing No. SK/2;
- (c) authorised the purchase on behalf of the public from Lynnfield Developments Limited of an area of land at Dumaresq Street, St. Helier, adjacent to St. Paul's School, and shown marked 'C' on drawing No. SK/2, for a consideration of £200,000, and the payment to the said company of a further sum of £1,296,000 in respect of the development costs of the project described in paragraph (a);
- (d) authorised -
 - (i) the extinguishment of an existing right of way enjoyed in perpetuity by St. Paul's Association over public land within the area shown on drawing No. SK/1; and
 - (ii) the creation of new rights of way for the benefit of St. Paul's Association in perpetuity and for

the benefit of Lynnfield
Developments Limited for 999 years
within the said area;

(e) authorised the lease on behalf of the public to St. Paul's Association of an area of land measuring 600 square feet and shown marked 'D' on drawing No. SK/2 for a period of 99 years, at an annual rental of £1, for use for car parking purposes;

(f) authorised the lease on behalf of the public to the Jersey Electricity Company Limited of an area of land measuring 300 square feet, and shown marked 'E' on drawing No. SK/2 for a period of 99 years, at an annual rental of £1, for the purpose of constructing an electricity sub-station;

(g) authorised -

(i) the Greffier of the States to sign drawings Nos. SK/1 and SK/2 on behalf of the States;

(ii) the Attorney General and the Greffier of the States to pass on behalf of the public such contracts as it might be found necessary to pass in connexion with the transactions aforesaid;

(h) authorised the Finance and Economics Committee to make available bridging finance under Article 7(1)(e) of the Public Finances (Administration) (Jersey) Law 1967, as amended.

Election literature: assisted postal delivery.
P.114/93

THE STATES rejected a proposition of Senator Antony Beresford Chinn that candidates seeking election to the States of Jersey should be provided with assistance by the States for postal delivery of election literature.

Members voted as follows -

``Pour" (5)
Senators

Quérée, Chinn.

Connétable

St. Helier.

Deputies

S. Baudains(H), Syvret(H).

``Contre" (39)

Senators

Shenton, Binnington, Horsfall, Baal,
Rothwell, Le Main, Le Maistre, Carter,
Stein.

Connétables

St. John, St. Clement, St. Lawrence, St.
Ouen, St. Brelade, St. Martin, St. Peter,
Grouville, St. Saviour, Trinity.

Deputies

Le Gallais(S), Rumboll(H), Blampied(H),
Norman(C), St. John, St. Peter, H.
Baudains(C), Buesnel(H), St. Ouen,
Coutanche(L), Huelin(B), Jordan(B), St.
Mary, Bailhache(H), Rabet(H), Le Fondré(L),
St. Martin, Walker(H), Crespel(H), Trinity.

Limited Liability Companies (Registration Fees)
(No. 2) (Jersey) Regulations 1993. P.115/93

THE STATES, in pursuance of Article 1 of the
Limited Liability Companies (Registration Fees)
(Jersey) Law 1967, as amended, made Regulations
entitled the Limited Liability Companies
(Registration Fees) (No. 2) (Jersey) Regulations
1993.

Channel Islands Services Limited: lease at St.
Helier Harbour. P.119/93

THE STATES, adopting a proposition of the
Harbours and Airport Committee -

(a) approved the lease to Channel Islands
Services Limited (Huelin Renouf
Shipping) of 20,000 square feet of land
situated in St. Helier Harbour on the

Victoria Pier shown in blue on Plan No. V.W.1, for a period of 42 years commencing 1st October 1993, at 80p a square foot, subject to review every five years, to enable the said company to construct and maintain a steel-framed warehouse/transit shed at its own expense;

- (b) authorised the Attorney General and Greffier of the States to pass the necessary contracts on behalf of the public;
- (c) authorised the Treasurer of the States to receive the payments as they become due.

Adjournment

THE STATES then adjourned, having agreed that the outstanding items of Public Business should stand over until the next Sitting, and that D'Hautrée School: rezoning and purchase of land (P.117/93) be considered immediately before the matters already set down for debate at that Sitting.

THE STATES rose at 7.10 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.