

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 24th SEPTEMBER 2019

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[9:34]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Condolences to the Connétable of Grouville

I know Members would wish to join me in expressing, on behalf of all Members, to the Connétable of Grouville, our condolences on his loss and we will mark him *défaut excusé*. **[Approbation]**

1.2 Tribute to Mr. William John Morvan

Can I first of all mention that the late William John - or as he was known, Bill - Morvan, died recently? He was elected as the Deputy of St. Helier in 1969 and he subsequently stood as a Senator in a by-election in 1975, before becoming Connétable of St. Lawrence in April 1981. Those who have thought that the Connétable of St. Clement is the first person to make the transition from Deputy to Senator to Connétable, he did have a predecessor in Bill Morvan. It was the first occasion on which a Senator had converted to become a Connétable. He was a very active Member of the States. He served as President of Harbours and Airports from 1972 until 1981. He was President of the Telecoms Committee and the Land Reclamation Committee from 1981 to 1984. Throughout his term of office he also served as a Member on over a dozen committees, including Finance and Economics, the Island Development Committee, Overseas Aid, the Public Works Committee and the Resources Recovery Board and he was on the special committee on the establishment of Sound Radio in Jersey. So he was, as I have said, extremely active as a Member of this Assembly. He retired from the States in June 1984 and I know Members would wish to pass on our condolences on behalf of all Members to his family. Can I ask Members to stand in the usual way? **[Silence]** May he rest in peace.

Deputy K.C. Lewis of St. Saviour:

May I raise the *défaut* on Deputy Maçon?

The Bailiff:

It is proposed the *défaut* be raised on Deputy Maçon. The *défaut* is raised. It was not your machine that went off a moment ago, Deputy, was it?

Deputy J.M. Maçon of St. Saviour:

It was not me, Sir.

The Bailiff:

Because I was wondering whether, or not, I could apply a fine to somebody who was not technically here.

Deputy T. Pointon of St. John:

It was me, Sir.

The Bailiff:

Thank you for that *mea culpa* and I am sure the Greffe will look forward to receiving your contribution in due course, Deputy.

1.3 Welcome to His Excellency the Lieutenant Governor

I am very pleased to welcome on behalf of Members His Excellency to this meeting of the Assembly. **[Approbation]**

1.4 Appointment of Mr. M.H. Temple Q.C. as Attorney General

I am also pleased to announce in this Assembly the appointment by Her Majesty the Queen of Mr. Temple, the Solicitor General, as Attorney General. It is a real pleasure to be able to announce that in this Chamber. It was announced yesterday. As Members will understand, because it was the *Assize d'Héritage*, which is a one-off legal event during the course of the year and it was a good opportunity of congratulating the Solicitor General on his appointment in the company of all his legal colleagues. But I am very pleased to announce today that appointment and to congratulate him on his office. [Approbation]

[9:45]

Mr. M.H. Temple Q.C., H.M. Solicitor General:

Thank you for those words, but may I be excused, because I have to be in another place, Sir? [Laughter]

The Bailiff:

Such is the life of a Crown Officer.

QUESTIONS

2. Written Questions

2.1 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE USE OF FACIAL-RECOGNITION TECHNOLOGY: (WQ.381/2019)

Question

Is facial-recognition technology used by any Government department, arms-length organisation or States-owned entity; and if so, will the Chief Minister list each department, organisation or entity for which this is the case alongside an explanation of the reason for its use and the legal basis for its use in each instance?

Answer

The Government of Jersey, nor any organisation acting on behalf of the Government of Jersey, have not used overt facial recognition technology on any of their sites. The Government of Jersey and any organisation acting on behalf of the Government of Jersey, can neither confirm nor deny that any facial recognition technology has been used for covert law enforcement work.

Time taken:

Grade 15 x 1 hour £43

DG x 15mins £20

Total: £63

2.2 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE IMPLICATIONS OF EXTENDING THE U.K.'S MEMBERSHIP OF THE WORLD TRADE ORGANISATION TO JERSEY: (WQ.382/2019)

Question

Will the Minister advise the Assembly of the consequences of having the U.K.'s membership of the World Trade Organisation extended to Jersey?

Answer

As I set out in the Brexit Report to the Assembly in July, territorial extension of the UK's WTO membership to Jersey has been a longstanding objective of the Government of Jersey.

Being part of the WTO can bring a number of benefits, including enhanced market access, access to forms of dispute resolution and assisting in furthering Jersey's global outreach.

Crucially, it may also help protect Jersey's economy in the event of a 'no deal' Brexit, as it will ensure that Jersey will be protected by WTO rules and will be able to access the most favoured nation tariffs available to all WTO members.

The Government of Jersey has been seeking extension on the basis that Jersey is in compliance with the obligations in the WTO Agreements, and would not therefore envisage any immediate consequences for the Island. As with any treaty extension, issues may arise that will need to be managed and negotiated. However, the objectives of the WTO are broadly compatible with Jersey's international trading position in that the WTO is based on the presumption that trade is generally economically beneficial, and, as such, the Organisation sets and enforces rules for international trade, provides a forum for negotiating and monitoring further trade liberalisation, and resolves trade disputes.

Ministers and officials have been actively working with the UK Government on WTO extension to Jersey, and we hope to see progress on this matter soon.

2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE FINANCIAL RETURN FROM THE LIBERTY BUS CONTRACT: (WQ. 384/2019)

Question

Will the Minister advise –

- (a) what the annual financial return from the Liberty Bus contract was in 2018; what specific projects this money has been spent on; and what the projected return is for 2019;
- (b) how much subsidy Liberty Bus received, or is estimated to receive, from the Government of Jersey during 2018 and 2019;
- (c) what percentage and amount of Liberty Bus 'profits' from the Jersey bus service were returned to Jersey bus operations; and
- (d) what proportion and amount of any such 'profits' from the Jersey bus service were used in other, off-Island bus providers within the HCT group?

Answer

- (a) As an update to the provisional figure of £289,000 given in my answer to Written Question 290, the financial return from the Liberty Bus contract in 2018, in terms of the States' portion of the surplus over and above the contractually-agreed declared margin, remains subject to final audit but is currently expected to be in the region of £257,000.

As also stated in my answer to Written Question 290, this income will be paid into the revenue budget of the Transport Planning section, and partially allocated to covering a shortfall in the funding of concessionary travel reimbursement due to higher than forecast demand from holders of senior

citizen passes, with the remainder contributing towards sustainable transport infrastructure. Current projects which this money is helping to pay for includes:-

- New pedestrian crossing facilities aiding access to and from bus stops, such as the recent schemes on Longueville Road and at Beach Road in Gorey;
- Pavement enhancements on Rouge Bouillon, and new pedestrian refuge islands on Route du Fort and at Gorey Common;
- Design and procurement of further waiting shelter installations at bus stops;
- Kerb realignment of the kerbs at Liberation Station to improve the pedestrian environment and the operational efficiency of bus services using the external stands.

At this stage it is too early to predict with any certainty what the figure for 2019 will be, but early indications suggest that it will be of a similar quantum to 2018.

- (b) I must stress that the contract payments from the Government of Jersey to Liberty Bus represent a subsidy to the travelling public, rather than to the company. The total value of payments for operation of both the main public bus network and the school bus network in 2018 was £3.421m with payments totalling a further £0.875m in respect of reimbursement for journeys made by holders of free concessionary travel passes. The projected expenditure in these areas for 2019 is £3.554m and £0.952m respectively.
- (c) At the heart of the bus operating contract is a profit share arrangement whereby any surplus over a base level of 3% is shared equally with the Government, to reinvest in infrastructure. The majority of LibertyBus' profit is retained in Jersey to reinvest and their aim is to allocate a minimum of 30% of its profits towards vehicles, service enhancements, community transport and social impact projects, as well as exploring new ideas such as electric buses, and new routes. A small amount of profit leaves the island to contribute towards the parent company's group costs, which generates benefits for LibertyBus through reduced shared service costs, purchasing scale, access to innovation, and further investment and expertise.
- (d) LibertyBus' profits do not subsidise any other bus operation elsewhere.

2.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE LEVEL OF BICYCLE USE IN JERSEY: (WQ.385/2019)

Question

Further to the response to Written Question 152/2018, in which it was stated that "every year in May [the department collects] collect data on most of the major routes into St Helier to identify the percentage take up of each of the main transport modes", will the Minister –

- (a) provide an update for 2018 and 2019 on the percentage of commuters who cycled to work in St. Helier; and
- (b) state what measures have been taken since he took up his position as Minister to improve and encourage day-to-day cycling provision in Jersey?

Answer

(a) Please find below update for 2018 and 2019 on the percentage of commuters who cycled to work in St. Helier; and

May 2018 = 4%

May 2019 = 4%

While this data is collected annually and provides a record dating back to 2004, the method of sampling using a single day has limitations in terms of representing cycling numbers, because cycling rates are particularly sensitive to variations in weather and season.

While there is a hard core of dedicated cyclists that cycle year round regardless of weather, there is a growing cohort of cyclists who will cycle in good weather conditions and at certain times of the year.

This is evidenced by steady 13% year on year growth in Mar – Oct cycling, measured since the installation of an automatic cycle counters in (2015). The cycle counters measure data continuously and are situated on the off-road multi-use seafront paths at Havre des Pas and First Tower.

(b) Since taking up position as the Minister for Infrastructure, in June 2018, the following schemes and projects have been delivered, with the intention of encouraging day-to-day cycling provision in Jersey.

e-Bikes scheme

Following the successful e-bike grant scheme in 2016 the department received several requests to launch another one. From a survey of e-bike grant recipients in 2016, 52% of respondents said they purchased their e-bike to be more active/healthy whilst 62% of respondents said that travel on their e-bike has replaced car/van/scooter/motorbike journeys.

The e-bike grant scheme 2019 was launched in August with £50,000 being allocated, offering a grant of £150 per e-bike, equating to 333 grants. The 2019 scheme is another step towards getting islanders to use sustainable forms of transport and will support our ambition to reduce carbon emission, and take a proactive approach to tackling Climate Emergency.

Opened the English and French harbour cycling routes

In 2019 cycle routes around the English and French harbour were opened, connecting the Havre des Pas to West Park footway and cycle routes. A survey was carried out pre-construction in 2016 and post-construction in 2019 and the results show a significant increase in the number of cyclists using the harbour cycle routes. There is now more cycling activity throughout the day with peaks coinciding with the peak morning and evening rush hours. This would suggest that a number of people have changed their mode of commuter transport to cycles from other means. A questionnaire completed by users of the cycle routes gave more positive comments in comparison with the questionnaire in 2016, with 93% of respondents stating they felt either safer or very safe on the new routes.

Undertaken development of the emerging Sustainable Transport Strategy

As the emerging Sustainable Transport Policy develops there are 4 key areas to increase day-to-day cycling.

1. School Transport Challenge – encouraging the younger population of the island to cycle to school and ensuring schools have the facilities such as bike parks to facilitate this.

2. Workplace travel planning – Creating travel plans for the workplace in Jersey to include more bike parks at the workplace along with shower facilities for those cycle commuting.
3. Behaviour change & ride sharing – Promoting a change in travel habits, providing evidence for the benefits of cycling and walking to/from work or school.
4. St Helier sustainable transport hub – Creating an area in St Helier that is easily accessible by cycle routes and where people can lock up and leave their bikes safely. In the future this could also include docking stations for bike should Jersey introduce this scheme.

Met with cycling groups to better understand their needs

There has been regular correspondence with local cycling groups to best understand their needs. These groups have been informed about proposals for cycle routes and asked for feedback. This ensures that all groups have the opportunity to give their comments and feedback on proposals.

Developing school lesson plans for bike to school week

The Eco-Active Programme works closely with local schools. In line with Bike to School week 2019, a lesson and accompanying lesson plan will be sent to all secondary schools to be taught in PSHE lessons or where it best fits the curriculum. The lesson includes information about climate change, carbon neutrality and the importance of changing travel habits to achieve carbon neutral status. The aim is to encourage the island's younger generation to take ownership of their travel, not only to/from school but also at weekends. This will also help us understand any barriers that younger people have to cycling/walking to school.

Extend the Eastern Cycle Network - Trial closure of Rue du Maupertuis to reprioritise road space to support walking and cycling and a 'Safer Routes School' to Le Rocquier and the adjacent primary schools.

The Maupertuis scheme has assisted with the delivery of safer routes to schools programme and is designed to encourage the uptake of cycling with school children and residents. This has also opened up the Eastern Cycle Network from La Hocq to Les Squez, therefore providing a safer route for cyclists commuting to/from school and work.

Secured over £73,000 from development proposals towards improving the Eastern Cycle Network and £235,000 to support sustainable transport measures in other areas.

2.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING PUBLIC TRANSPORT PROJECTS: (WQ.386/2019)

Question

Further to the response to Written Question 290/2019, in which it was stated that income from Liberty Bus returns to the Government of Jersey "is paid into the revenue budget of the Transport Planning section, which is responsible for the States' Sustainable Transport Policy" and that public transport projects funded as a result "include infrastructure projects such as the installation of waiting shelters at bus stops, improvements to walking routes, and the provision of additional pedestrian crossing facilities", will the Minister list any such projects that have been completed since May 2018 and state the cost of each one?

Answer

A full list is difficult to provide, as many individual projects within the infrastructure capital programme span more than one financial year and the income from the bus operating contract profit share arrangement serves as additional funding to existing allocations. However, as an indication of the initiatives which have improved access to and from bus stops that this money has helped deliver, the Deputy may find the following of interest:-

- Longueville Road Pedestrian Crossings: £270,000
- Janvrin Road Zebra Crossing: £50,000
- Beach Road (Gorey) Zebra Crossing: £107,000
- Bus Station Pavement Widening: £115,000
- Rouge Bouillon (Clarendon Road) Pavement Widening: £23,000
- Gorey Common pedestrian refuge island: £24,000
- Route du Fort pedestrian refuge island: £23,000

Plus a further batch of waiting shelters for six bus stops is expected to be delivered over winter 2019-2020, with an expected out-turn cost of £150,000 and located at the following sites:-

- Clarke Avenue, for service 19
- Route de St Aubin, westbound at Coronation Park for services 8, 9, 12, 12A, 15, 22, 28 and Les Quennevais school bus 45
- Bagatelle Road, southbound at Bon Air Lane and at Bagatelle Lane for service 3
- Mont Millais, southbound at Hautmont Estate for service 3
- Salisbury Crescent, outside St Helier Grande Marche, for services 4, 13, 21, 23

All of the above schemes are serving to improve the accessibility of the island's bus route network by enhancing the provision of safe walking routes to and from key bus stops.

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE INTERCEPTION OF COMMUNICATIONS OF A PERSON NOT CONNECTED WITH THE WARRANT OR THE SUBJECT OF THE INVESTIGATION TO WHICH THE WARRANT FOR THE INTERCEPTION RELATES: (WQ.387/2019)

Question

Further to his answer to Oral Question 214/2019, will H.M. Attorney General explain how a telephone intercept is considered lawful and not in breach of the Data Protection (Jersey) Law 2018 in instances where the warrant authorizing the intercept is for one specific number or person but, in error, the police intercept the communications of another person not connected with the warrant or the subject of the investigation?

Answer

A telephone intercept is considered lawful for the purposes of the Data Protection (Jersey) Law 2018 (the 'Law') because the warrant authorising the intercept is for a 'law enforcement purpose'. For the purposes of the Law both the Law Officers' Department and the States of Jersey Police are a

‘competent authority’. When a ‘competent authority’ processes personal data for a ‘law enforcement’ purpose as defined in Article 1(1) of the Law the provisions of Schedule 1 to the Law apply.

Schedule 1 modifies Article 8(1)(a) of the Law to the extent that the personal data does not need to be processed transparently, but all the principles in Article 8 apply, including the need to process the personal data lawfully and fairly (Article 8(1)(a)).

‘Lawfulness’ as defined in Article 9 is modified by Schedule 1 to the extent that if the processing of personal data is for a ‘law enforcement purpose’, such processing will be lawful.¹

Therefore, where a warrant authorising the intercept for a specific telephone number is the subject of approval granted by the Attorney General, then it is lawful for the purposes of the Data Protection Law.

The Code of Practice on interception of communications made under the Regulation of Investigatory Powers (Jersey) Law 2005 (‘RIPL’) provides that obtaining a warrant will only ensure that the interception authorized is a justifiable interference with an individual’s rights under Article 8 of the European Convention of Human Rights (the right to privacy) if it is necessary and proportionate for the interception to take place. RIPL recognises this by first requiring that the Attorney General believes that the authorization is necessary on one or more of the statutory grounds set out in Article 10(3) of RIPL. If the interception is necessary, the Attorney General must also believe that it is proportionate to what is sought to be achieved by carrying it out. This involves balancing the intrusiveness of the interference, against the need for it in operational terms.

All material (including related communications data) intercepted under the authority of a warrant must be handled in accordance with safeguards imposed upon the Attorney General by RIPL. Article 19 of RIPL requires that disclosure, copying and retention of intercept material be limited to the minimum necessary for the authorized purposes. Any breach of these safeguards must be reported to the Investigatory Powers Commissioner.

A ‘personal data breach’ under the Data Protection Law can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data. In short, there will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

If it becomes clear that despite a warrant authorising the intercept for a specific telephone number, which is the subject of approval granted by the Attorney General, the telephone number of a person not connected with the subject of the investigation is intercepted, the interception is immediately terminated in accordance with the safeguards imposed by RIPL. Access to personal data has occurred with proper authorisation and a data protection breach has not occurred.

However where, in error, the police intercept the wrong phone number (i.e. not one authorised by the warrant) the police would again conclude the call as soon as the error is identified in accordance with the safeguards imposed by RIPL. The warrant authorizing the intercept of the correct number is still based on lawful authority. But to intercept the wrong number would be a personal data breach.

In both scenarios the Investigatory Powers Commissioner would be informed. Only in the case of when a personal data breach is likely to result in a risk to the rights and freedoms of natural persons must a personal data breach be reported to the Data Protection Authority.

¹ Subject to Article 9(2) – (4) of Schedule 1 being met in the event any special category data is processed. The modified Article 9 does not require a processing condition in Schedule 2 to apply.

2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PUBLIC ACCESSIBILITY OF SITE NOTICES: (WQ.388/2019)

Question

Further to his answer to Written Question 367/2019 on 10th September 2019, is the Minister aware of any occasions when a landlord or developer has placed site notices in positions on their land far enough away from public access that the locations have prevented any meaningful detailed public scrutiny of the notices and thereby prevented people from making objections to the planning application in question; is it his assessment that that any such practice should invalidate any grant of planning consent and if not, why not?

Answer

It is one of the requirements of the Planning and Building (Applications Publication) (Jersey) Order 2006 (“the 2006 Order”), that an applicant submits a certificate, together with photographic evidence, declaring that they have complied with the requirements of the Order. These are checked by Planning Officers. Officers will also routinely check the location of site notices during their site visits.

The department does, from time to time, receive complaints that site notices are not adequately displayed. These are checked and, if the display is found to be inadequate, the applicant is required to amend it.

Article 2(3) of the 2006 Order requires the applicant to give “*requisite notice by site display in at least one place on or near to the land or building to which the application relates.*” The 2006 Order defines “by site display” to mean “*the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public.*”

The display of site notices is just one of the methods of publication for planning applications. A notice is placed in the Jersey Evening Post each Tuesday; a list is published in the Jersey Gazette (online) each week; and Islanders can subscribe to the online notification system on the Planning Register, with a MyGov account. This system sends alerts each time an application is received within a particular geographic area.

Because of the variety of publication methods, I am not aware of any occasion where a failure to display a site notice correctly has prevented people from making objection to a planning application.

In the hypothetical example highlighted by the Deputy, it would not be clear cut whether this alone would be sufficient to invalidate a grant of planning permission. The facts of each case would need to be carefully considered. Even on the basis of the way that the question has been put, it would be a question of fact as to whether the location of the site notice “*prevented any meaningful detailed public scrutiny*” as to whether it was “*on or near to the land or building to which the application relates*” and “*sited and displayed in such a way as to be easily visible and legible by members of the public.*”

Whilst the Planning and Building (Jersey) Law, 2002 (“the 2002 Law”), requires that planning applications are properly publicized prior to determination, it is silent on what action should be taken if those requirements are not met. The 2006 Order does, however, provide that for the purposes of Article 10 of the 2002 Law the site notification requirements are part of the application for planning permission. Article 10 of the 2002 Law empowers the Chief Officer to revoke or modify a planning permission if when making an application for planning permission a person knowingly or recklessly makes a false or misleading statement or representation or a statement or representation with a material omission.

2.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING GRANTS TO THE UNIFORMED YOUTH SERVICES: (WQ.390/2019)

Question

Will the Minister advise members how much money his department has paid in grants to each of the uniformed youth organisations in the Island each year for the last five years, indicating how any annual changes compare to the respective changes in R.P.I. from one year to the next, and will he explain how much he is proposing to give them in the coming years under the Government Plan?

Answer

The table below sets out the amount of money paid in grants to each of the uniformed youth organisations in the Island each year for the last five years.

Cadet	Reason	2015	2016	2017	2018	2019 payable
Sea Cadets	Annual Grant (£)	10,000	10,000	10,000	10,000	10,000
Air Training Cadets	Annual Grant (£)	10,000	10,000	10,000	10,000	10,000
Combined Cadets	Annual Grant (£)	10,000	10,000	10,000	10,000	10,000
Army Cadets	Annual Grant (£)	10,000	10,000	10,000	10,000	10,000
Additional Grant Contributions during year:						
Air Training Cadets	One-off funding to ensure that the building utilised by the ATC is made wind and watertight (£)			31,482		
	Grand Total (£)	40,000	40,000	71,482	40,000	40,000

2.9 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE ROLE OF THE JERSEY POLICE COMPLAINTS AUTHORITY IN SIGNING OFF INVESTIGATIONS INTO COMPLAINTS: (WQ.391/2019)

Question

Is it lawful for the Jersey Police Complaints Authority to sign off on an investigation undertaken by the police into a complaint in instances where the complainant has not been interviewed or asked to provide evidence as part of that investigation and, in determining the lawfulness of such action by the Authority, is any consideration given to whether or not the complainant was informed by the Authority that they would be so interviewed or asked to provide evidence?

Answer

The relevant provisions detailing how a complaint is dealt with, either in relation to a States of Jersey Police Officer or an Honorary Police Officer, are contained in Police (Complaints and Discipline) (Jersey) Law 1999 (“the Law”), the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 (“the Regulations”) and the Police (Complaints and Discipline Procedure) (Jersey) Order 2000 (“the Order”).

In relation to a complaint about a Police Officer, there is no specific obligation in the Law, the Regulations or the Order that a complainant is to be interviewed or asked to provide evidence as part of an investigation. However, Article 5 of the Law states that “where a complaint is submitted to the Chief Officer, he or she shall take any steps that appear to the Chief Officer to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of”. This could mean that an interview is the appropriate way of obtaining such evidence, however, this is not an obligation.

The Chief Officer is obliged to obtain or preserve evidence, in the manner that seems most appropriate to themselves.

Article 3(1) of the Order provides that the appointed officer shall “seek the views of the complainant and the member concerned about the matter”, therefore, the complainant’s opinion is to be considered throughout an informal resolution process. The complainant is not referred to in terms of a formal resolution process. Article 23(2) of the Order provides that “the complainant shall be allowed to attend the disciplinary hearing” if they so wish.

There is a similar process which applies to an Honorary Police Officer (as set out above for the States of Jersey Police). There is no specific obligation to interview, however, Article 19 provides that “where a complaint is submitted to a Connétable, he or she shall take any steps that appear to him or her to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of”.

Article 3(1) (a) of the Regulations provides that where the Attorney General is satisfied that a complaint may be dealt with informally, the Connétable must “seek the views of the complainant and the member concerned about the matter”. This, as with the members of the States of Jersey Police, means that the complainant must be considered and consulted at all times, where the Connétable feels it to be appropriate. Article 21(2) of the Regulations provides that “the complainant shall be allowed to attend the disciplinary hearing” if they so wish.

It is not specified in either the Law, the Regulations or the Order, that consideration should be given as to whether or not the complainant is informed by the Authority that they will be interviewed or asked to provide evidence. The Law does provide for notifying the complainant of the outcome of the complaint. This can be found in Article 6(3) of the Law for members of the States of Jersey Police and Article 20(3) of the Law for the Honorary Police.

The overall objective of the Law, the Regulations and the Order is to do what is desirable for achieving the most appropriate outcome of the complaint. Whether an interview is required to be held is at the discretion of either the Chief Officer or the Connétable. Where the Authority signs off an investigation a statement will be made regarding whether the investigation has or has not been conducted to its satisfaction. The Authority shall send a copy of this statement to the complainant as per Articles 10(8) and 24(7) of the Law.

Accordingly, although generally a statement or other evidence will be taken from a complainant, it is possible for an investigation to be completed without such a statement being taken or evidence received. Such a course of action might be possible, for example, if the whole incident has been recorded on body worn camera, or the complainant is unable to provide a statement or there is another reason why the investigator, in their discretion, did not take one. Accordingly, it would be lawful for the Jersey Complaints Authority to agree that an investigation had been properly undertaken in the absence of a statement or other evidence being obtained from a complainant. However, without knowing the facts of a particular investigation or complainant it is not possible to say more.

3. Oral Questions

3.1 Deputy J.M. Maçon of the Chair of the States Employment Board regarding complaints made against civil servants at Tier 2 or above: (OQ.218/2019)

Is it the case that, where there is a serious complaint or investigation against civil servants at level tier 2 or above, the Board and the relevant Ministers are informed of the matter; and, if not, will the Board agree a policy that this should happen in all such cases in the future?

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

The S.E.B. (States Employment Board) have met and agreed with officers that the principals are being kept informed of any serious complaint, or investigation. Mindful it must allow established policies to be followed and the confidentiality of such matters maintained for the protection of all parties. Just to expand on that slightly. The key consideration of S.E.B. at all times on this must be about meeting the duty of care towards employees and that duty of care extends not only to the person making the complaint, but also the person about whom any complaint is made. So, that is about keeping the confidentiality balanced off of oversight. Also, it is important to note that investigations are not prejudiced or compromised by inappropriate comment, or involvement at an inappropriate time. I hope that helps.

3.1.1 Deputy J.M. Maçon:

Is the Minister able to advise when this change of policy came into effect?

Senator J.A.N. Le Fondré:

There are a few facets at this point. Firstly, a relatively new policy was put in place which was around the reporting of bullying and harassment procedures. In fact, the first report - this is for not necessarily senior levels - certainly the date on the bottom of the report was 16th April this year. I cannot recall exactly what date it was sent to S.E.B., but it would have been around that sort of time. All that does, that just identifies the number of cases that are being investigated and gives a very short update as to their status. What is very clear - I assume the question is in relation to the exchange that occurred in the Assembly at the last sitting - it does get complicated in terms of the different roles of ministerial responsibility; Ministers and officers have a very clear duty to keep Ministers informed of matters that affect their political responsibility, *versus* the responsibility of the S.E.B. who have a duty to oversee the application of codes of practice and set policy and are kept informed as to how that policy is being applied. What complicates matters is S.E.B. is also the ultimate place of any appeal and that is why, to an extent, it has to be handled very carefully. to ensure that S.E.B. are not conflicted if they are ultimately at the point of appeal. I can elaborate on exact measures that have been taken place. Perhaps that might be a measure for another question. But it is a complicated process. I am satisfied that where we are is the right place to be.

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

What the Chief Minister just said worries me. How can any body, that is deciding something, also be the body that will determine an appeal? Surely there should be an independent body hearing any appeal from the S.E.B.?

Senator J.A.N. Le Fondré:

No, what we said is we have set the policy then if somebody is accused of bullying, for the sake of argument, that process they are, as an investigation takes place, if that process is such that it is not upheld, in other words the person who is complained about is exonerated, it goes no further. If bullying is found to have taken place, it will potentially be brought up to the level of the S.E.B. but it will depend on the circumstances and if there is an appeal around how the process has been handled that would have to go to S.E.B. S.E.B. would only be notified if there was poor behaviour and that resulted in suspension and those types of action needing to be taken. The point I make is, we have rights of ... I will go into the nub of the matter. In terms of the exchange that took place last time round, I was approached by the Minister and had a discussion with him and I had a discussion with the Chief Executive, as well. It is a complicated position and at the point of the questions being asked in the Assembly, I was seeking some independent advice. I have now received that independent advice and a process has been put in place. I have seen, as Chairman of the S.E.B., the anonymised version of the report, to make sure that that confidentiality is maintained and we have also ensured that the independent adviser to the S.E.B. has also had the same information. We all concur that the conclusions in that report are sufficient, are detailed and that there is no case and that the individual,

who has been investigated, has been exonerated. Just to also give some further comfort: we have also just commissioned a quick review to ensure that the process of compiling that report is sufficiently robust and we are waiting for the feedback on that, which I will get early next week. At that point, hopefully, I will be sitting down with the Minister and to have a discussion going forward. We have also put a process in place to ensure that proper communication in terms of updating S.E.B. as to whether there is an issue; we have to maintain the confidentiality side is a bit more robust than perhaps it was.

Senator T.A. Vallois:

May I raise the *défaut* on Senator Farnham please?

The Bailiff:

And Senator Farnham. The *défaut* is raised.

Senator L.J. Farnham:

Now I am not *en défaut*, just to let Members know I will be attending a funeral this afternoon, so will be absent from the Assembly for some time.

3.1.3 Senator K.L. Moore:

Will the Chief Minister be sharing with the public, or interested parties, the details of the person, or persons, who are reviewing the report in order for them to be able to share their experiences of trying to engage with the report's author?

Senator J.A.N. Le Fondré:

I do not understand the question. This is a very specific review that was done into a particular set of complaints and that person, who did the investigation, has spoken to all people who are mentioned in that report. That has been dealt with. It is not a public matter for the very reason that we said: it is about the duty of care to both the person making the complaint and the person about whom the complaint was made, particularly given that they were exonerated.

Deputy J.M. Maçon:

I just thank the Chief Minister for his response.

3.2 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding overpayments of Income Support: (OQ.219/2019)

Will the Minister state how the figure for overpayments on income support claims last year compares with the figure for 2011 given in response to Written Question 6972 on 26th June 2012 of 2,688 overpayments at an estimated median value of £138, repaid at a rate of £21 weekly?

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

I am afraid the Deputy is not going to be too happy with the answer, because we cannot make a direct comparison, because as of 2011, 2012, 2013, 2014, possibly even 2015, there have been all things changing, computers are different, data collected in different ways. What I have asked the Department to do, for the Deputy and for other States Members, is the final year - was it 2016, or 2017 - when the figures stopped changing and produced a set of figures, so the Deputy can refer back to those and we are going to make direct comparisons. I am sorry, that is exactly where we are. The Deputy probably does know the answer to that, because he was my Assistant for nearly a year.

3.2.1 Deputy G.P. Southern:

The Minister is right when she says I am not going to like the answer, because the answer for 2011 was achievable. We found out what that was and we knew what the level of overpayments and

underpayments was on income support claims and yet we are saying, some years later, we do not know that number anymore. What are the measures by which the Minister is ensuring that her Department is working efficiently as regards income support claims?

Deputy J.A. Martin:

I did not say that. I said the information is collected differently. There is a lot more ... there is one debt - let us call it one debt - where somebody might have had an overpayment, or income support and sick, income support long-term care, completely ... the information is collected differently. I think the Deputy will like the figures. The figures are what they are and I am trying to find out the year they stopped changing. I think it could be 2016, or 2017. I have a set of figures for him, so he can see. The information will be there, but it is not comparing what was in 2011. That is all I am saying.

The Bailiff:

Final supplementary?

Deputy G.P. Southern:

If I were not left completely speechless, Sir, I would have one.

3.3 Senator K.L. Moore of the Chair of the States Employment Board regarding public sector employees deemed to be politically eligible: (OQ.216/2019)

Will the Chair advise whether public sector employees have been advised that they are no longer permitted to send correspondence to the media, even if they fall within categories of employment that are deemed to be politically eligible?

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

The Connétable of St. Ouen is answering this one.

Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - *rapporteur*):

I thank the Senator for her question. Public sector employees have not been advised they are no longer permitted to write to the media, but employees are expected to abide by our policies on communications and codes of conduct.

3.3.1 Senator K.L. Moore:

Does the Vice-Chair therefore consider it appropriate for a teacher to be written to and advised that they should no longer, or that they should stop writing letters to the *J.E.P. (Jersey Evening Post)*?

The Connétable of St. Ouen:

I have a copy of the letter that I think the Senator is referring to and it does not say that. What it says, in summary, is that the letter that that particular individual has written breaches our codes and as such they have been asked not to do it again.

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

Could the Assistant Chief Minister outline exactly what is in that code?

[10:00]

I think it says something about being a reasonable engagement. Can he just clarify exactly what is and is not permitted for States employees, in terms of engaging politically?

The Connétable of St. Ouen:

I thank the Deputy for her question. The 2 relevant paragraphs state that an employee must not comment inappropriately, or in an immoderate manner, about existing States policies and that an employee must not engage in personal attacks on States Members. Those are the 2 paragraphs I think that are relevant to your question.

3.3.3 Deputy L.M.C. Doublet:

Can the Assistant Chief Minister define what he means by “immoderate”? What that is understood to mean in the context of this policy.

The Connétable of St. Ouen:

I think it is like everything else in these situations. It depends on what comments have been made and it varies from case to case, but all I can say is that the Comms Department would be happy to advise an employee if they felt they might be in breach of the code before they sent the letter in. Because of the wide range of comments that can be made on States matters, it is difficult to pin it down to an exact definition other than what the word said; “immoderate manner”.

3.3.4 Deputy R.J. Ward of St. Helier:

Would the Assistant Minister - sorry, I am not sure I am referring to him - not agree that it is the vagaries of the advice that leads to the situation whereby this depends upon the personalities of those who manage individuals and this is exactly the issue that was pulled out in the H.R. (human resources) bullying report and leads to issues within the workplace of bullying and harassment?

The Connétable of St. Ouen:

I am struggling to find an answer to that, other than to say that if there is any doubt about any States policy H.R. and Comms are happy to advise if an individual is unclear as to what they can and cannot say. I am not entirely sure how that runs into bullying and harassment. We, as a Board, have introduced a bullying and harassment policy. The policy is quite clear. If an employee feels that they are being harassed, or bullied, then it is up to them to use that policy.

3.3.5. Deputy R.J. Ward:

Is it not the point, though, that if a member of staff is unclear as to what they can say, they are unlikely to whistleblow, they are unlikely to expose a wrong and that is the issue that was pointed out in the H.R. bullying report all that time ago that we have said that we have acted on? We seem to have gone round in a big circle now and have some limitation to what staff can say.

The Connétable of St. Ouen:

Maybe I am misunderstanding the Deputy’s question, but we seem to be conflating 2 issues. One is about what people can write to the media about and (2) what they can complain about under bullying and harassment. I am not entirely sure the 2 issues are related. If you want to raise a bullying and harassment complaint, then you should read the policy guidelines and raise that complaint. I would suggest that writing to the media about it is probably less than productive in that situation.

3.3.6 Deputy R.J. Ward:

For clarification, what I am getting at is that if we have a situation where there is an unclear policy on what can be sent to the media and what employees can express, then that leads to a situation where managers have free reign to impose their will. That was the issue that was raised previously in H.R.’s bullying reports; the lack of clear systems to enable staff to raise issues. By limiting people’s ability to communicate to the media that is one of the issues that is there.

The Connétable of St. Ouen:

I thank the Deputy for his comments. A policy does not limit people’s ability to talk to the media. It limits the way in which they do it, so that it is seen to be appropriate for their role as a States

employee. I still am struggling to understand how that runs into bullying and harassment. It is clear that if you are a States employee, then you have to conform to some sort of policy in terms of expressing your views to the media. The purpose of the policy is to be as clear as possible about that. I will reflect on the Deputy's comments and we will look at the policy again and try to clarify it further, if he feels it is not clear, but certainly for me the wording of the policy is as clear as it can be under this situation.

3.3.7 Senator K.L. Moore:

A final supplementary. If I may draw the Vice-Chair to point 9 in appendix 2 of the latest Care Inquiry report, which is entitled: "Openness and transparency must characterise the culture of public services" and a quote is given in that point, which says: "Defensiveness seems to pervade the services and there is little transparency." This, I suggest, is an example of such defensiveness and I ask the S.E.B. what they are doing to address the nature of defensiveness that is pervading our public sector.

The Connétable of St. Ouen:

Yes, I thank the Senator for her comments. I would have to say I disagree. The whole purpose of introducing bullying and harassment policies is it gives the employees a channel in which they can complain about such things in complete confidence. I am not sure how that runs into a policy about how they communicate with the external media.

3.4 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding the provision made in the Government Plan in respect of fairness in the delivery of public services: (OQ.221/2019)

Given the commitment in the Common Strategic Policy to achieve fairness in the delivery of public services, that does not disadvantage St. Helier ratepayers; and further to the Minister's response to a question on 2nd July 2019 that: "Fairness is the whole dynamics of the C.S.P. (Common Strategy Policy)" and that details on achieving that fairness will be in the Government Plan, will the Minister explain how this is reflected in the plan?

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

The Connétable of St. Helier will be aware that an independent rates working group was established in 2018. It was tasked with examining whether there should be a revaluation of rateable values for properties in Jersey. The group has made considerable progress in this matter. It carried out extensive work on this issue and it has met 5 times throughout 2019. The issues involved are complex and a lot of research has been carried out about how regimes operate in other jurisdictions. That work was not completed by the date the Government Plan was published and, for that reason, details were not included in the plan. The group is now close to concluding its work on this matter and it will then provide written recommendations to myself and the Comité des Connétables. Until I receive these recommendations, I am afraid I cannot comment further.

3.4.1 The Connétable of St. Helier:

With respect, that answer was completely irrelevant. I hesitate, at this stage, to know where to go, because the amendment that I brought and that was accepted to the C.S.P. was addressing the fact that St. Helier ratepayers uniquely pay for the delivery of public facilities such as parks, gardens, toilets, litter cleaning and so on to the tune of about £1.7 million. That bill around the rest of the Island is picked up by the taxpayer. The agreement was made by the Council of Ministers to address that unfairness. I am basically trying to find out where that is in the Government Plan, because the Minister did tell me, in a previous sitting, that it was in there. I have looked through it and I cannot find it.

Deputy S.J. Pinel:

As I said in my opening remarks, the review was not completed by the date of the publication of the Government Plan and until I am in receipt, along with the Comité des Connétables, which will obviously include the Connétable of St. Helier, there is nothing to comment on, because we have not received the results of the review.

3.4.2 The Connétable of St. Helier:

We really are talking at cross-purposes here. The Minister is talking about the rates revaluation, which is an important piece of work and it has been agreed by the States that it will be done. What I am talking about is the unfairness in the delivery of public services, which are uniquely paid for in St. Helier by ratepayers and which mean that St. Helier ratepayers pay more in rates than they would if these maintenance costs were picked up by the taxpayer. Now, I was assured that work was ongoing and I have to conclude that work has not happened. Perhaps I need to bring an amendment to the Government Plan and make the arguments all over again.

The Bailiff:

Was there a question there, Connétable?

The Connétable of St. Helier:

Does the Minister agree that I should bring an amendment to the Government Plan?

Deputy S.J. Pinel:

I have long been aware of the question of unfairness expressed by the Connétable of St. Helier and that is exactly what the rates working group has been set up to do, but as I consistently say, without the information and completion of this review, which is due in the next couple of weeks, then I cannot give the Connétable the information that he requests.

3.4.3 Senator S.C. Ferguson:

We have been told that the bulk of customers in the trading organisations, including shops in St. Helier, comes from commuters. Have the Treasury made any estimates of this, which could quite possibly balance the Connétable's view that his ratepayers are paying more than their fair share? Are we having a bigger contribution from the commuters to the ratepayers of St. Helier than *vice versa*?

Deputy S.J. Pinel:

That is a very interesting question. I am not aware of any research being done on commuters into St. Helier, but I am aware that the Connétable, as I said in my previous answer, regards that the ratepayers of St. Helier, having - as he said - to deal with the gardens, the public toilets, this has been an ongoing issue and that is what the rates review working group are going to come up with the answers for, hopefully in the next couple of weeks.

3.4.4 Senator S.C. Ferguson:

Do I understand, then, that there is work being undertaken which will look at the contribution made by commuters, as opposed to the costs to the St. Helier ratepayers?

Deputy S.J. Pinel:

I am not aware that there is work, but on the other hand, I am not aware that there is not work in this rates review, because we have not had the results, so I do not know whether they have taken that into account. If not, they should do.

3.4.4 The Connétable of St. Helier:

One can always rely on the good Senator to come up with an off-the-wall contribution. It seems to me that, as I say, the question I have put here, which was the substance of my amendment to the C.S.P., which was accepted by the Council of Ministers, has been not dealt with. I will just repeat

my question: does the Minister for Treasury and Resources believe, notwithstanding that there is a review going on into rates, which of course is important, that I should bring an amendment to the Government Plan if I want to achieve fairness for St. Helier ratepayers?

Deputy S.J. Pinel:

There is nothing stopping the Connétable from bringing an amendment to the Government Plan, but would it not be better to wait until we have the results in the next couple of weeks of the rates working review group to see what they have come up with, which will be shared with the Comité as soon as I get them?

The Bailiff:

The other answer, Connétable, is that the Minister has no responsibility as to whether you should, or should not, bring an amendment to the Government Plan.

3.5 Deputy M.R. Higgins of the Minister for Home Affairs regarding the rules followed in the strip search of prisoners: (OQ.223/2019)

Will the Minister advise Members what rules, or regulations, the States of Jersey Police must follow in the strip-search of prisoners, who are placed in cells at Police Headquarters and what safeguards there are to ensure that any such rules, or regulations, are followed?

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

Strip-searches are governed by Code C of the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004. There are a number of safeguards in place, to ensure that the rules governing strip-search are followed and these are contained within the Order. In order to be helpful to the Deputy, I have brought a copy of the Order with me, which I shall give to him and I will refer him especially to Code C, annex A, section B.

3.5.1 Deputy M.R. Higgins:

Can I ask the Minister whether it is usual for inebriated clients, let us say, of the police station to be stripped naked and put in the cells overnight and have male officers standing outside the door while the stripping takes place?

The Connétable of St. Clement:

I am not aware of such a scenario.

3.5.2 Deputy M.R. Higgins:

Just following through then, is there a policy dealing with removing clothes from prisoners and putting them in a cell overnight?

The Connétable of St. Clement:

I am certainly not aware of such a policy, because a strip-search can only take place if the custody officer, who would be a sergeant, considers it to be necessary to remove an article, which the detained person would not be allowed to keep and the officer reasonably considers that the person might have concealed such an article. That is the purpose of what the Deputy refers to and is referred to in the Code of Practice as a strip-search. During that search, there must be 2 other people of the same sex present while that search takes place. If it involves a juvenile, or someone who is vulnerable, then one of the people must also be an appropriate adult.

3.5.3 Deputy M.R. Higgins:

Again, following on from my question, I am referring to a specific case, of which I will give details to the Minister. The individual was stripped twice, including in the morning when they were sober.

Again, a male police officer said: “Leave her alone. Do not take her underwear off her.” I would ask the Minister to look definitely at the Code and I will speak with him. Will he make a statement on this at the next States sitting, please?

[10:15]

The Connétable of St. Clement:

Once again, we have from Deputy Higgins a speculative scenario, which may, or may not, have taken place. I am not aware of it. I think if he really was concerned about things like this, surely, rather than raising it here, why not and come and speak to me, or the Police Chief and then deal with the issue that way? **[Approbation]** Because I do not know if what the Deputy describes happened. He does not know, because I suspect he was not in the police station at the same time. But there are ways of dealing with these things, instead of trying continuously to undermine the confidence in the States of Jersey Police, who are doing a wonderful job for this Island and they do not need the sort of undermining contributions made continuously by Deputy Higgins.

Deputy M.R. Higgins:

More openness and transparency.

The Connétable of St. Clement:

I welcome openness and transparency, but come and talk to me, come and talk to the people who know what is going on. Do not just speculate and listen to rumours.

The Bailiff:

I am not sure, Deputy, if it is helpful to mention that your constituent may wish to be advised about the police complaints procedures.

Deputy M.R. Higgins:

With respect, Sir, with the answer I just got from the Attorney General, it is a waste of space, the Police Complaints Authority.

The Bailiff:

It is not the Attorney General, it was the Minister and, in addition, the Police Complaints Authority is a different organisation.

3.6 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding a ban on the sale of flavoured e-cigarettes: (OQ.222/2019)

Will the Minister advise the Assembly whether he is considering a ban on the sale of flavoured e-cigarettes?

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

I am not presently considering a ban on the sale of flavoured e-cigarettes in Jersey. Vaping is a relatively new phenomenon and we do not know whether it carries long-term risk, but there is a body of evidence from adult smokers that the availability of flavours helps them switch to less harmful e-cigarettes as a route to help them stop smoking completely. Banning flavours might, therefore, mean more adults slipping back to smoking. This would mean more adults as smoking role models for young people, which is the key driver in young people starting to smoke. There have been some concerns raised that flavoured e-cigarettes might encourage young people to start vaping and then to go on and try smoking. However, what we know at this time is that vaping by children and young people in Jersey is low compared to smoking, with only 4 per cent of 12 to 18 year-olds using e-cigarettes once, or more, per week. In addition, there is no evidence that e-cigarettes are a gateway

into smoking, as smoking rates among children and young people continue to decline, alongside reduced smoking across the whole population. These vaping products are definitely not products for children and young people. The sale and supply of e-cigarettes to under-18s was prohibited by regulation in 2016.

3.6.1 Deputy S.M. Ahier:

Flavours encourage young people to believe that vaping is innocuous, with examples being cherry sherbet and strawberry lemon fizz. How does the Minister intend to protect our children from a life of addiction?

The Deputy of St. Ouen:

It may, on the face of it, appear that these flavours are attractive, but the view and the recent evidence is that the main driver on e-cigarette use among under-18s is experimentation, with a much smaller number of them saying they were influenced by e-cigarette flavours. The small number of under-18s, who have used e-cigarettes, say the main reason for trying them is to help them stop smoking tobacco products. The public health team will always keep this question under review and are in regular contact with jurisdictions overseas, but at the present time it is not the view that children are extensively attracted by these flavours.

3.6.2 Deputy M.R. Higgins:

Is the Minister aware of actions in the United States to ban these flavoured products and that there is a body of evidence that is giving real concern to the American medical authorities about them? Again, will he not take note of that, because it is more advanced in the United States than it has been here?

The Deputy of St. Ouen:

Our public health team do follow developments in America, but I am advised that the issues in America are very different. There it is possible that users have been vaping illicit drugs and unregulated vape products are sold there, whereas in the U.K. (United Kingdom), the U.K. Medicines and Healthcare Products Regulatory Agency has tight controls around the vaping products available. Of course, those products are the ones that we see in Jersey. At the moment, the health issues that may have arisen in the U.S.A. (United States of America) have not been reflected among people vaping electronic cigarettes in the U.K. and no cases similar to those reported in the U.S. have been noted by authorities in the U.K.

3.6.3 Deputy S.M. Ahier:

The legal age to buy e-cigarettes is currently 18. Should the minimum age be raised to 21 to try to prevent young people from vaping? Also, will the Minister consider putting health warnings on the packaging, similar to those that are on cigarette packets, in addition to the nicotine warning?

The Deputy of St. Ouen:

Dealing with the latter point first, I think it is quite possible that health warnings might be introduced on these products when it becomes clearer what the health implications of vaping are. At the moment, because they are such a new product, there is discussion about exactly whether they have any long-term effects on health, so some time is needed. As to the age limits, personally I am not sure whether extending the limitation from aged 18 to aged 21 will make a great difference. Young adults, aged 18, can certainly be aware of risk involved and the evidence is that among young people rates of smoking, both tobacco products and vaping products, are falling, which is a fortunate thing.

3.7 Deputy G.P. Southern of the Chief Minister regarding methodologies to record progress on reducing income inequality: (OQ.220/2019)

As the U.K. Department of Work and Pensions has decided to use, from 2020, the Social Metrics Commission's methodology contained in the report *A new measure of poverty* to supplement the figure for households below average income, what measures will the Chief Minister put in place to ensure that Jersey has up-to-date figures to compare with those of the U.K., to help deliver his commitment to drive down income inequality?

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

According to the official notice that was issued by the U.K. Government in May of this year, the D.W.P. (Department for Work and Pensions) is going to publish some experimental statistics in the second half of 2020, based on the work undertaken by the Social Metrics Commission that the Deputy has referred to. Those statistics will take the current Social Metrics Commission proposals as a starting point and they are going to assess when and how they can be developed and improved further to increase the value of those statistics to the public. As the Deputy notes, any new measures that are developed will be in addition to the existing U.K. statistics in this area, so it is supplemental to. Obviously, what we are doing at the moment is just monitoring the progress of the U.K. Government if any new measures are developed, but the main focus is to produce the regular measures of relative low income, based on internationally agreed standards. Also, it might be an appropriate time to update, because I think, hopefully, we are all fully supportive of it. I approved funding for a household Income Distribution Survey earlier this year. The survey commenced in July of this year and it is going to run for about 12 months, so the results of that will be available towards the end of 2020.

3.7.1 Deputy G.P. Southern:

It is all very well talking about there will be figures available come 2020, end of 2020, but what are the most up-to-date figures he has got for income distribution on the Island to date?

Senator J.A.N. Le Fondré:

As the Deputy will know as well as I do, the last Income Distribution Survey I think was around 2014, so this is 5 years later. As to why it was not done before now, I cannot answer that question. We have taken action to do it and the cost is around £200,000.

3.7.2 Deputy G.P. Southern:

Since the Minister does not know why we did not do it, I can assure him that it is because you took away the funding for an extra member of staff in the Stats Department, so it did not happen. The question is how are we going to address a measure of success by the end of this period of Government if we do not know now what our starting point is? We will only get some sort of starting point come the end of 2020, when the term will be on its last legs.

Senator J.A.N. Le Fondré:

I think the point is, we are taking action to try to put in play the measures that we will need. That action has been taken. Unfortunately, you cannot magic them up overnight. The survey has started. It takes about a year to bring that data together, which I am sure the Deputy is probably familiar with from the last time around, but we will, therefore, have it in time, during the course of next year, which can then influence the policies that we put in place thereafter. In terms of comparability to the U.K., it will be comparable to the U.K. and international standards, but obviously what the S.M.C. (Social Metrics Commission) will be doing, we are watching with interest.

3.7.3 Deputy R.J. Ward:

May I ask the Chief Minister, would he not agree that the system used by the S.M.C., that methodology is highly relevant to Jersey, because it takes account of the fact that even though relatively high incomes are observed, it takes account of the very high cost of living, such as rent and

childcare, in the definition of poverty? Would he not agree that that would be a significant step forward in us understanding the reality of poverty on this Island?

Senator J.A.N. Le Fondré:

I do not disagree at all. I think the point is that it also includes things like the level of overcrowding and the level of savings should be easy enough to identify. It is possible it may report less pensioners in low income, because they may be income poor, but asset rich. That is why, to an extent, I think what the S.M.C. has put together is of a very great interest. Let us see how the U.K. works it through and then see if there is anything we can learn about it, before we go through that process. The key thing, I think, is that we will have more up-to-date figures than something that is 5 years old during the course of next year, because of decisions we have taken earlier this year to deal with this matter.

3.7.4 Deputy R.J. Ward:

Is it not the case that if we do not have these sort of metrics in terms of really looking at our population, that is relevant to our population, then any solutions to income inequality could be misguided if we direct them in the wrong places, without this sort of data? There is a real urgency to produce this sort of data, as quickly as possible.

Senator J.A.N. Le Fondré:

I think the point is these are new metrics that are being put together. I think the announcement from the D.W.P. was May of this year, so it is comparatively new. We need to understand - and I believe the S.M.C. report was late last year, I was going to say November, I think - so it is quite new stuff. Let us see how that works. I agree it looks very attractive. I think you want to understand it is always useful to learn from other people's experience the difficulties about how you collect the data. I am not a statistician, I do not know that side of things, but we do not want to go off ... I was going to say half-cocked, Sir.

The Bailiff:

That is not a proper word. **[Laughter]**

Senator J.A.N. Le Fondré:

It is a shooting expression, Sir, I believe. But, anyway, when you are not ready; if you have got the opportunity to learn from someone else who is doing the methodology. This is the first time, as I understand it, those metrics have been put in place. Obviously, as well, it is only the U.K. that is doing it, so the Income Distribution Survey will be comparable not only to the U.K., because they will be doing their existing data, but it will be comparable to other jurisdictions, because they will be using the same methodologies. The S.M.C. is completely new, so let us learn from that and let us have that conversation once we have seen the results and if there is a benefit to the Island. I think, at this stage, it is probably that there is. There may be something we need to learn about how it is collected. It is highly boring stuff, to an extent, but it is quite important and I would suggest that perhaps Deputy Ward and Deputy Southern, if you have not already - and I am sure Deputy Southern has - go and have a chat with the Chief Statistician and see what the issues are about the collection.

[10:30]

3.7.5 Deputy R.J. Ward:

Can I just confirm from that that the notion that we use data that is comparable to a number of jurisdictions is something that the Minister would support?

Senator J.A.N. Le Fondré:

I am always slightly careful when Deputy Ward tries to put me on the spot. In this instance, absolutely.

3.7.6 Deputy G.P. Southern:

Does the Chief Minister know if the Stats Unit is operating on these new standards, with these new standards in mind, or is it just repeating the previous analysis about low income?

Senator J.A.N. Le Fondré:

I am sorry, which new standards?

Deputy G.P. Southern:

The new standards, outlined by the S.M.C., are they in place now? Is that what this latest survey, which we are producing, is using as the basis, or is it a simple comparison with the figures from last time in 2015?

Senator J.A.N. Le Fondré:

My understanding of the survey is the Income Distribution Survey that we would be familiar with from the one that was done in 2014. I think “standards” is probably the wrong expression; I think it is “measures”, because I think the quality of the standards and quality of the data-gathering will be what we usually expect from the Statistics Department. The inclusion of the measures is what I have referred to, i.e. at this stage, no, but we are watching, because the U.K. are adopting it on an experimental basis, which is exactly what they said. It is what I said at the very start of the question, the D.W.P. will publish experimental statistics in the second half of 2020, but that is alongside the normal statistics that they run. We are running the normal statistics in terms of as appropriate for the Income Distribution Survey and that means that will be comparable both to the U.K. and to other international *fora* that we would tie into. Let us see what the new U.K. measures come up with and then go from there. I suspect part of it, bearing in mind it is things like levels of overcrowding, it is how you measure that appropriately; that is what I suspect. But can I really recommend that the 2 Deputies go and talk to the Head of Statistics and just thrash it out a little bit? I would be happy to be party to that conversation. I am not saying no. We have got the Income Distribution Survey in place. I accept I signed off on it, I was very keen it happens and I believe it is important. We have got one measure. Do we need to go further? Let us see what the U.K. does, in my view, before we go down a line that might not necessarily work directly.

3.8 Deputy S.M. Ahier of the Minister for Economic Development, Tourism, Sport and Culture regarding the Inflation Ministerial Group: (OQ.225/2019)

Will the Minister advise the Assembly of the progress made by his inflation ministerial group, which he established more than 6 months ago?

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

The Retail Price Index political strategy group, which includes the Chief Minister, the Minister for Treasury and Resources and the Minister for Education, was formed in February. We have met on a number of occasions since then and have considered policies that will support low and stable inflation in Jersey. At our most recent meeting last week, we worked on the final draft of the report, which includes a number of recommended action points. I hope to be able to present this as soon as possible, but the procedure we are following now is first to share it with States Departments and stakeholders within the States and with third parties, including the Consumer Council, the Competition Authority and with States-owned businesses, all of which will have a part to play in this. I am hoping to present the report to the Council of Ministers on 17th October and will also be sharing prior to then our findings with Scrutiny.

3.8.1 Deputy S.M. Ahier:

On 26th February 2019, the Minister told the Assembly that he would set up a new ministerial group to consider new appropriate policies, which will help to achieve low and stable inflation. With our Retail Price Index increasing by 2.8 per cent in June, it remains significantly above the comparable U.K. rate, which increased by 1.7 per cent in August. Does the report include new appropriate policies?

Senator L.J. Farnham:

As I have said, the report will contain a number of action points, which I hope will lead to new policies that the States will consider over the fullness of time. Headline inflation in Jersey peaked at 4.5 per cent in June in 2018 and that is almost double the rate of that in the U.K., but careful analysis does show that on average and over the long term, inflation in Jersey does generally follow the U.K. trend, but tends to be higher. Our aim with this new group over a period of time is to close the gap between U.K. inflation and Jersey inflation.

3.8.2 Deputy G.P. Southern:

The Minister has talked about revealing his report to Ministers. When will Members of this Assembly be able to read this report and will it come before, or behind, his also promised review on productivity?

Senator L.J. Farnham:

We are aiming to lodge our findings as a report prior to the end of October, which should be achievable if we get it to the Council of Ministers by 17th October, so by the end of October.

Deputy G.P. Southern:

The addendum on productivity: I have been asking the Minister, in particular, to report back to this Assembly and he has singularly failed to do so yet.

Senator L.J. Farnham:

I thought we were dealing with questions on inflation, Sir, but I am happy to deal with productivity, if that is permissible.

The Bailiff:

I think that was a fair objection, Minister. A final supplementary.

Deputy G.J. Truscott:

Sorry, Sir, I did have one.

The Bailiff:

I am sorry, Deputy Truscott.

3.8.3 Deputy G.J. Truscott:

Does the Minister agree it is going to be like flying a kite in a hurricane, trying to reduce inflation going forward? Quite rightly, this Government are introducing policies to bring down our carbon footprint. You are considering putting up petrol quite significantly, which will add to inflation. Also, we have Brexit; we do not know where that is going. We could well look at sterling devaluing quite significantly, which will, in itself, bring great demand and pressure on inflation. Does the Minister agree that it is quite a challenge ahead for him to reduce inflation in the Island?

Senator L.J. Farnham:

It is a challenge that I am pleased to share with all States Members. It is a challenge for us; it is a challenge for the Government; for this Assembly. The Deputy will know that we do not have monetary policy here. There are limited actions we can take to control inflation. The biggest driver

in inflation, in recent years, has been housing costs and that is something that we are all working collaboratively on, it is something that is very high on our agenda, huge challenges ahead. There are no clear-cut solutions, but there is, I believe, not only in the Assembly, but certainly within the Government, a determination to get on top of these issues and to make a difference and to bring down the cost of living for Islanders.

3.8.4 Deputy R.J. Ward:

Would the Minister not agree that one of the threats to high inflation is our total reliance upon a fossil fuel-based economy, an example being the attacks in Saudi Arabia recently, which increased the oil prices by around 20 per cent, or 30 per cent, overnight? Therefore, any move away that we take, as a Government, from that type of economy to one that is more renewable gives us a much more controllable hand on inflation.

Senator L.J. Farnham:

The price of oil does have an impact on the cost of living in Jersey, there is no doubt about it, as does the devaluation of sterling. The Fiscal Policy Panel released a report yesterday, following a request from the Government, to just play out an economic scenario in the worst possible case no-deal Brexit scenario. That would show, in that case, following a very messy exit by the U.K. from the European Union, that inflation in Jersey by 2020 could reach 5 per cent through measures that are completely outside of our control. I have to admit, I do not fully understand. I am right behind the Deputy's work and the Assembly's work to move towards a carbon-neutral society by 2030 and, of course, environment and ecological issues are much higher on our agenda politically than I think they ever have been, but I am not sure. While I think that electric vehicles and such types of renewable energy, embracing renewable energy in the Island, it depends on how reliant we are going to be on outside technology with our renewable energies created on-Island, but I think yes, it will help. I think the short answer is yes, that will give us more control over that part of the inflation contribution.

The Bailiff:

Minister, can you help me? Are the Treasury involved in the working group, which you have referred to earlier?

Senator L.J. Farnham:

Yes, Sir, and represented by the Minister for Treasury and Resources.

The Bailiff:

I asked the question, because the Assistant Minister was thinking of asking a question, but I think he should not.

Senator L.J. Farnham:

I wholeheartedly agree.

3.8.5 Deputy S.M. Ahier:

With the current Brexit turmoil and the price of crude oil rising quickly, due to the unrest in the Middle East, it seems inevitable that inflation will rise in the near future. Does the Minister believe that we are approaching a lengthy period of high inflation?

Senator L.J. Farnham:

No, I do not. The Fiscal Policy Panel suggests that inflation will decrease slightly should we see an orderly exit from the E.U. (European Union). I am afraid, notwithstanding the fluctuations in sterling and oil prices, the Island's inflation is largely in the hands of the U.K. and the E.U. at the moment, but that is the point of this group. We can only make a small difference with the levers and the

controls that we have, but that small difference could be a very important difference and we are going to work hard to try to deliver lower and more stable inflation.

4. Questions to Ministers without notice - The Minister for Infrastructure

The Bailiff:

We now come to Questions to Ministers without notice. The first question period is for the Minister for Infrastructure.

4.1 Deputy G.J. Truscott:

I was caught in a rather large car park this morning, it was St. Aubin to town. Obviously, there had been an accident and we were all stuck there. We really do need to get people out of their cars. Has the Minister considered asking LibertyBus to introduce a day rate for fares, one that would encourage people onto the buses? Can I give an example? My wife and I, we went to town, we went to the zoo and we came back. It was £18.40 by the time we had finished and I think introducing a day rate would encourage more people to use the bus. Would the Minister consider instructing LibertyBus to introduce a day rate?

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

I thank the Deputy for the question. My understanding is there is a day rate that can be purchased, also monthly passes, which are unlimited travel per day, so that would work out cheaper for the Deputy. But the only problem is, as far as I know, they are available at LibertyBus, but we need to, perhaps, develop a system whereby they can be purchased on the bus itself, if one lives in the outlying areas of the Island.

4.1.1 Deputy G.J. Truscott:

Can I have a supplemental? It is just a very brief one. Could you just inform the Assembly how much that day rate is, please?

Deputy K.C. Lewis:

I do not have that with me, but more than happy to get back to the Assembly.

4.2 Connétable R. Vibert of St. Peter:

Will the Minister advise the Assembly what action has been taken recently to ensure operators of trucks and skip lorries ensure that loads, that might emit harmful dust, are always covered, as required by law?

Deputy K.C. Lewis:

Indeed, I thank the Constable for that timely reminder. I believe companies operating skips and other such loads, that may be exposed to the atmosphere, have been reminded that it is illegal to spill a load on to the highway, or elsewhere and all loads must be covered to stop the spill of dust, brick, whatever is on the truck. But I thank the Constable for the reminder. D.V.S. (Driver and Vehicle Standards) are always reminding transport companies of their obligations.

4.3 Deputy R.J. Ward:

May I ask the Minister, following the Care of Children in Jersey Review Panel's privilege of meeting the Citizens' Panel the other evening, it is clear that the memorial that should have been built for survivors has not happened. Can I ask the Minister what role he has taken and what role he can take in promoting the production of that memorial? There seems to be just simply a block as to where it is going to go at the moment and can I ask the Minister to take that on board, as a matter of urgency?

Deputy K.C. Lewis:

Yes, indeed. I work at the direction of this Assembly. I, obviously, under Property Holdings, control many areas of the Island, with the exception, obviously, of Royal Square and what belongs to the Parishes, but I take that suggestion on board.

4.4 Deputy L.M.C. Doublet:

Is the Minister aware of the Woodland Trust's Climate Fightback project? One aspect of this is tree planting. The Government's climate advisers have advised that 1.5 billion new trees should be planted in the U.K. Does he agree that Jersey should be following suit?

[10:45]

As the Minister in charge of Property Holdings, would he encourage people to approach him with suggestions where they could themselves plant trees, as this is a project where the population, as a whole, is encouraged to plant their own trees? Is this something he could get behind?

Deputy K.C. Lewis:

Yes, indeed. There are several organisations. Men of Trees, now known as Trees for Life, do an excellent job, but my own department, which controls, obviously, many parks and indeed the Railway Walk, are doing this very thing, with replanting of native species. I would encourage more tree planting. We are working, obviously, with our colleagues at Environment to push this forward, but we certainly need to plant more trees. We have lost a tremendous amount of trees, obviously, in the great storm in the 1980s, so I am all in favour of tree planting and would encourage it.

4.4.1 Deputy L.M.C. Doublet:

A supplementary. Just to be clear, this project encourages people to plant their own trees. Would he welcome requests from members of the public for permission on States lands, if they would like to plant a tree? Would you welcome members of the public to approach you, so that they can take the initiative?

Deputy K.C. Lewis:

On States land, obviously we would need to be consulted about that, but as I say, we are replanting, but it is just native species, so there would need to be consultation on that. But, as a principle, I would welcome more tree planting in Jersey.

4.5 Deputy S.M. Ahier:

Will the Minister advise the Assembly whether he will be following the U.K. and France by giving a scrappage fee to diesel car owners who replace them with electric vehicles and thereby reduce emissions of diesel particulate matter?

Deputy K.C. Lewis:

Yes, I appreciate the sentiments of the Deputy. We need to transform to electric vehicles as soon as we can. I believe it is 2040 when they will cease to be sold, but we need to be ahead of the game. We are 9 by 5, so electric vehicles are suitable for Jersey. We do not have the budget for a scrappage system at the moment, but that is something I am more than happy to speak to our colleagues at the Council of Ministers about, as levers that we can, obviously, encourage people to transform to electric.

4.6 The Connétable of St. Helier:

It is interesting the Minister talks about transforming to electric vehicles. I note the written question by Deputy Ward. His answer shows that, between May 2018 and May 2019, there was no increase in the percentage of commuters coming to St. Helier by bicycle; it remains stuck at 4 per cent. Over the page, when he talks about the Sustainable Transport Strategy, there is no reference in the 4 key areas to the provision of safe segregated cycle routes. How important is it and is the Minister going

to include safe cycle routes in his forthcoming transport policy to get more people, who are able to, using their bikes?

Deputy K.C. Lewis:

Absolutely, that is a priority of ours. I believe cycling is up 13 per cent. I think it was one particular snapshot that was taken in that report. Obviously, on a day like today, some people may be reluctant to cycle. We do have the hardy people who will cycle regardless. What I am also trying to promote is facilities for cyclists, obviously more cycle parking, especially for electric bikes. People have invested in electric bikes; we need more undercover parking, changing rooms and shower blocks for people in town. We do have one downstairs here. It would be great if more companies provided shower blocks for their people who choose to cycle to work, but it is something that I would encourage.

4.6.1 The Connétable of St. Helier:

A quick supplementary. I note that the Minister does talk about showers and cycle parking in his written answer, but the key priority is to get safe cycling routes on our busy roads, so that people feel safe in getting their children, in particular, to use them, is it not?

Deputy K.C. Lewis:

Absolutely, I would encourage more people to cycle. We need safer cycle routes. It is a vicious circle, that the more cars that are on the road, the less people feel safe cycling. We have done a lot of work recently with Safer Routes to School. The present one we are doing is Bagatelle Lane, which leads from Bagatelle Road to Hautlieu School and Highlands campus. That is going to be safe for cyclists and pedestrians alike. We have just completed the bridge area down at La Collette. We are going forward as money becomes available, but everything we do in Jersey, as the Constable will know, is a retrofit. We cannot knock people's houses down, but we are trying to do more segregation of traffic. Where we can put in a cycle lane, it may involve the removal of some parking, but I would like to take the cycling right through Town itself, so we will be speaking to the Constable about that, with more cycle racks and more parking. We are 9 by 5 and we have about 107,000 people, residents, on the Island, so this is essential that we promote cycling. Obviously, we have been speaking recently to Senator Pallett regarding the eastern cycle route, where it involves coming close to playing fields and sports. Obviously, the Deputy of Grouville is very keen on promoting the eastern cycle track too. It is something we are definitely working on and it is coming, but I would like it to be stepped up a notch and we can get the cycle tracks in faster.

4.7 Senator S.C. Ferguson:

Yes, cycle tracks, absolutely great for Senator Pallett, but as far as I am concerned, the weather and the helmet would ruin my hairdo, so ... **[Laughter]** Some time ago, I gave an article by the U.K. Medical Officer for Health to the Minister about the detrimental effect of L.E.D. (light-emitting diode) street lights and car side lights on the older generation. Since they are going to be a sizeable proportion of the population in future, where is his reply? Why is he ignoring that sector of the population?

Deputy K.C. Lewis:

Yes, sorry, that was the street lights and bright lights on cars. Brightness on cars: they do fall within the regulation. They are small xenon bulbs, which are extremely bright, with a blue tinge and, obviously, it is an offence if they are not correctly adjusted, but it is, I agree, a very harsh light. The L.E.D. street lamps are also quite a harsh light, but it cuts down on the maintenance by $\frac{3}{4}$ and it does not provide any heat whatsoever and the equipment does last an awful long time. They are possibly not as kind on the eye as the old, conventional, sodium discharge lamps, but that is something I am more than happy to take up with the Department, whether a softer, kinder, light could be put in. Also, they are more directional than the original sodium discharge lamps, where sodium has more of a

spread of light; the L.E.D.s are more focused downwards. But it is something I am more than happy to take up with the Department.

4.7.1 Senator S.C. Ferguson:

Yes, but, Minister, I sent you that article ...

The Bailiff:

Through the Chair, please.

Senator S.C. Ferguson:

Sorry. Yes, Sir, through the Chair. I should have remembered. I sent the Minister the article 2, or 3, months ago and I still have not had a reply. Given the fact the way that the L.E.D. streetlights have been installed, the fact that there is a sort of zebra crossing type of black/white black/white black/white, which cannot be very good for people with epilepsy, I think they really need to do something about it. When can I expect a reply from the Minister?

Deputy K.C. Lewis:

Apologies for the non-reply. I am more than happy to chase that one up. The lighting is done, on our behalf, by the Jersey Electricity Company, but I am more than happy to take up the Senator's concerns.

4.8 Connétable P.B. Le Sueur of Trinity:

I am prompted to ask a question of the Minister from an email I received this morning from a concerned parishioner and parent: "I have been in correspondence with his officers and his predecessor's officers about bringing the Riley Field in Trinity under the Parks Regulations, so that we can control the use of that area by dog owners. It is an area used by the football club and by the children from Trinity School and regular incidences of dog fouling are a real problem. We need to be able to bring that under control, so that we at least police the area." Has that information reached his desk, please?

Deputy K.C. Lewis:

Not as yet. More than happy to take that up with the Department. Possibly it needs to be brought under the Policing of Parks (Jersey) Regulations, which would eliminate that. More than happy to take that up with the Infrastructure officers.

The Connétable of Trinity:

I thank the Minister for his reply.

4.9 Senator K.L. Moore:

Given the extensive road network that exists in Jersey, particularly in terms of country lanes, what consideration is the Minister giving to repurposing our country lane network, in order to make them easier for cyclists to use?

Deputy K.C. Lewis:

Indeed, some of the country network does, in fact, form some of these cycle routes, which was heavily promoted by the then Tourism Department. We do have 2 Parishes that do not have green lanes, but all the other Parishes do and they are highly suitable for cycling, which I would encourage. There are many cycle routes through the Island, which use the country lanes and maps of all these are available at the Tourism Office.

4.9.1 Senator K.L. Moore:

Could I ask the Minister to be a little more specific? As Minister, what consideration is he giving to actions that will encourage more people to use these networks and routes? Yes, the green lanes have been in place for many years in those Parishes, but, for example, the Minister has the powers to make roads that do not have a white line down the centre ... to give them a priority for cyclists, walkers, runners, horses perhaps.

Deputy K.C. Lewis:

Indeed, but most of the country lanes in the country Parishes belong to the Parishes concerned, but more than happy to speak to the various Constables, to see what could be done to enlarge that.

4.10 The Deputy of St. Mary:

Does the Minister have a programme for extending the network for bus services, not just in connection with routes, but the provision of more bus stops? I ask this in the context of a parishioner who is anxious to use the bus service, but is unable to do so, because there is no bus stop near her residence, despite having made requests to that effect more than 2 years ago.

Deputy K.C. Lewis:

Indeed. I am presuming this would be in St. Mary. Yes, we do have a programme of increasing bus stops and indeed bus shelters, because especially on a day like today, we want to keep everybody warm and dry while they are waiting for the bus. We do have 35 new shelters, which have been constructed over the last year, or so. We have got Clarke Avenue eastbound, Route de St. Aubin westward, Coronation Park, Les Quennevais, Bagatelle Road, Bagatelle Road southbound, Mont Millais, Salisbury Crescent and St. Helier Grand Marché, so we do have a programme, we have a team that prioritise all the stops, but more than happy to speak to the team regarding the Deputy's request.

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That brings questions to this Minister to an end. We now come to the second question period. The Chief Minister is in the hot seat.

5.1 Deputy R.J. Ward:

Following the Independent Care Inquiry's report yesterday, will he commit to the suggestion that he will give a ministerial response to the States Assembly to the annual report of the Jersey Safeguarding Partnership Board, the Care Commission and the Children's Commissioner?

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

Yes, absolutely.

The Bailiff:

There cannot be a supplementary on that particular question.

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

Would the Chief Minister give his views on whether non-profit organisations should be regulated, or have a body overseeing them, given that it appears there are some organisations which, in fact, do make a profit?

Senator J.A.N. Le Fondré:

I think I would need to understand the context a little bit better. For the sake of argument, the Battle of Flowers, for example, which is not a charity, but I believe has been given charitable status just to

alleviate some of the problems - for example, not incurring G.S.T. (Goods and Services Tax) on flowers when they come into the Island, which I think was the right decision, by the way - they, I would have thought, should cover some form of designation that they are a not-for-profit organisation. However, obviously, I think the point is what is the purpose of the profit, because they will be looking to make, I suggest, a small surplus to then reinvest it into the event the following year. If they continually break even, they have got very little money to then roll forward in a working capital type of territory. I think we need to just understand the context. Should there be a separate designation of N.P.O.s (non-profit organisations) *versus* charities? I would be supportive of that.

[11:00]

That is a discussion, I think, we need to have around the Council of Ministers. There is one that is happening. Secondly, I think we need to make sure, having said all that, that is not a loophole for not paying tax, if that was appropriate.

5.3 Deputy G.J. Truscott:

We have had 2 general elections now, the first one held in the autumn and the second one in the spring. Has the Minister a preference for either date and, if he has, could he explain why?

Senator J.A.N. Le Fondré:

At this stage, no. The point is, I can remember the first time I stood and our campaigning. I think the first time I went out door-knocking was on Victoria Avenue, probably about 7 o'clock at night. It was pitch black and the rain was horizontal, whereas this year was a lot more pleasant from that perspective. However, as a number of us know, the timing, in terms of the interaction with the summer break, which is a lot longer than the Christmas break, does have its consequences. I think we need to just work through which is best. Ultimately, it is the issue around what is best for the electorate. Deputy Labey, the Chairman of P.P.C. (Privileges and Procedures Committee), has made the observations around Liberation Day. Is there a timing there for May *versus* June? I do not know. I would be slightly reluctant to go back to winter, but the issues are - and that has been alluded to as well - about turnout. What do we do to keep encouraging turnout? Does the weather make a difference, or not? I think the jury is out at this stage. The May election was not perfect, certainly. Was it an improvement on the previous experiences is another matter. There are some issues I think we need to progress.

5.4 Deputy L.M.C. Doublet:

Following the question to the Vice-Chair of S.E.B. earlier, does the Chief Minister agree that there needs to be more clarity around the political engagement policy for States employees and would he commit to undertaking a review of that policy with the aim of clarifying what exactly ... and I do understand that there will be some subjectivity here, but does he agree that States employees need a little bit more guidance on what is and is not acceptable?

Senator J.A.N. Le Fondré:

I have got no problem looking at a policy, if Members think there is an issue. I am sure, within the S.E.B., we would be happy to do so. I do make the point, the whole principle of when you are working in the public sector is that one has to be ... it is that balance between freedom of expression and maintaining political neutrality, because, ultimately, the public have to deal with you as an employee or the employee and they do not really want to necessarily know the political views of that individual. That is the balance one is trying to achieve, the freedom of expression *versus* neutrality/objectivity, because they are dealing with the public all the time and they will be interacting with us, as well. Certainly, the people I deal with are very careful not to express what might be seen to be a political view because of that balance that has to be achieved. I am very happy to look at the policy if they think there is a hole in there somewhere, a weakness that needs clarifying. I have no problems looking at it.

5.5 Deputy I. Gardiner of St. Helier:

Would the Minister advise the Assembly what decision has been made by the Council of Ministers regarding the International Holocaust Remembrance Alliance declaration?

Senator J.A.N. Le Fondré:

Yes, the definition is widely recognised and has been accepted by all the major U.K. political parties, as well, as I understand matters and the Council of Ministers agreed to adopt it at its last meeting. We will be putting an announcement out about it shortly.

5.6 The Connétable of St. Helier:

Many years ago, when he was a fresh-faced young Deputy, the Chief Minister was involved in a working party to review the position of St. Helier in terms of costs and, of course, as he knows, the States finally, after centuries, agreed to pay rates on their properties. But he will also be aware that the issue of the unfairness of the Parish of St. Helier having to administer and pay for the maintenance of public facilities, such as toilets and parks and litter collection was part of that review. Now, does he feel that there should be assistance to the parishioners of St. Helier in the costs they bear for running the capital as facilities in his own Parish - for example, St. Lawrence and their fine park - are paid for out of the public purse?

Senator J.A.N. Le Fondré:

Yes, I do not think I can claim to be fresh-faced any longer, unfortunately and certainly not fresh-voiced today either. The Constable should know - and particularly from that working party, which I sort of remember - that I have always supported the principle of the States paying rates, principally because I did think it was unfair in a whole range of areas. The Constable will be disappointed, but it is probably a memory issue: I do not recall the wider issue of the “unfairness to St. Helier” bit being a subject for that particular working party, other than in the context of rates. But again, as ever, I am very happy to sit down and understand where this discussion now goes. We, obviously from memory, have a line under the capital expenditure which is around investment in St. Helier, which I fully support. He also knows my views on the Regeneration Steering Group about monies coming in to support our regeneration projects. So, as a principle, I am always open to understanding the situation. I am not guaranteeing we are always going to agree on it, but I do try and find ways that we can all work together on this matter.

5.6.1 The Connétable of St. Helier:

Can I ask a supplementary, Sir? Could I just refer the Minister back to the Common Strategic Policy where he accepted my amendment on this matter? Perhaps he could re-read my amendment and I am sure that will help brief him.

Senator J.A.N. Le Fondré:

I will be very happy to re-read the amendment and I am sure the Constable will be raising it with me separately.

5.7 Deputy G.P. Southern:

What impact, if any, does the Chief Minister consider that the decision this morning of the Supreme Court that the Prime Minister has acted unlawfully, with the consequent rise in the euro and fall in the pound, will have on the recent advice from the Fiscal Policy Panel, only yesterday, as to predictions for the economy?

Senator J.A.N. Le Fondré:

Directly none, because we know we are in a period of uncertainty. There will be changes and news and things that affect the fluctuations in the exchange rates every day. So, the advice from the Panel

is that, given the significant uncertainty, the Panel will continue to urge that flexibility should be built into any plans. That is what we have done and while the overall fiscal stance, set out in the draft Government Plan, which is of continued small surpluses, seems broadly appropriate, fiscal policy should be ready to adapt to changing conditions. That is precisely where we are. So, at this stage, no change. We continue to monitor the situation with interest.

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

Members will have noticed in the answer to Written Question 1 today that the Chief Minister has provided the cost of producing the answer. How does this encourage Members to undertake their responsibility of asking questions and is the intention to deter?

Senator J.A.N. Le Fondré:

Absolutely not. It is around ... I thought we were in the era of transparency and, therefore, I would have thought Members would be delighted that that type of information should be provided. It is an experiment. In the light of the 7 written questions we have had today, it is probably not that relevant, but I remind Members that in the previous, I think, 2 times, or certainly previous few occasions, we have had 34 and 40 written questions. Even at an hour a time, that is one working week for an individual and a number of times these take longer. So, I thought it would be useful to understand how much time is spent on managing and producing the answers, because I do not know. It is just a genuine question: what is the information? If you look back at some questions I have asked in the past, the number would be considerably higher than £63, but I think it is just something of interest and we will see how it goes. It does not take a lot of effort to record the amount of time that is spent when one is producing a question. So, it is purely in the interests of transparency. I do not know the answer and I thought it would be interesting to find out.

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

Does the Chief Minister think, when we are talking about money and finance, that it was a good idea to move out of Cyril Le Marquand House, which was owned by the Government and into Broad Street, for which we pay? When will we find out what is going to happen to Cyril Le Marquand House?

Senator J.A.N. Le Fondré:

Do I think it was a good idea? Yes. The reason is it is about if we are going to change the organisation situation, it sends a very clear message that we are serious about it. It will also, I hope, get the focus – on which I am expecting an update relatively soon - on finally achieving consolidated office space somewhere. If we just sat in Cyril Le Marquand, it does not demonstrate that commitment to change. The announcement on Cyril Le Marquand will be coming in due course. The Regeneration Steering Group is awaiting some further information. It has made an indicative decision as to the direction of travel, but we need to just make sure that that indicative line of travel can be validated. I think it is fine, so we will be making an announcement in due course, probably, I would hope, after the Regeneration Steering Group next meets. But please note that is “I anticipate” that is not “I commit” at this stage.

5.10 Deputy S.M. Ahier:

Will the Chief Minister advise the Assembly whether he has any concerns regarding Flamanville nuclear power station? The French nuclear authority announced that they are placing it on watch. Should we be alarmed and what preparations has the Chief Minister put in place in the case of an accident?

Senator J.A.N. Le Fondré:

I do not think there is any reason to be alarmed at this stage. The general principle is that it is monitored. Obviously, the Emergency Council does meet from time to time. Its main focus has been

on Brexit. There is an exercise, not on Brexit, being performed sometime in the next 3 or 4 weeks on a separate issue; and in terms of risks, I think Flamanville is lower down on the scale than some of the other risks that have been identified in terms of other global challenges we face.

5.11 Deputy R.J. Ward:

Would the Chief Minister agree and support the Independent Jersey Care Inquiry where it says that in any review of the Children's Commissioner legislation and development of the Public Ombudsman legislation that the default position should be to give legal advice provided by the Law Officers' Department and the exception is when the Attorney General believes that it is a public interest, rather than the way round we have it at the moment?

Senator J.A.N. Le Fondré:

I think it is a slightly nuanced argument. So, I am open to it. I have not had the chance to think about it properly in the 24 hours, roughly, since we have had the report. Obviously, the same as the Deputy, I did identify it. As the Deputy will recall, we spent with Senator Mézec and others quite some time developing, or trying to mitigate, the issue that was identified from a human rights issue when the original law was being brought in earlier this year. I seem to recall it was about 16 hours of work between us all. But the point, at that point in time, was that the amendment that was being proposed, if it had been accepted, was likely to have made the law non-human rights compliant, if I remember correctly and, therefore, likely to be rejected by the Privy Council. So, where we got to is we introduced a protocol, which has been signed, if I hopefully recall correctly, by myself, Senator Mézec, the Attorney General and the Children's Commissioner. She was on the radio this morning basically saying we have a very robust piece of legislation in place and also citing it as a Rolls-Royce piece of legislation, particularly in comparison to some of the other jurisdictions within the British Isles that she has discussed it with. The protocol is there and is subject to review; I think it is every 6 months. I think when we get to that point, we take account of the comments and the recommendations in the Inquiry report and just see if there is a way we can address them, or not. So, I am open to it. On this area, bearing in mind the importance of the issues that we were addressing at the time, I would really want to understand if there are any legal issues that come out of that recommendation. But, as a principle, I am certainly open to it.

The Bailiff:

Thank you. That brings the second part of question time to an end. Under J there are no personal statements.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Minister for Children and Housing will make a statement regarding the publication of the review by the Independent Jersey Care Inquiry

The Bailiff:

Under K there is a statement to be made by the Minister for Children and Housing, which has been circulated, has it?

The Deputy Greffier of the States:

Yes.

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

As Members will recall, the publication of the 2017 report from the Independent Jersey Care Inquiry was a wake-up call for everyone with responsibility for children in care in Jersey. The report identified individual and systematic failings and gave a voice to all those who suffered abuse. It

revealed the true extent to which Jersey institutions failed our children and their families. In accepting all the Independent Jersey Care Inquiry findings, the Government also agreed with the Panel's view that they should assess our progress in 2 years after the publication of their report. Earlier this year, the Panel members returned to Jersey to collect evidence.

[11:15]

They met more than 200 people and heard views from experts and others working with Jersey organisations. The Panel also received extensive documentation on the changes taking place in Jersey's public services. Along with other Ministers, I took part in roundtable discussions with professionals, care-experienced people and voluntary organisations at St. Paul's Centre. These discussions were open to the public and media and helped the Panel to test the insights they had gained during private meetings. The Panel's review was published yesterday. As the Minister for Children and Housing, I would like to thank the Care Inquiry Panel for their comprehensive review of the changes we have made to services for children and young people since the publication of their report 2 years ago. The Panel's review is encouraging when it states: "We commend the progress which has been made in respect of our Inquiry recommendations to date and recognise that a huge amount of effort has been put into starting that change." Further evidence of progress in securing a permanent, high-quality, workforce comes today as the Government of Jersey has announced the appointment of a new Director for Children's Safeguarding and Care. Mark Owers, a social worker who grew up in the Island and started his career in Jersey's Children's Services, is returning home to Jersey, having been appointed as the new Director of Children's Safeguarding and Care. The Panel's review also identifies areas where work remains to be done and areas which the Panel believes could be strengthened, or improved. This is a welcome appraisal of our collective endeavour to enable all children in Jersey an equal opportunity to be safe, to flourish and fulfil their potential. In July this year, the Government Plan was lodged with this Assembly. It contained within it a very clear priority of putting children first. This plan and the accompanying investment demonstrate our commitment to learning lessons from the past and to improving outcomes for our children and young people both now and in the future. This 2-year review is a welcome external assessment of our work to put children first and, as the Minister for Children and Housing, I will continue to work tirelessly with other Ministers, elected Members and officers to improve any areas where the Panel remain concerned.

The Bailiff:

We now have time for questions to the Minister, if there are any.

6.1.1 Deputy L.M.C. Doublet:

I want to thank the Minister for his statement and for his work supporting children. Can he defend the principle 2, which was the lesson ... sorry: "The welfare and interests of children are paramount and trump all other considerations"? Can he defend that principle as still being a necessary one and can he give some examples as to how the conversations around the table at the Council of Ministers are taking this into account and that every decision-making process is, in fact, putting children first?

Senator S.Y. Mézec:

I think the greatest example that shows our intention to do this follows on from the Proposition that Deputy Doublet herself brought in the aftermath of this report coming out, which is to incorporate the United Nations Convention on the Rights of the Child into Jersey law. The Council of Ministers is progressing this, first adopting a due regard model, which will require Government Departments to produce a children's rights impact assessment when bringing forward new policies, or legislation. I think that that will have a fundamental role in changing the culture internally as an organisation, so that the welfare and the rights of children are at the forefront of our minds when undertaking our work. I am very pleased that the Children's Commissioner, as we speak, is conducting a review of

Jersey's legislation and its compliance with the U.N.C.R.C. (United Nations Convention on the Rights of the Child). We eagerly await the results of that investigation, so we can see what work we need to do to address some of those issues.

6.1.2 Deputy L.M.C. Doublet:

Could I have a supplementary, please? Does the Minister think that that culture change has already happened at the highest level in the Council of Ministers and, in fact, in the civil service?

Senator S.Y. Mézec:

Quite honestly, the answer to that is no. It is a very difficult thing to entirely change the culture specifically in the way that the Care Inquiry outlined 2 years ago, when it produced its first report, but I do not think there is a negative story there. I think that the culture has changed to a very significant degree in the last 2 years and we are having these discussions about children and about children's rights in a way that simply was not feasible before this journey started. That is very positive. I personally have been impressed and pleased with the interactions that I have had with senior civil servants and with other Ministers, who are responsible for areas which do not necessarily, on the face of it, directly connect to children's issues, but who I see evidence of frames of minds changing and considerations. Part of that started with our children's pledge which we asked States Members to sign up to, as well as leaders of the civil service and conversations I have had with those who have signed up give me cause for optimism that that culture is changing.

6.1.3 Senator K.L. Moore:

What timeline is the Senator placing on his action points and response to the Care Inquiry's latest report?

Senator S.Y. Mézec:

There is ongoing work in lots of the points that are made in this report and each of those has different timelines. But if she is asking specifically about what our response to this report will be, we have only received this report in the last 24 hours so, at this point, I cannot tell her when we will be able to publish a response which will have some sort of dashboard that links directly to the recommendations that are made in this report. But I can assure her that that is work that we will be undertaking very soon.

6.1.4 Deputy R.J. Ward:

May I ask the Minister his response to paragraph 73 on page 23 of this report, which does highlight the reluctance to make progress on the matter of the separation of powers?

Senator S.Y. Mézec:

The Member and other Members of this Assembly know my views on this subject, in that I entirely agree with the Care Inquiry and the reports which preceded it, that the separation of powers is fundamental to democracy in Jersey but, in particular, it is connected to this issue of child welfare and the "Jersey Way". I am extremely disappointed that progress has not been made in this area. I hope that this report will serve as a wake-up call to those who have not yet realised how important this issue is, that it is something we need to move forward on. The report itself says that such a reluctance to make progress on a matter, which sits at the centre of negative perception of the Island, only further strengthens this perception of the "Jersey Way" and that moving forward from traditional forms of governance is never easy, but the failure to do so will hold back progress for the Island and keep alive the suspicion of inappropriate influence being brought to bear on decision making. It is fundamental that we move forward on this issue.

6.1.5 Deputy L.M.C. Doublet:

I am just looking at recommendation 6, which covers the corporate parenting for States Members. Now, I think there is perhaps a need for more clarity on what exactly States Members can do. I personally would like to make sure that I am fulfilling my responsibilities in this regard and I am sure that every Member will agree with me. Can the Minister please tell us how, in short order, this recommendation will be addressed? Will we be given some extra refresher training? Crucially, will this refresher training be on multiple dates so that those who cannot attend do have an opportunity to fulfil their obligations in that regard?

Senator S.Y. Mézec:

I thank the Deputy for that very important question. It is the case that we are looking at ways that corporate parenting training can be delivered. That will not just be to States Members, it will be to other people involved in the organisation, as well. There are some key things that do need to change. The Chief Minister, yesterday, committed that, because it is something he can do and can do quickly, he will be making it a requirement for those that serve in Government as Ministers and Assistant Ministers to undertake corporate parenting training. We would like to see that rolled out further, but it is not within our gift to give that. I have very briefly messaged the Chairman of P.P.C. to say that I will be writing to him, so we can have a discussion about training for new States Members after elections, refresher training and changing the oath of office for States Members, which is something the previous report highlighted that has not been dealt with. I look forward to having that discussion with him, because this is very important for Members and we want to enable that training, so all Members understand their roles and responsibilities.

6.1.6 Deputy L.M.C. Doublet:

Could I have a supplementary on that, please? What does the Minister think about the named person scheme, which I believe operates in Scotland? I do not know if it is for parliamentarians, I think it is in their civil service, but I personally think that would help if there were named children attached to our responsibilities. What does the Minister think about that idea?

Senator S.Y. Mézec:

I am hearing, from behind me, that that may have been withdrawn. Yes, just this week it has been withdrawn in Scotland and I know that it was controversial in its time. So, it is not necessarily a model to follow, but the underpinning point about making people understand what their responsibilities are to children, not just in Government, but in wider society as well, is fundamental. We are soon to be rolling out a campaign, based on the pledge which Members signed earlier, engaging with businesses, engaging with third sector organisations to help them understand their roles and responsibilities. So, what she is specifically suggesting may not be the right way forward, but the point that is underpinning what she is asking is definitely the right one.

6.1.7 Senator K.L. Moore:

Given the comments by the Review Panel about openness, transparency and the culture of our public sector, will the Senator be asking his colleagues at S.E.B. to invite HR Lounge to return to the Island and complete a follow-up review?

Senator S.Y. Mézec:

Such an action had not occurred to me in the 24 hours since this report came out, but I am happy to have a discussion with the Senator, if she has a particular desire to see that happen, to work out if that would be the appropriate thing to do.

6.1.8 Deputy G.J. Truscott:

I want to thank the Minister for all of his work and efforts so far to date, highly commended and all of the officers involved, as well. I do feel, listening to the report yesterday, that we have made great progress *vis-à-vis* training up local social workers, *et cetera*. I was a bit disappointed that one of the

recommendations was to destroy, again, one of the buildings, or 2 of the buildings, in question. Has the Minister a view on bringing down Haut de la Garenne? Does he agree with that particular recommendation? Just finally, is this the last review, or is there another one to be planned?

Senator S.Y. Mézec:

There is quite a bit in that question. Just on the first point about the buildings, he is right that this is a sticking point. It was quite a specific recommendation that was in the first report and the Government commissioned a consultation to help us come together as a community to resolve what was going to be a very divisive issue. I said, throughout that process, that I was not necessarily interested in the views of those who have no connections to that site. I was interested in the views of those who did have a connection to that site. Our understanding, from having engaged with them, is that seeing the demolition of that building was not something they were desperate to see. The Care Inquiry Panel itself praised and used the word “exemplary” to describe the work of the Citizens’ Panel that has been looking at legacy issues and a memorial and I agree with that. They have operated in an exemplary way. So, I do not know, at this point, whether that is something that ought to be revisited. I think the work that has been done to date has been good work and it is not necessarily right to overturn that in this way. The question he asked about whether this is the end and how this goes on into the future, the Care Inquiry said that this is one of maybe the only public inquiries to come back in this way, which is a unique thing and I think very important here. They have said that this ought to be the last time that they come back; however, we need to give thought about how we can ensure that we have in-built procedures for reviewing this as we move forward. There is Ofsted, that are in the Island right now, conducting an inspection. That is something we need to put on a statutory basis, so that continues to happen in future, but in specific connection to the Care Inquiry recommendations, there are ways forward on this potentially in conjunction with the reviews that will have to happen with our compliance to the United Nations Convention on the Rights of the Child. So, there is a way forward on that to make sure we do have these reviews, but we will have to have a think about it now to work out what the best method is.

6.1.9 Deputy L.M.C. Doublet:

I want to talk about our fostering service. I know the Minister will agree with me that it is great that we are increasing in the recruitment of foster carers, but I was saddened - it is on page 18 at the top of the page - that there are concerns that foster carers have not difficulties in the actual role that they are doing, which you think might be the difficult element, but it is in the relationship with the services. I just think that is unacceptable that we might be losing potentially excellent foster carers because the services are not giving them what they need. How is the Minister going to address this, please?

Senator S.Y. Mézec:

It is an important point. It is something that we are aware of and we know of examples where that relationship between foster carers and the service has not been a good one.

[11:30]

It is important that we learn from that and try our best to ensure that that does not happen with those who take part in this in future. We always make sure that those who do become foster carers are celebrated in the way that they ought to for doing something so important, not just for our society but, in particular, for the children whose lives they help transform. I am proud that, in the Government Plan, we are dedicating funding to improving this service, not just in the financial support for foster carers, so that they are more able to do this, but the training that is offered to them and support that will be provided round the clock, so that they do not feel that when it turns 5.00 p.m. on a Friday evening that they are not left by themselves, without the support that they need. So, there is some learning to do as a result of this, but I am confident that it is high up enough on our list of priorities for us to make that difference over the coming years.

6.1.10 The Deputy of St. Mary:

I note that the recommendation refers to amendment to the oath of office, which States Members take. I think most of us had hoped that the children's pledge that most of us signed up to will be sufficient to satisfy the Inquiry, but clearly not. Does the Minister have any news as to whether the oath should be amended, to comply with this recommendation?

The Bailiff:

It is really a matter for the Privileges and Procedures Committee in the first instance.

Senator S.Y. Mézec:

That is right, Sir. It would be down to the Privileges and Procedures Committee to pursue any changes, but I have, as I mentioned before, briefly made contact with the Chairman of P.P.C. to offer my support and help in any way that I can to have that discussion to enable that to take place. I do think that the oath of office should be changed. It does not currently refer to our constituents in it, who I think are quite important to refer to in our oath of office; but, in particular, there ought to be a reference to the most vulnerable in our community, in particular children who, as elected Members, we are corporate parents to and whom we have to treat in the way that we would treat our own children. That should be made absolutely clear in our oath of office.

6.1.11 Senator S.C. Ferguson:

I appreciate that children are important, but I am hearing quite a lot of muttering in the undergrowth that the oldies, who are also vulnerable, vulnerable adults who are pensioners, who are maybe in care homes and so on, they feel that they are being neglected. Would the Minister like to comment particularly in the housing context?

The Bailiff:

In the housing context?

Senator S.Y. Mézec:

I do not really see how this is connected to the statement. The Senator will know that I am absolutely passionate about government services providing the absolute best support we can to all vulnerable people in Jersey, not just children, but adults as well, whether they are pensioners, or whether they are those who face particular difficulties in their lives. Of course I do, but I say that to specifically focus on children in the way that we are does not detract from that other work in supporting other vulnerable people in the Island. Because of the history we have in this area, it is right that we have this focus, not least because the better start in life we offer children in Jersey means that they will grow up into adults who will be better placed to help look after other vulnerable people and to provide a more prosperous society in general. So, this is the right thing to be focusing on.

The Bailiff:

Minister, you are right, it was probably outside the scope of the question. It goes to show it is sometimes possible to wear 2 hats.

6.1.12 Deputy R.J. Ward:

May I ask the Minister a similar question I asked the Minister for Infrastructure about the memorial and what role he can take in the actual production of the memorial that the Citizens' Panel have been waiting for for - I would consider - too long now?

Senator S.Y. Mézec:

The Deputy is right, it is a shame that this has happened with this. I am obviously not involved on the Infrastructure side of things. I understand that there may have been difficulties with disruption, in their words, of the initial plans for combining Liberation Square with the Weighbridge and that is

disappointing. I understand there are also difficulties in finding a site in the Royal Square, which I am disappointed with, as well. What the Care Inquiry has said is that whatever this memorial ends up being, it must be something that has the dignity and *gravitas* that this sort of memorial ought to. It cannot be a cheap thing. It cannot be something that looks bad. It cannot be one of ... I am sorry to say, but there are some monuments in the Island that some of us find embarrassing because we do not like the way they look, or do not like what they are associated with. This cannot be one of those things. This has to be something that brings the community together and can be recognised by Islanders and people who visit the Island. The Citizens' Panel have done exemplary work in getting us to this point and I think we cannot not support them going forward.

PUBLIC BUSINESS

The Bailiff:

Thank you. That brings the time for questions to the Minister to an end. We now come to the Public Business on the Consolidated Order Paper.

Deputy J.H. Young of St. Brelade:

Would this be the time in order, before we start Public Business, for me to propose that we waive the minimum lodging period for the last item on the Public Business, P.103/2019, the Regulations for food safety for wild aquatic animals? Would this be the time for me to propose the waiving of that lodging period?

The Bailiff:

Well, it would certainly have the advantage that Members wishing to speak will have some time over the lunch adjournment to think about it, so perhaps you would like to propose it now.

Deputy J.H. Young:

Thank you for that. I would like to seek permission from the Assembly to reduce the usual lodging time for this Proposition, P.103/2019, to allow us to debate it today along with the other similar item on the agenda. This is the Draft E.U. Legislation (Wild Aquatic Animals - Food and Feed) (Jersey) Regulations, which we would normally not be able to do until 5th November, which, of course, is after the possible exit date from the E.U. The purpose of these Regulations - these are P.103/2019 - is to ensure that Jersey will maintain our food safety standards that are closely aligned to those in the E.U. to make sure, or to facilitate, that trade continuing following 31st October when the U.K. is expected to leave the E.U. So, similar to, as I mentioned at the last States sitting, I would ask Members' forbearance at this time. The officers working on this are working hard to protect Jersey's position relating to our agriculture and fisheries exports, which is a particularly affected area by E.U. changes and it is, of course, a rapidly changing political and regulatory situation. Of course, our officers are having to utilise processes that are not only unfamiliar to us, but also to the U.K. Government and, in fact, into the E.U. itself. So, Jersey has reacted quickly to requests for further information and assurances which we have been asked for by the U.K. and E.U. and ...

The Bailiff:

Minister, you are not proposing the Regulations, you are just giving an explanation as to why it is useful to deal with it today.

Deputy J.H. Young:

Yes, Sir. Would you like me to shortcut it and answer questions?

The Bailiff:

Yes, I think that would be helpful.

Deputy J.H. Young:

In that case I will sit down and answer questions.

The Bailiff:

Do Members agree that we should take it today? It is agreed we should take it today.

Deputy J.H. Young:

Thank you.

Deputy S.G. Luce of St. Martin:

While we are discussing that subject, might I also raise the issue of my amendment to P.84/2019?

The Bailiff:

That also requires the Assembly's approval to take it immediately. Is that what you are asking for just now, Deputy?

The Deputy of St. Martin:

Yes, Sir. If I might just say to the Assembly, I hope they will have received the email from the Greffier last week. This was not an error on my behalf. I know that the Greffe are under a lot of pressure, like everybody else. It is just an administrative issue. I did have my paperwork in on time and I hope the Assembly would agree to allow me to take it forward.

The Bailiff:

Do Members agree that the amendment may be taken? Very well, we are going to do that.

7. Health and Safety Appeal Tribunal: appointment of Chairman (P.82/2019)

The Bailiff:

Right, we will return now to the Order Paper. The first item is the Health and Safety Appeal Tribunal: appointment of Chairman, P.82/2019, lodged by the Minister for Social Security. 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, in accordance with the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, to appoint Advocate Sarah Fitz as Chairman of the Health and Safety Appeal Tribunal for a period of 3 years.

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

Yes, I am delighted that Advocate Fitz has stepped forward to this position after we have advertised it for quite a long time. It is not an onerous Tribunal. It has only met 3 times since 1989, but it is something that people do have a right to, if they are given a notice. So, with that, I can answer any questions, but the Proposition and Report says exactly what it is. As I say, I am delighted and I hope that Members will accept the appointment of Advocate Sarah Fitz.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Proposition kindly show. Those against? The Proposition is adopted.

8. Draft Public Holidays and Bank Holidays (Amendment) (No. 2) (Jersey) Act 201-(P.84/2019)

The Bailiff:

We now come to the Draft Public Holidays and Bank Holidays (Amendment) (No. 2) (Jersey) Act 201-, P.84/2019, lodged by the Chief Minister. I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

Draft Public Holidays and Bank Holidays (Amendment) (No. 2) (Jersey) Act 201-. The States make this Act under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1959.

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

I have to say I consider it a privilege for me today to bring this Proposition before the Assembly. The Council of Ministers believe that the introduction of an additional public holiday to commemorate V.E. (Victory in Europe) Day as part of next year's Liberation 75 celebrations will reflect the significance of this occasion in Jersey's history. Given the importance of the 2020 celebrations, the Government Plan also includes one-off additional funding to, obviously, support the celebrations that are planned. These funds will allow for an appropriate commemoration of this important milestone of the Island and also permit the inclusion of the Victory in Europe celebrations. The Bailiff's Chamber and the Liberation 75 working group have been working hard to ensure that the celebrations for the 75th anniversary of liberation are inclusive and as successful as possible. Celebrating Victory in Europe Day will help to bring into perspective Jersey's experiences during the Occupation as part of a larger struggle against fascism. Victory in Europe Day is also to be celebrated next year in the U.K., France, Poland, Ukraine, Norway, Slovakia and the Czech Republic. The 75th anniversary of Liberation Day offers a chance for both reflection and celebration. We should reflect on the terrible burden on daily life, on families, some of our families and on dignity, which the occupation of our Island imposed. We should remember those who had to flee their homes and the 1,200 Islanders who were forcibly deported. We should honour the 5,300 slave workers, who were forced to work under gruelling conditions, by occupying soldiers. We must never forget all those who struggled under occupation and those Islanders, who did not survive to see the Union flag raised once more. Liberation Day is for them. Islanders, who despite being cut off from freedom by hundreds of thousands of metres of reinforced concrete, tens of thousands of mines and thousands of occupying soldiers, never lost hope in the inevitability of their eventual liberation. I hope this Proposition will provide everyone in our Island with a chance to reflect on the struggles and hardships endured by those who lived through the Occupation and on the hope which saw them through those dark years. Liberation Day is also an opportunity for celebration and we should honour, with pride, the spirit of all those who endured the Occupation and the service of all those Jersey men who fought and served overseas, doing their small part in a greater struggle for the liberation of Europe. We should celebrate all that we have accomplished as an Island over the last 75 years. Since 1945, our Island community has been enriched and our standard of living has rapidly improved. As we continue to enhance Jersey's international identity, we should also remember that the world in which we find ourselves is one that is far freer and far safer than that of 1945. I know some may say that an additional public holiday is an extra burden on our economy, or that it is unnecessary to celebrate V.E. Day. The 75th anniversary of our Island's liberation deserves special commemoration and the incorporation of V.E. Day - and you did not get one without the other - into our celebrations will help Islanders reflect on Jersey's position in and shared history with Europe. This Proposition is about honouring those who endured the Occupation and celebrating the freedom which was returned to us in 1945. It is about reflecting on all that we have accomplished since liberation and on the international changes which have made us safer. But, above all, this Proposition is about celebrating the liberation of our Island and taking pride in that hopeful spirit, which saw our Jersey through those 4 dark years of occupation. On that basis, I move the Proposition. I will just note that Deputy Luce's Amendment obviously will be, I guess, the main subject of the debate. We did not receive, as I think has been alluded to - unfortunately because of some mix-up - notification of that until Thursday night. That is why there

are no comments from the Council of Ministers, but the broad opinion within the Council of Ministers is that we are sticking with 8th May. It is a matter for this Assembly.

[11:45]

The choice, basically, is either not to approve, as a whole, an extra bank holiday, or to approve and then we have the Amendment of what date it should occur on. That is a matter for this Assembly. For me, V.E. Day is 8th May. It is right that, in the 75th year of liberation, to mark that as an appropriate date. That is why we went with that date. Others may have other things to say on that subject. I believe, as well, that a number of plans are in operation on the assumption that it is approved today. That is a matter for the Assembly, though. Obviously, it was announced in, I think, the middle of June. If I can make a plea, it is that if people do wish to have Amendments, I would always appreciate a conversation earlier, rather than not having the notice at all. On that note, I make the Proposition and no doubt we will move to the Amendment.

The Bailiff:

Is the Proposition seconded? [**Seconded**]

8.2 Draft Public Holidays and Bank Holidays (Amendment) (No. 2) (Jersey) Act 201-(P.84/2019): amendment (P.84/2019 Amd.)

The Bailiff:

We have an Amendment, lodged by the Deputy of St. Martin. I ask the Greffier to read the Amendment.

The Deputy Greffier of the States:

Page 7, Article 1 - in the substituted text, for “Friday, 8th May 2020” substitute “Monday, 11th May 2020.”

8.2.1 The Deputy of St. Martin:

As the Chief Minister has just alluded, Liberation 75 will be the most very special day for us, the last significant anniversary of liberation where we will have numbers of those who were here during the Occupation, my parents included. So, we are destined for a most special weekend, a weekend of commemoration, a weekend of celebration, but also, I hope, very much a weekend of reflection. This is a very short Amendment and I am not going to take very much of Members’ time. I just felt that it was necessary to provide an alternative and I do not think that the States Assembly today is going to not adopt an additional bank holiday, at all. I just think that, maybe, it is a discussion worthy of whether it is the Friday, or the Monday. I will run through just one, or 2, very brief reasons why I wanted to bring this today. There is precedent. I think, to my knowledge, more often when we have Liberation Day on a weekend, the precedent has been to have an extra day on the Monday, rather than the Friday. V.E. Day, the Chief Minister has mentioned - and I cannot disagree with him about the significance of victory in Europe and how it affected us - but I say to the Assembly that here, in Jersey over the years, over the decades, we have concentrated on liberation, rather than victory in Europe. Although Victory in Europe Day next year will be a very special event, liberation in Jersey next year will be a very special event, as well and I want us to be able to do that properly. The Chief Minister, quite rightly probably, said it would be nice to have had notice of potential Amendments coming forward, but I would say to him that there has been a petition running for quite some time and when this date was originally announced, there was some public discussion about whether the Friday, or the Monday, were the better of the 2. Maybe it was lazy of me, I was expecting some other backbencher, or Member, to come forward with the alternative and it was only at the last minute that I realised it had not been done. The reason was quite simple and it is my last reason for standing here today, is that it is my understanding and quite rightly we have been asked that Saturday the 9th will

be a very special day, when we will have a number of significant Island events. It has been requested that everybody on the Island concentrate on those and that Parishes focus their own attention to parochial events on the Sunday. It is my understanding, through talking to the people in St. Martin who organise these type of events, that they will have a little bit of resistance to organising events on a Sunday evening, knowing that Monday morning everybody was going to be back at work. It certainly focused our attention and it has got us thinking and we realise that had the Monday been a bank holiday, things might be very different and easier to arrange. However, those are my reasons for bringing this Amendment, but I am sure that Members here today are going to agree the bank holiday. It is going to be a very special weekend and I look forward to it immensely, whether it is on the Friday, or the Monday. Other Members in this Assembly today may have other reasons why they prefer one day to the other. I just thought the debate was worthy of discussion, because I do not feel that in any way, shape, or form, we will not want to have an extra bank holiday for this most special of weekends. So, I make the Proposition.

The Bailiff:

Is the Amendment seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the Amendment kindly show.

The Deputy of St. Martin:

Can we have the *appel*, please, Sir?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the amendment of the Deputy of St. Martin and I ask the Greffier to open the voting.

POUR: 5

Connétable of St. Saviour
Connétable of St. Brelade
Deputy of St. Martin
Deputy of St. John
Deputy I. Gardiner (H)

CONTRE: 34

Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator K.L. Moore
Senator S.W. Pallett
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy G.C.U. Guida (L)

ABSTAIN: 0

Deputy of St. Peter
Deputy of Trinity
Deputy M.R. Le Hegarat (H)
Deputy S.M. Ahier (H)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)

8.3 Draft Public Holidays and Bank Holidays (Amendment) (No. 2) (Jersey) Act 201-(P.84/2019) - resumption

The Bailiff:

We now return to the Proposition of the Chief Minister. Does any Member wish to speak?

8.3.1 Senator S.C. Ferguson:

Like everybody here, I am very conscious that 8th May was a very significant day for Europe and that we owe an undoubted debt of gratitude to those who fought to liberate Europe. My second cousin was a hero after Dunkirk. He got home, but he brought his rifle with him, which was quite a feat. So, these stories, we need to remember them and we need to have 8th May as a day commemorating this. However, it has been put to me that if we have 8th May as a public holiday, then we should cut the public holiday on the previous Monday, as in Guernsey and in the U.K. It is all very well for the Council of Ministers to recommend additional holidays, but I would remind them that 75 per cent of our businesses are small businesses. Have any of them considered the cost to these businesses of having the Monday holiday, as well as the Friday? I am assured by one small business, well known to the Deputy of Trinity and essential to myself, that the variable cost of a public holiday is £1,000. This is only variable costs. It does not include the Connétable of St. Helier's rates, or things like that. I asked the Council of Ministers to cancel the Monday holiday and substitute the V.E. Day, rather than putting it in, in addition to the Monday holiday. I am told it would conflict with the Boat Show, but do people take a day's holiday for things like the Monday Boat Show? Surely, the busiest days are Saturday and Sunday. I support the Friday being a public holiday, but I do ask the Council of Ministers to reconsider cancelling the previous Monday holiday.

8.3.2 Senator S.Y. Mézec:

I am absolutely delighted to be supporting this Proposition, not least because it does not involve cancelling the previous bank holiday in May, which is what has been done in other jurisdictions. It is a fact that Jersey has fewer bank holidays than many other jurisdictions, which have more time for days where people can spend time not working, with their families, doing other things. I think it is right that we look at the status of Liberation Day in the future, so that when it falls on a weekend I believe that it should be automatic that another bank holiday should be provided in compensation to that. I think that we should follow the examples of other jurisdictions and provide more public holidays since we are lacking, so I highly welcome this Proposition and certainly celebrate the fact that it will be commemorating the end of fascism in Europe, which is certainly, of course, worth commemorating.

8.3.3 Deputy G.J. Truscott:

I totally agree with the previous speaker. I really should declare an interest here, because it was my mother's birthday on 8th May and she was 15 when the Occupation finished. So, I just wanted to make that point clear. A very important day and, as I say, we should celebrate it. Sadly, my mother is no longer with us but, as I say, we need to remember.

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

Is this V.E. Day going to be just a one-off for this 75th anniversary? If it is, that is fine with me, but I still think we should keep the Monday. The Boat Show attracts a lot of visitors. It attracts a lot of

local people. It is free, which is absolutely fantastic and I think, if it was cancelled, it would be very damaging to the Island and to the Boat Show and to the locals.

8.3.5 The Connétable of St. Ouen:

I rise to support the Constable of St. Saviour. My biggest problem with talking about cancelling the Monday is that it is all too little, too late. The Boat Show people have made an investment to come over to the Island to show their wares and a number of other people will have organised things for the Monday. If we start cancelling the date now, with less than 6 months to run, it is going to cause a lot of people a lot of problems. Conversely, I am also very supportive of 8th May. That was one of the reasons why I was going to oppose it is that, again, it is too little, too late. We should have thought about this 6 months ago and we should not be debating this, in my view, at this stage. It is just too late.

8.3.6 The Deputy of St. Mary:

As someone born in England, who made a small contribution to the armed services there, I have always been disappointed that V.E. Day has not been celebrated in England as a matter of course. I am, therefore, delighted that on the 75th anniversary it is so celebrated and I believe that the happy fact that it is on a Friday makes the Jersey celebration much more viable. Having said that, as to the cancellation of another public holiday, or the creation of yet another one, I respectfully suggest this is not on the Order Paper and it is open to the States Members concerned to bring a Proposition to that effect, should they wish. I, therefore, hope we can proceed to move this particular Proposition.

The Bailiff:

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

8.3.7 Senator J.A.N. Le Fondré:

I thank everyone who has spoken. I hope I can predict the outcome, but one never likes to predetermine what happens when the buttons are pressed. To address the Connétable of St. Saviour firstly; the present intention is that it is a one-off. I absolutely agree with her comments and others around the issues around cancelling the Monday for the impact, particularly, on the Boat Show. That was in our considerations when we suggested, or mooted, the idea of having an extra bank holiday, rather than moving it. Because, exactly with the point that has been made, a lot of these things are done and planned a considerable time in advance and, therefore, to suddenly take out 30 per cent of the time available for, in this case, the Boat Show and whatever other events happen on the bank holiday Monday, bearing in mind that there are times when the Boat Show is quite weather dependent and they do see changes in business and obviously attendance ... and it can rain from a Sunday gale to bright sunshine on the Monday, so it does just give that opportunity to manage things properly. I think that is really all I have to say on that front. I think everybody else has, broadly speaking, spoken in support. I welcome those comments and I hope the Assembly will be supporting the Proposition. It is a privilege to have brought this. The 75th anniversary of both V.E. Day and Liberation Day deserves special commemoration. Thank you. I ask for the *appel*.

The Bailiff:

All those in favour of adopting the Proposition? The *appel* is called for. I invite Members to return to their seats. The Proposition is whether to adopt the Proposition of the Chief Minister for a public holiday on 8th May next year. I ask the Greffier to open the voting.

POUR: 39

Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator K.L. Moore
Senator S.W. Pallett

CONTRE: 0

ABSTAIN: 0

Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy 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 I. Gardiner (H)

[12:00]

9. Comptroller and Auditor General: appointment (P.85/2019)

The Bailiff:

We come to the next item, which is the Appointment of Comptroller and Auditor General lodged by the Proposition P.85/2019. 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 appoint, in accordance with Article 3(1) of the Comptroller and Auditor General (Jersey) Law 2014, Lynn Pamment as Comptroller and Auditor General for 7 years with effect from 1st January 2020.

Senator J.A.N. Le Fondré:

I believe this is *in camera*.

The Bailiff:

Yes, thank you. Very well, the States are now going to go into *camera*, so I am afraid those in the public gallery and the media must leave.

[Debate proceeded in camera]

The Bailiff:

Very well, we will now return to ordinary session, we are no longer *in camera*, and those outside can be invited back in. Broadcast can recommence for the public who are hanging anxiously on the word of every statement. Very well, the *appel* has been called for and I invite Members to return to their seats. The vote is on P.85/2019, the appointment of a new Comptroller and Auditor General and I ask the Greffier to open the voting.

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator L.J. Farnham
Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator K.L. Moore
Senator S.W. Pallett
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy 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 I. Gardiner (H)

Senator J.A.N. Le Fondré:

Yes, now that we are out of *camera*, I would just like to make the remarks in relation to the present incumbent and to very much pay tribute to her in her service to the Island during her period of office.

The Island has been exceptionally well-served and I very much wish to thank her for her work for the Island. I hope Members will join me in the usual way. **[Approbation]**

10. Income Support for Mature Students (P.89/2019)

The Bailiff:

We now come to P.89/2019 Income Support for mature students ...

Deputy G.P. Southern:

If I may, I do not know how close we are to lunch time, not that close, I have just had a word with the Minister for the Environment and he is content to take his Propositions before mine, if that suits the House. One thing I do know is if we start talking over lunch hour, you lose the vote.

The Bailiff:

You are not going to speak for 40 minutes, Deputy, I think, are you? You are not going to be speaking for 40 minutes, it is on the Order Paper in this order. If you are making a formal Proposition, then it can come off the Order Paper, but presumably you want to deal with it today. Let us proceed. The debate is on P.89/2019 and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Social Security to remove the requirement that income support recipients have to be actively seeking work in respect of mature students on low income studying on the Psychology with Criminology and Childhood Studies Foundation Degree courses at Highlands College.

10.1 Deputy G.P. Southern:

While the Proposition I am bringing only directly affects a very few students, mature students, at Highlands College, I believe that this is an important principle to have discussed and a matter of some equality. Now, what we see and what we hear from the Ministers are some centralisations which sound good, but are not that easy necessarily to deliver. We have, from various Ministers: "We will put children first, by improving the educational outcomes" on page 4 of the C.S.R. (Comprehensive Spending Review). "We will create a skilled local workforce for the future, to reduce Jersey's reliance on inward migration." Again, page 4 of the C.S.R. Laudable aims. "We will reduce income inequality and improve the standard of living by removing barriers to and at work." Here I have a question. Does what is proposed by the Department put a barrier in the way of improving people's lives, improving work opportunities? I believe the answer is yes. "We are committed" the Ministers say "to a progressive approach to achieving equity and fairness through the inclusion of equal life chances." I put it to the Assembly that what we are talking about here is not equal life chances, we are talking about life chances for mature students and those who are younger, a different set of life chances and a different set of opportunities. Again, easy to say, more difficult to deliver. Skills and education remain core to both driving productivity and developing a workforce fit for the Island's future needs. Again, are we dealing with the short term at the expense of longer-term goals, improving the skills of the workforce? Finally, the Council of Ministers says: "We will help people to gain the skills they need to secure jobs that pay them enough to thrive." I suggest to Members that what we are doing is we are paying for people to stay on low rates of pay, in income support, rather than enabling them to pull themselves up by their boot straps and get out of income support. Short term again against long term. Over the years, Highlands College has developed a number of on-Island courses up to degree level that addressed the needs of the Island for a skilled workforce. One of these particular courses is the access to higher education diploma. It is a prime example of forward thinking. The intensive, one-year, course that enable students, without the necessary academic qualifications, to gain a level 3 certificate with A level equivalency to prepare them for

degree level education. This access to higher education this year contained a number of under 25s and a number of mature students. The success rate of that course and bear in mind this is about a year's intensive course to get 3 A level equivalents. Now, think back to your experience of A levels; that is no mean task. Many of the mature students ended up with credits and distinctions throughout many of the modules. It was a magnificent effort and marked by the fact that, of the under 25s, zero per cent got through. Of the mature students, 6 of them, 100 per cent, passed with flying colours. A tremendous effort opening the way to degree level qualifications. Yet, what we are saying here is that only certain courses, degree level courses, will be open for these students, who have performed so magnificently well. While we are at it, I refer to remarks made by Ministers in addition to in the Common Strategic Plan, where it says: "The students would like to request a meeting with the Minister for Education to discuss further, as she stated at the J.A.S.E.C (Jersey Annual Skills and Employment Conference) in 2019, that we will be discussing the critical issues of future shortage of a skilled workforce, the burgeoning digital skills gap, social mobility and routes for career progression and lifelong learning." Social mobility and routes for career progression and lifelong learning, a group of mature students who volunteered to try and change their lives, move them around in order to qualify to get a completely different level of earnings. Why are we standing in the way of these mature students? Furthermore, they say: "Senator Vallois and yourself [meaning Deputy Maçon] stated one of the challenges facing this area is that Jersey appears to be lagging behind other countries when it comes to pursuing further, or higher, education." Would part of the reason for this be because low income students that want to achieve upward social mobility are only permitted to do so by following what is deemed as critical options, without all of the degree level being open to them?

[12:15]

This concept of critical skills, some courses being valid and some not, have a marked effect on whether these mature students can continue to remain in higher education. The principle that are you better to carry on with low paid, low-skilled work, reliant on income support, or to try and make that break, get up to a different level altogether, degree-based courses and hold your head up high and be proud about your social mobility? Moving people up the scale, is that at the heart of what is the question here? The comments of the Council of Ministers state the Proposition would provide support for a very small number of students on 2 specific courses this year. Indeed they do. Whereas other benefit claimants have not been given this opportunity. Other benefit claimants have the capacity to study that intensively at the right level and to succeed; all of them, some of them? That is an unfairness - only a minor one I would suggest - against the refusal to accept there are a wider range of degree level courses open to them. It also says: "The Proposition would create an inappropriate change to current education and benefit policy, which would allow additional individuals to take these course in future years." Yes, it very well might and so it should because that would be an equality of access, rather than an inequality of access. That is what is being proposed. This issue is not a new one. I refer back to 2012 and the question of the then Minister for Social Security, Senator Le Gresley, by my colleague, Deputy Tadier, who said: "What criteria, if any, exists for allowing mature students to maintain their income support allocation while studying for further education?" The answer he received was: "I can confirm that an individual that voluntarily leaves employment to take up full-time study, to improve his, or her, overall career prospects is unlikely to receive support through income support benefit and may, therefore, suffer a cut. A move of this nature would only be supported if the potential student had compelling medical, or personal, reasons which affect their existing employment. A mature student over the age of 25 wishing to undertake a full-time, 3-year degree level course would, as a general rule, not be eligible for income support benefits. Exceptions can be made in specific circumstances." At the time some exceptions were made but, nonetheless, the general rule back then was that they would not receive income support as a matter of fact in 2012. Come 2015, we get a similar question from Deputy Maçon of the Minister for Education of the time, 5 particular objectives that would be needed to achieve in order to continue to provide financial support for students studying towards their first degree and

encourage the development of degree courses on the Island that meet employer demand for local graduates and bring benefits to the individual, the community and the economy. Notice that: benefits for us as a society, benefits for the individual. The response received then was: "There are degree courses in 10 subject areas at Highlands College, I believe, which are funded through the E.S.C. (Education, Sport and Culture) Department. These include business management, financial services, construction, I.T. (information technology) for business. All existing degrees have been developed in conjunction with local business sectors, with the aim of filling skills gaps. Work to identify other courses is ongoing under the new Principal and Management team" hence the strategy was written in 2014. Since the strategy was written, 2 new degree courses have been introduced at Highlands, one of which was a social sciences degree and since then we have seen the development of the social work degree, as well as a nursing degree run by Health and Social Services in conjunction with Chester University. Note here that it says - this is what the Education Department is saying: "We are creating degree level courses at Highlands; all existing degrees have been developed in conjunction with local business sectors, with the aim of filling skills gaps." Not some of them are about skills gaps and others are not but: "We developed these key courses to fill skills gaps." The end result, I believe, is that we have 2 sources of funding for higher education courses. One is E.S.C., which offers a maintenance grant and the other, for those with lower income on income support, is the income support process. They do not match. What we are talking about here is Education saying one thing and Social Security saying the other. What is the net result of that? Every income support claimant is expected to be in work, or seeking work, for at least 25 hours a week and often 35 hours a week. Imagine, if you can, trying to do that and study for a full-time course and raise your children as a mature student. The answer is that is very difficult. What we are doing for these students is putting a barrier in the way of them being socially mobile, improving their prospects, improving the skills base of the Island and we are putting a barrier in the way. I suggest we should not be doing that. In the table that is produced by the Council of Ministers, we look at a young person up to 22 has a requirement to work. However, there is an exemption if you are on income support, if you are studying for any degree the exemption runs for the length of the degree course. Up to 22, if studying for any degree at Highlands, we will exempt you. A young person up to 25, who is a care leaver, or has experienced severe disruption to secondary education, again, a requirement to work? Yes, but if enrolled on a higher, or further, education course we will make an exemption for you, so that you can survive. If you are a parent, then the exemption is not applicable. You can enrol on any course, but not supported on childcare courses and critical skills courses only. This concept of critical skills are the ones that refer to skills gaps. If you are responsible for the care of a child at secondary school, requirement to work? Yes, 35 hours a week, full-time study, only on critical skills will you get an exemption. Working age adult, expected to be 35 hours a week seeking, or in, work, if you do full-time study, critical skills courses only. Specialist critical skills and not others. The definition of critical skills courses - and here I have the central argument with the Department that says what the Department seems to be interested in is maintaining its criteria and not examining them to see if they are correct - there are 4 critical skills courses and only 4, out of something like 12. Access to higher education, a one-year course to gain level 3 qualifications required for progression to the nursing and social working degrees; note you can progress, but only if you can get on a course. Nursing degree, including mental health nursing, seen as critical. Social work degree recently brought in, 2019, seen as critical. Jersey Graduate Teacher Training Programme, again, a critical skill. Only those critical skills. So, what does that mean in terms of the practicality of being able to study, or not? If you are an income support claimant looking for work in these particular circumstances, we are talking about your total weekly household income of £529 from income support. If you are receiving income support and on a critical skills course, you can apply for an education grant and what you end up with is a little more, if you are a single parent, £622 a week. If you are an income support claimant on another full-time degree, not critical skills, how much do you receive? You get no income support at all, it is removed and you are left with the education grant, maintenance grant, of £231 per week. The difference between a critical skills and other degree courses, which all cater for gaps in the skills

base on the Island, is the difference between £529 a week and £231 a week. You do not have to do the sums to work out that that means that you cannot undertake these courses and still maintain your lifestyle. What we have seen is a laudable emphasis on this new social work degree course. Nothing wrong with that as a critical course, except that it cost quite a lot to set up and maintain. The Government is investing £686,000 in developing this degree course in social work over the next 4 years. There is £116,000 to train social workers, so they can mentor and assess those graduates. There is also a bursary fund of £240,000, so we are talking about over £1 million to set up this course. Where has that funding come from? Some of that has come from the other courses which are non-critical, I am afraid and one of those applicants wrote to me: "I have seen previously mentioned by you that we should look into the option of part-time study." This is addressed to Deputy Maçon. "However, the courses that we would like to have taken part time are no longer an option." Social sciences, which I believe Deputy Maçon achieved at Highlands, has now been removed to make way for the social work degree and the part-time option of sociology and criminology has also been removed. A reduction in the alternatives, in the light of the intense development of the social work degree. Finally, I will refer briefly to a report by the head of Highlands College, the Principal, in response to the 16 plus examination by Scrutiny which asks the following question: "In the opinion of Highlands College, whose responsibility is it to finance university education?"

[12:30]

They say: "The straightforward answer to the question is that it is society's responsibility to finance university education, so it depends on how you position the individual citizen in relation to institution and governmental structures in our society. One of the fundamental principles of our society must be fairness." Is it fair, therefore, that an individual, with high net worth, who has achieved the grades to enter a university can do so with relative ease, whereas an individual without the financial means - and I am referring to these people on low incomes and on income support - but with the same, or even better academic credentials, is unable to do so? This is discriminatory. Further question: "What changes, if any, would Highlands College like to see to the current system that would greater assist young people achieving them ambitions?" The answer from the Principal is: "Make higher education study on the Island free for all students at undergraduate level, who have not already obtained an undergraduate qualification and only providing funding for courses and qualifications that are not available on the Island." The way forward is to make higher education study free for all students, mature or otherwise, who have not already obtained an undergraduate qualification. That is what the head of Highlands is suggesting. Final question from Scrutiny: "How does Highlands identify the needs of Jersey's young people?" "Highlands also carries out research and runs focus groups with other 16 to 18 providers, to gather data about young people's interests and needs. From this exercise, for example, a new degree is in development for 2017 [this was the Psychology and Criminology degree] a degree for social work is in development for 2018, although it is not in place until 2019, because it has been identified within Children's Services that there is a need to support Jersey's young people by having more locally based and trained social workers." We have a set of guidelines that Social Security administer and provide exemptions for some, but not for this particular group in the requirement to either be in work, or to seek work, for 25 or 35 hours a week. A letter from one of the applicants says: "I am currently due to start work next week with an employer who has allowed me to make my hours fit around college, but next year I am expected to do another 10 hours on top of this, with limited help as a single mum. I will find this extremely difficult, if not impossible, as I have to look after my girls too. Furthermore, if we fail to complete this pathway, due to the pressure income support is placing on us, we will have to pay back the sum of £2,600 student finance. We are at a total loss as to what to do. I ask, again, of the Minister for your discretion and plead with you to look kindly at our plight. Every one of us [we are talking about originally 6 mature students but now 3, because 2 have given up and one is on the social work course] has worked for numerous years and our continued fight should be a testimony to our dedication." We are talking about a group of people, a very small group of people, who wish to improve their lot and contribute far better to the

Island, rather than being a long-term applicant of income support, with the burden that that imposes on our society. I think, in exercising discretion - and it is totally within the Minister for Social Security's remit to change the rules as she sees fit, or to use her discretion, despite what the law says - to say that in particular cases we will make an exception to these students if we are to get our act together and deliver what it is we promised. With that, I make the Proposition.

The Bailiff:

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

10.1.1 Deputy J.M. Maçon:

Deputy Southern's Proposition, by effect, will add the psychology, criminology and childhood studies foundation degree courses to the critical skills list by the Social Security Department. This comes after an e-petition was launched. The text of that petition is: "Petition on behalf of low-income mature students at Highlands College. We have all shown a commitment to study, evidenced by our merit and distinction profiles. We have all been offered places on degrees; however, Income Support has refused to support us any further. We are 5 of 6 who have applied for the social work degree, however we were not successful. We are now all being pressured to find work, even though we have places on the Psychology and Criminology degree course. We all want to work within a sector that helps the community, such as social work, police and mental health. However, we have now been refused support, when other degrees have been accepted, giving students on other degrees a massive advantage. Please help us, please help Jersey's community." Firstly, may I commend those mature students, who have returned to education and took the higher access education course, equivalent to 3 A levels. That was not easy at all, so it was great to see what they have achieved. However, I would add at this point that this could happen as income support continued to be paid and the working hour requirement was waived under the understanding that this was a pathway open to these students as they had the intention to progress on to a critical skills course required by the Island, namely the new social worker degree level qualification with Sussex University. Therefore, despite the wording of the petition, it should not have come as a surprise to these students that other non-essential courses would not have been treated in the same way. It is inaccurate to say that Income Support have refused to support them any further. Mature students will still receive income support; however, they will have to meet the working hour requirements, as would anyone else who was studying a non-critical course. Students are able to do both, provided that they structure their working hours around the course. As Members will have read in the Council of Ministers comments, there are less requirements for those with young children. Students will still be entitled to receive finance from student finance. There has been some confusion in this area, so please may I repeat: mature students will continue to have their entitlement under the student finance entitlement, which, of course, is made up of course fees and maintenance. It is a credit to Jersey that we have been able to provide a social worker qualification on Island and have the course overseen by Sussex University. Members, who attended the briefing from the Care Inquiry yesterday, will have noted the praise that was given for the partnering with a high-quality provider. Becoming a professional social worker is challenging and difficult and requires high-quality candidates. I know that many have been frustrated to not have been accepted onto the course; however, admission onto the course is not something that we control and certain standards have to be met. Candidates would not have been accepted onto the course for a variety of reasons. Of course, we will not know the exact reasons, for data protection reasons; however, by what has been put into the public domain by some of the students, it would appear that they were not turned down due to academic ability, but rather lack of life, or work, experience in various sectors. That is for those providing admissions onto the course to decide. The point being that if there was a desired destination of these students to become a social worker, further study will not meet the reasons for refusal. Throughout this time I have always offered the support of the team at Skills Jersey to assist students to think about how best to address any issues identified. We know, for example, places like Les Amis are crying out for workers. Would a short-term contract here

provide the work hours required by Income Support and the relevant work experience that individual candidates may require, or perhaps come and speak to us and perhaps we can form some form of shadowing arrangement that could be done to give the students the experience that they require? The petition goes on to say that students would like to go into social work, the police service and mental health and so would the Psychology and Criminology course - which I will refer to now as the psych crim course - open up a career path in these sectors? We wrote to the professionals, which are our hard-working public sector employees, to find out more information. Firstly, for the police and prison service, neither of these services are facing any staff shortages, there are also no problems identified in recruiting on Island. In fact, we are told they receive a high response rate when advertising posts at entry level, which do not require a degree level qualification in order to join either service and both offer the opportunity to develop, once in the service. Gaining the psych crim qualification is not necessary. Probation: the Probation Service requires a fully qualified and experienced social worker, therefore, the psych crim course, of itself, would not meet the requirements. To become a social worker, the student would either have to do the 2-year psych crim course and then have to do an additional 3 years of social worker training, which they can do on-Island, or gain a social worker's Masters qualification, which is available off-Island as a top-up, which can be done for any relevant degree. Of course, this would also mean that students would have to then do an additional top year in order to gain a full degree to therefore progress onto that said Masters course, which, of course, as we know, is not going to be easy for someone on income support, especially if they have children to look after as well. Mental health sector: the psych crim course is a foundation degree, it is not an accredited British Psychological Society degree that would enable the filling of the entry requirements to complete an accredited doctorate in Clinical Psychology course. Successful completion of the B.P.S. (British Psychological Society) accredited Psychology degree, typically a 3-year full-time course, is essential to continue further training. The Highlands psych crim course would not meet the criteria to apply for a psychological therapist, or practitioner psychologist post, in Jersey. While we do have a shortage in this area, the psych crim course has no clinical modules and we have an alternative to go into this field through the mental health nursing course, which is on the critical skills list. There is an alternative route if you want to go into that field. As for the childhood studies course, because this Proposition covers this course as well, we explored this in detail and may I thank Members for giving us the time to evaluate this course. This course, of itself, does not represent a needed qualification in either the private, or the public, sector. For the private sector, the requirement is either G.N.V.Q. (General National Vocational Qualification) level 2 or 3. The public sector requires a fully qualified teacher. Currently, there is not a shortage of primary school teachers, or nursery level teachers. There is a shortage, both locally and nationally, at secondary school level, but these are in certain specialisms such as mathematics and the sciences, which I am sure certain of our colleagues will be well aware of. One requires a degree in these subjects to enter the secondary school sector and a teaching degree. A childhood study course would require another year to get a full degree and then another year for qualified teacher status, which can be done on Island; however, it would produce teachers at nursery and primary level, where we do not have staff shortages. All of this advice has come from our hardworking public sector employees and which Members were urging this Assembly to listen and respect their voice. I hope Members will be consistent in their arguments. Why do we have a critical skills list? These are courses where there is a need in Jersey for professionally qualified skills, overseen by an accrediting body. This is also to assist with immigration, as we would grant licences for nurses, some teachers and social workers. Would we grant licences for people with foundation degrees? As I have already explained, we would not. Also, we recognise that these qualifications will require certain amounts of hours of practice, for example. So, for candidates on income support it would not be reasonable to require the extra working hours. The Department also grants funding for childcare for critical skills list courses. All of this is done to incentivise people in completing courses and developing skills that the Island urgently requires. The critical skills list is reactive and under regular review.

[12:45]

Courses will be added and removed depending on the needs of the Island. Deputy Southern outlined some courses and, of course, it will change over time, because this list is reactive to what is needed in the Island, so it is not set in stone. Looking into the future, this whole debate does raise some valid points about how we support people in either training, or upskilling. This is an area I feel passionately about, not just because, after 11 years in this Assembly, I have become - as some might say - woefully deskilled and therefore might need these services, but also because the whole way in which the world is changing and the ability of our people to be able to adapt is becoming more important, especially with the developing speed of artificial intelligence. This is something that the Council of Ministers have recognised and forms part of the Common Strategic Policy and Government Plan, which I hope Members will support later this year. The Skills Strategy and, in particular, the retraining strategy is a large piece of work already on the Government's work programme. Yes, we need to do better and, yes, we need to be more flexible. I want to look at the income support system, I think we should have more of a graduated system. Could this be that we have, maybe, a desirable skills list which would have a lesser work requirement? For example, in the digital skills, an area which strategically we know we want to grow the economy and economic opportunities, do we need a more flexible system and should this be looked at? I want to look at the qualifications offered at Highlands and ask: why, if we are providing a Psychology course, are there not clinical modules? Maybe not at the acute end, but more at the counselling, talking therapy side, where we know we have need. Also, why do we not make greater use of technology, record lectures which students can watch when it is convenient for them and hold seminars during evenings and weekends when most of the learning and development happens. This will require a significant culture change, which will present a challenge for some. Furthermore, it should not just be for people on income support, but across the board. I received an email last night from an individual, who was very frustrated about this debate saying: "I would love to train to be nurse, but with my current arrangements, with my husband working, because I would not qualify for income support I, therefore, cannot progress." We need to look at people not just on income support, but elsewhere as well. We have to ask the question: what will the cost of all of this be? This will require some detailed work, changes in thinking and practice. Therefore, taking an *ad hoc* approach for courses that our public sector professionals do not recommend to be added to the critical skills list, is not the way forward. I appreciate the good nature of Members, despite what the media puts out there and I know Members will want to support these students. I hope Members can see that I have delved down into the detail and I have tried to justify either of these courses, but both fall short at this time. It would not be right to raise the expectations for these students. I feel that the best way to support these students is to fully understand their reasons for not gaining a place on the social worker degree course and work with them during this year to address those issues; that they have outstanding C.V.s (*curriculum vitae*) for the next year, rather than put them onto courses that will not produce the skills that Jersey needs and then they still may need another year in order to gain the relevant life, or work, experience in order to go into a social work degree career path. As always, the doors are open to anyone at Skills Jersey, the careers advice service are there to assist. We all want these students to become the much-needed social workers, but the route that is proposed by Deputy Southern in his Proposition does not guarantee this. I would, therefore, ask Members to reject this Proposition and support the Government's work through the Skills Strategy.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

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

[12:49]

LUNCHEON ADJOURNMENT

[14:18]

10.1.2 Deputy I. Gardiner:

I feel I would like to address a couple of topics and I will start with that I am a great believer in education and professional education, lifelong education. I believe that education is the best way to improve employment prospects, to alleviate ourselves and create a better life for ourselves, our families. It enables us to make a greater contribution towards the betterment of our communities. I would like to see equal opportunities for all students of all ages, backgrounds and abilities. Developing the skills of our Islanders can be only a good thing for them, it reduces immigration and unemployment for the Island. The difficulty that I have with a Proposition like this is it is not the principle, because principle is really important, it is in the details. We are treating these 3 individuals as a group, as a single entity and I feel a bit wrong about this approach. Basically, in this Proposition, I find there are 2 separate issues that are mixed in one Proposition. One is: would these 3 courses have led directly into employment in key areas? Thank you, Assistant Minister, for what you addressed, it is really clear and I will not expand on this except adding that I know individuals that came back from the U.K. this year, with really good grades, graduated in psychology, in criminology and they are looking for the jobs and most of the things that they are receiving: "You do not have experience." They basically need to start from the very basic job to get the experience and I am talking from personal experience about this. Let us put that to one side. This point, I think, was addressed very well. My second point I make on this Proposition, this is where I am confused and I am lost, is personal circumstances for income support eligibility. It may be that one, or all, of these people should get income support and they should be assessed on the individual basis, as all other cases for income support are assessed. This is the question: how are we doing it? If the assessment tool does not work for them we need, as a Government, to have a good look at the way our income support system deals with all students of all ages. It may be that we need to create a different type of income support for the students for all ages. I do not think that changing current rules to benefit these students is something that we should do as part of sitting here at the Assembly. I really feel cross. I would like to support them, I do believe in their education; at the same time, how many other individual cases will come to the States? Will our role, as the States, become the highest court in the land for judgment on income support for individuals, or in this case a group of individuals? I am not sure. It may be our role, as a Government, to recommend changes in the current arrangements to accommodate this group, that a solution will be found for these 3 individuals and maybe other individuals who are in similar situations and have gone to other courses. As we are moving forward with our ageing population, raising the age of retirement and the evolving job market, we will have increased numbers of people needing to reskill and to find employment and we have to find a way to support them. I would like personally to see an overhaul ... look at the current support given to mature students, many of which may have paid into the system for decades and yet still have decades left to work before retirement, literally to look at as a whole and not individual cases.

10.1.3 Deputy L.M.C. Doublet:

I am struggling with this one a bit. I agree with a lot of what Deputy Gardiner has just said. Also, Deputy Southern said a lot of things that resonated with me, particularly not barring access to people bettering themselves. I have heard similar stories to these individuals before and a lot of the people who have problems in this area are mothers, because I think this problem disproportionately affects mothers, because often, if a baby comes along unexpectedly, when a couple is quite young, it can often be the mother who is left having the sole responsibility. Again, I do see a lot of sense in what Deputy Gardiner is saying. I think the Assistant Minister spoke very well on this, as well, but I do not think I can vote to put a barrier in place for people who want to better themselves. The Assistant Minister said people should be working a certain amount of hours and then they should be doing their studies around those working hours. One of these individuals is a single mother, so if you add

children into the mix there, I am afraid that is an impossible thing to ask of somebody. If we had affordable childcare on our Island, then I might be more inclined to not vote for this. The reality is that we do not and I think what we are asking this person to do is an impossibility. I do not think I can vote against this. I am still listening to the speeches and I will make my mind up, but that is what my thinking is at the moment.

10.1.4 Deputy J.H. Young:

Listening to the Proposition, the proposer rang home to me very much, because it reminded me of my own personal experience in life: as a young working boy in London, I left school with no qualifications. I went to work as a bacon hand. I owe my careers in life, all my various careers, absolutely to distance learning opportunities that I was able to take up. Of course, not when I was 16 or 17, I was too arrogant and of fixed mind for that, but when you get into your 20s you start to realise how the world is and you take up opportunities. For me, a London boy, I was born 1946, so around about the 1960s, I suppose, I took up opportunities, first going to night school, doing a job and then going to school at night. We had things called night school then; I do not know what happens now. You did not have to pay, that was the policy of the day. You take advantage to help you make progress. Then you get a better job and, lo and behold, the wonderful day comes I got day release, so I managed to get day release to take the next step. Later on, the visionary birth of the Open University, with open access for those people in life ... they called it the university of the second chance but, of course, it has transformed the world of distance learning. It was based on open access. If you wanted to give it a go ... of course, I was lucky. All those opportunities were provided to me as a mature student and the reality is, I probably was not very mature. I matured as I went along. There is no doubt about this: education is the key to social mobility in life. It is a sad thing to me. When I hear all the things going on in the U.K. it depresses me, because the social mobility opportunities that my generation had seem to have gone. Everything is measured by rules, inflexibility, barriers for people to overcome in life. The message I took from this is that I want to make a point that I think, as an Island, in our journey towards achieving equality and social mobility, I hope our commitments to the Common Strategic Policy include that, that we have flexibility in our education arrangements, in our financial arrangements, to try and help people make that journey. I do not, for me - maybe it is because of my age - see it as a free lunch. I think flexibility, so that people can do part-time opportunities that work for them, part-time work, so they make personal judgments of how much they can pay for by their own means by working and they get access to government support and the services and education and so on. I think I would like to see in our journey towards this and I spoke to the Assistant Minister outside at lunch time, I said: "Have we got to that point yet with our development of education at Highlands College?" But I am told, no, we have not and that does seem to tie in with what we are hearing. I would like to feel that, from this debate today, we try and take those points and take them on board to put this as a priority. Because, if we are serious about helping our people in Jersey meet the challenges of today's working world, we need to do that. But, of course, there is a long journey ahead and like her, Deputy Doublet and Deputy Gardiner, I think to myself, look, how do you do it with a Proposition? The Proposition is a very narrow particular issue. I do not feel like it is right of me to get engaged with the detail of a Proposition, which I do not know the full details of. A couple of things I did not quite like in what I heard in the story. I was not very keen. There was a suggestion that some of these people were not good enough. I like to feel that open access should be more available. Also, the issue about: what is the absolute part-time work requirement that people have got to do? You have got to do a certain number, or what have you. I think flexibility, according to the circumstances of the people's situation. It will be different according to whether you ... if they have got family commitments, because many mature students will, of course, have family commitments to do. I am afraid I am sorry to the proposer that I will not be able to support this Proposition.

[14:30]

But I make those points, please, to my colleagues and the Ministers, because it is a useful debate for me to help us find that journey to a joined-up set of policies between educational provision, financial provision to help people progress in life and that is so important. I shall not be supporting, but the principles behind this, there are some good principles that we should follow up.

10.1.5 Deputy L.B.E. Ash of St. Clement:

I will be supporting Deputy Southern on this. My reasons are probably different from one or 2 others. Partly I think it is the way we spend our money and I think if we can spend our money on people aspiring to better themselves and to help our society by bettering themselves; that is where our money should be spent. What Deputy Southern might not want me to hear is we spend a lot of money on income support and some of that is misdirected. Some people in here will not want to hear that. If you want me to back it up, I can take you to meet people, several landlords, which will not surprise you, but they have people come in. They say: "Can you just sign that? I do not want the job, but I have got to show you I have been here." We have that going on. We have it going on with people taking cash in hand while having registered and then they come and they claim income support. This is not one of those situations. This is a situation where we have a chance to spend the taxpayers' money wisely, to allow people to better themselves and I think we should give them that opportunity.

10.1.6 Deputy M.R. Higgins:

In fact, I am pleased to follow the previous speaker, because I agree completely, that those who wish to get ahead should be supported in every way possible. This is not the first time they have come across this. We have had people, for example, who qualified in various subjects in the past and wanted to be a medical doctor, but because of restrictions in the system, they were not able to get a grant to go forward and convert the degree they had into a medical degree, yet we claim we are short of doctors. But we have many inconsistencies in our system. What I will also say, too, is I firmly believe in social mobility and I do not see enough of it in this Island. We have got privilege; if you go to the right school you are going to get ahead, but if you do not you are left behind. We have Social Security, it is supposed to be a safety net at subsistence level. The Minister looks in disgust at that, but it is a fact. Many of the people, who are living on social security, are living just above what is necessary to survive. People who want to get ahead, we should be helping them and education is one of the best means of achieving social mobility. I also feel, too, that the policy is restrictive in saying unless you do a certain degree. OK, I studied for a degree and I applied for the Royal Airforce to be a pilot and I was accepted. The Airforce were not concerned in the degree that I took. I could have studied Anglo-Saxon history for what it counted. What they wanted were people who could study at degree level, get a degree and would be able to do virtually anything they wanted them to do. I firmly believe that we should not just be restricting these people, even if those people are not qualified to do the jobs that they would like to. There are plenty in the finance industry who would love to have them. They are seeking lots of degree students; they say they are short of them. We should be looking at the economy as a whole and not in a narrow area. I will support Deputy Southern and I will support anybody who wants to get ahead in this Island. This question about this is just a small group and everything else, we have got to start somewhere and let us start now, otherwise we keep on putting it off and people's futures - in fact, their desires, their dreams - will not come to be because we are putting restrictions in their way. I will support anybody who wants to get ahead.

10.1.7 Deputy M.R. Le Hegarat:

Like Deputy Young, I started and left school very early. I was fortunate to get an opportunity to do day release and night school and, at that stage, I was fairly young and single, which made it exceptionally easy for me to be able to do that. I then went on to do my finance exams, *et cetera*. Later in life, in order to get myself progressing further in my career, I decided to do a degree. I was sponsored for that degree, which, obviously, was of financial benefit. However, when I listen to people talk about Open University and all of those things, yes, that is fine; however, it took me 10

years to get my degree, because my circumstances changed. I went through the process of losing family members, I had a child, *et cetera*, and it made it very difficult, working full time, 41 hours a week and trying to do a degree. I will be supporting this, because I do believe that we need to help people who wish to move forward.

The Bailiff:

Senator Mézec. You nearly did, I thought you ... does any other Member wish to speak? Go on then, Senator Mézec.

Senator S.Y. Mézec:

I did not press it either, Deputy Ward did. [Laughter]

The Bailiff:

The Assembly is waiting with bated breath, Senator.

10.1.8 Deputy R.J. Ward:

There are a number of things that came up during this debate and I would like to point out a few things. If we are going to talk about personal circumstances, I will talk about mine. I left home when I was 17 and I was not the best. I was good at school, I was really good at exams and I left home at 17, but it was in the middle of my A Levels and that was not the time to leave home, living in east London with all my friends. Lo and behold, it went a little bit wrong. I had to go and get a full-time job and I studied full time, so I did 4 evenings a week in order to complete my A levels, to take the opportunity to go to university, to be the first person in my family to go to university. I worked hard and I worked full time and I pulled myself up by my boot straps in order to get there. I would say in this Assembly I would not wish that on anybody else. I would say that any opportunity that I can now vote for, for somebody to have the opportunity to better themselves educationally, I will vote for and for the small amount of money that this will cost this Island. When I finished my degree, I did not know what I wanted to do. I was just proud to have gone to university and had that experience, that educational experience. It was not just a vocational experience, it was an educational experience. I can absolutely say it changed my life. In turn, it has improved the life of my children, because I have very different aspirations for them. This educational process, that we go through, is so important for our society as a whole, not just so that we can fit people into a job that this Island needs. Of course, that is important and we need to educate and train and skill our people so that we have the sort of Island that we want. But education does more than that and that is what this is about. There is an opportunity for these people in order to go on and help themselves, through the process of education; they have taken an access course, as a mature student. That, to me, is a very courageous thing to do. You step out of your comfort zone and you go and study with people, who are younger than you, in order to better yourselves and they have achieved and then there is an opportunity to go into a foundation degree. Just to be technical for a moment, throughout Europe and our post-16 review and we went to the colleges conference, there is a real identification of that point in between full degrees and past A level, where there is a massive shortage of skills. This is exactly where this qualification is focused. It is addressing a need that we need in our society. Whether it is criminal psychology, forensic psychology, childcare or whatever, these are skills that we need in our society and we do not know where we are going to go with them. If we are going to say that some educational experiences are not valuable, then I think we need to look again and we certainly need to look again as to whether we should be involved in making policy decisions in education, because that is vital for us as a society. It seems to me that these 3 people are victims of bureaucracy and we sit in this Assembly all the time and we criticise bureaucracy. We criticise the systems of government and we say what a stupid decision that is. We are creating one by sitting here and saying let us just leave it for a bit and let us have a wider look and let us have a review. The review word has not come up yet; we play review bingo in this corner, by the way. Every time a review is mentioned, we tick one

off, we nearly got a full house, because there is a review on everything to move forward. This is an opportunity to make a difference to 3 people's lives today. I think, as an Assembly, that is what we should be doing in this Assembly, not leaving it for the future, not worrying about whether will they turn into one of the vocational needs of this Island, even though they are a moveable feast and we do not know what we would need in the future, or not? It is just excuses. I would ask people who are looking down that road to think, let us look ahead; you can make a difference to 3 people's lives today. It is a very pitiful amount of money. These people will have the opportunity to study, learn and improve themselves. The knock-on effect of that education will be a knock-on effect for their futures, for their children and they will not become reliant on the trap of income support that does so much damage, I believe, to families when they are not given genuine opportunities in our society. There was also a very rare moment when I agreed with Deputy Ash, only on one part of his speech; 50 per cent is not bad, probably better than some of the exams we probably both did. To me, the case is clear, you have an opportunity to improve the lives of 3 people. At the same time, we can make a mark for what is happening with income support and the inadequacies of that and supporting our education system, plus we can make sure that we genuinely put people first in this Assembly and we value education in the long run. I urge you to think again and vote for this Proposition.

10.1.9 Deputy J.A. Martin:

Firstly, I would like to thank my Assistant Minister - and he is also the Assistant Minister for Education - for the work he has done in between departments. A couple of weeks ago, when the Deputy was urging people to take this debate early, he has been running across the departments with myself and the Minister for Education - and she has worked very hard too - to find out what we need. This list is not on the critical skills list and I want to get this debate above any personal circumstances. Because the Proposition does not ask for 3 people, it is asking for 3 courses put on where there is no requirement to work. Sorry, 2 courses, one has got 2 names in it, sorry, and X amount of people will then have no requirement to work. Deputy Southern's speech and Deputy Ward and Deputy Higgins are very general in their comments about these people on income support. There are all these poor souls sitting there for ever never improving themselves, never coming in and out; exactly what income support does do. If you need income support, your family has broken down, your marriage has broken down, you are left with children, you have been made redundant. People come into the system, we help them absolutely and we should do and that is right. There is a chance the majority of people are still looking and learning and they look and learn. They are not going, every single one, forced into this minimum wage, subservient existence. Deputy Southern's figures, you heard them; £602 if you are doing education on one of the critical skills courses. Income support and education brings in over £602 a week. Where is this money, £32,000 a year? It is not my money. I can only justify, yes, we want to improve your education. I have heard so much and when Deputy Maçon was speaking behind me, it is impossible to study and work. Yes, it might not be great for some people and Deputy Le Hegarat said it took her a lot of years. Every job - and I was like Deputy Young, I left school at 15 with nothing - and at every job I have learned on the job. I have been a single mum in this place with 2 children, 5 and 6, as we are all going into personal circumstances. This job is no time to get a childminder to cover your ... it is time and time, you never used to leave; there was no end date. I have been here in time, I have been here until 9.00 p.m. I am working with the Minister for Education, I know her sympathies and my sympathies. Of course, I want to help, not a certain amount of people, I want to help everyone in Jersey get skilled up for the jobs that we need, so we do not bring in more people. We do not have to bring in more people and the jobs that we need. We employed - I think the lady is employed by Education - a new person to look across our skills on the Island. This is the person, I want you to know, do we need these? Please go and do some work; very detailed work was done. We cannot justify putting these courses, nothing to do with people, on the critical skills list. Deputy Gardiner said she knows people who have already studied and got these qualifications in the U.K. and cannot find work here. What are they going to do? Probably end up on a minimum-wage job. Graduates and great education, unfortunately, you

would all love to think guarantees you X amount. You want to be enjoying your job, social workers we need and I am so pleased we have started. We have got 12, I think, new candidates, all local. The nursing, which was introduced when I was Assistant Minister for Health and Social Services, with Cheshire University, it is fantastic.

[14:45]

My daughter has got friends now who are taking that course at that age; they are not kids, they are in their mid-20s. They have just started; great they are going back. But they were very intelligent anyway, so they were earning a lot of money in the finance industry, but they were not getting any satisfaction out of their work. Absolutely great that they can study here; if they have got young children they can study here. It is not my money and I do not want to bring it down to money. We will, at the Department, work with everybody. You read the comments, certain child of certain years no requirement. A few hours, a few more. When you have got children, who are in secondary school, I have to justify the money I take from the taxpayer to say: "You do not want to work, that is fine or which course do you want to take?" This is one I can justify, the 4 that are on the list, these at the moment I cannot. Do not forget, if you pass this today, it is not going to be a few, it is as many people that can go on these 2 courses. Somehow we have to find the money, we have to justify it to the people who are paying. We do not have no money. We collect money, we tell them we are spending money well and we need to justify how we spend it. I really think that we all want people ... there is still more work. As Deputy Maçon said, is there a list we need? Do a bit of work, part-time study and then you can go do the job you want. It might not even be a job where you are going to earn X amount of money, because we all know a lot of these professionals are not what you could earn in finance without probably too many qualifications. Just one last thing, I would like to thank everybody. I was not here last time to give the Assembly to do this extra work; a lot of work was done before. But they really have pulled out all the stops. They have said: why could we justify this? They would definitely get a job as a primary school teacher, not needed; we will do this, not needed. At the end of the day, I am in the hands of the Assembly. I really think that Deputy Southern cannot make the case. It is not about a certain amount of people, it is about how we go forward. We have said they might be review-dead behind me, but this is what we have got to do. We have got to find out what is needed, convince me this needs to go on and not just for a few people. Everybody who wants to train, as Deputy Maçon said, why should it be that I cannot do it, because I need to earn, because my husband is just above the income support level? You cannot train, but these people can. It is nothing is fair. At the end of the day, we are where we are. I cannot support this and I really urge people, who think that they are helping, they are not. Just for clarity, it says in the comments: "The Social Security income support does not stop anybody studying on any course." There will be work requirements, if you work around those and certain and you work with the officers; that is fine. It has been put out there on social media, the Minister, she is stopping them doing it. No way, never has been, income support, as long as you do what the Department and I asked you, work with the officers, there is always leeway. But there is no course at Highlands that you cannot take and still receive what you are entitled to. If your income is this, if you are doing 25 hours and you are only earning minimum wage, you have got your rent to pay, of course you will get money. No one is stopping that and this Minister is not stopping them either. I want to move forward, this is not the debate for it.

The Bailiff:

Does any other Member wish to speak? Ready, sure?

10.1.10 Senator S.Y. Mézec:

Yes. [Laughter] I absolutely agreed with Deputy Martin when she said that this Proposition ought not to be about the individuals concerned, but about moving forward. For me, that is what this Proposition is about, it is about asking us what type of society do we want to be and how we regard

education for those in our society and how we support people who want to better themselves. I think the speeches from Deputy Ash and Deputy Higgins were absolutely spot on in that regard. As the Member of this Assembly, who most recently went through our education system here, I benefited from a State education that was fully funded. I then went to university with a grant system, which was inadequate to meeting my needs. I had to do things above that to help get to where I am now. I am very pleased that this Island has made really good progress in student grants for higher education for people below the age of 25. A couple of years ago, when extra funding was allocated to that, that was an excellent decision, which will for many young people take out financial considerations when it comes to deciding how they work to meet their potential, whether that is so they can work in Jersey and meet our economic needs, or whether it is so they can go and live their dreams, which is something we should be enabling people to do, irrespective of what the economic outlook is for Jersey. But we have got to go further, we have to consider the needs of mature students, not just in the context of this Proposition, but more widely as well. We know that the jobs that we are going to need in the Island will be very different in years to come, not just because of automation and technology advancing and the effect that will have in jobs that have existed for decades, but also the jobs we will need in the social sector, based on the greater needs there are there; the ageing population and everything that goes with that. I think the greatest criticism that could be made about this Proposition and it is one that the Assistant Minister has made about it, is that you could say that it is piecemeal in that it only refers to specific degree courses. I will not accept that as a reason for not supporting this Proposition and I really hope Members will not do that either and instead wait for the full package, whenever that may come. Because what this does - and Deputy Young said it in his speech, even though I think he has reached the wrong conclusion on how to vote on this, he identified this point - which is that this Proposition will help some people. It will make some people able to benefit from an opportunity to better themselves, to better the circumstances of their family, ultimately to benefit the Island, as well. That is surely what each of us got into politics to do, it is to make decisions to make people's lives better, not to hold them back from achieving their potential. You can argue that this is not a wholesale solution, perhaps it is not, perhaps there is more to be done. But when that wholesale solution is presented, are we really going to say that it is not going to include what Deputy Southern is asking us here, or something along those lines anyway, so that people are able to benefit from these educational opportunities, better themselves and go into jobs where they will be more productive? There may well be other ways of doing it in future, but for now it is holding people back by not having this solution in place. I urge Members to support this Proposition. It may not be a long-lasting solution; there may be other things to be done. But it really does irk me when this Assembly rejects an opportunity to make progress, however small that progress may be, a difference it will make, which will be substantial to the lives of the people it concerns, completely insubstantial to our lives, because none of us will directly benefit from this, but other people will. I stood for election to make people's lives better. This Proposition seeks to do that. I cannot understand why anybody would want to hold people back from achieving their potential.

10.1.11 Deputy S.M. Wickenden of St. Helier:

I am happy to follow the last speaker, because I am going to make the argument this is not a wholesale solution. Let us get back down to earth here, please. The Proposition states: "To request this Minister for Social Security to remove the requirement that income support recipients have to actively be seeking work in respect of mature students on low income studying Psychology and Criminology and Childhood Studies Foundation Degree courses at Highlands College." What happens when somebody brings another petition, because we passed this one and then somebody comes along in a week's time, sets up a Proposition that says: "I want to do a drama course."? Shall we bring another Proposition and change it? What we are really talking about, if we break this down, what we are really talking about, is at the moment there is a restriction on all degree courses, except for the critical skills; teaching, social working, nursing. Let us say we remove that critical skills list and say anyone that wants to do any degree in Jersey can go and do that on full income support and we will cover the

whole thing. You have got 2 choices when you go down and you have got your income support, one is you go and find work or, secondly, you can go and do a degree, instead. A lot of these courses can be 16 hours a week in doing with tutoring and stuff. We are going to have an influx of people where we are not only going to have to pay the income support; this turns income support into a lifestyle choice, a lifestyle choice where everything is paid for and then they go and do a degree. I know that is uncomfortable for some people, but it is very much the truth. The work on what our critical skills list should be is being worked on and we are dealing with expert opinion to get that done. We are going to go and find out and this might change, but if we open it up to everything we are doing nobody any favours and the cost of doing so will skyrocket. How are we going to afford that? Let us do the full wholesale piece of work and let us look at where the skills are really needed. But if we carry on doing it the way we do here, which is piecemeal and does not really set any outcomes properly, then we are doing a disservice to everyone in this Island. I have got friends who are now lawyers that brought up children, went to work and did their law degrees in the evenings over many years. I remember one had a degree in sound and lighting for a theatre and ended up doing a degree as a lawyer and is now a very successful lawyer; did that all in the evening. To say that you cannot work and study at the same time as everything else is a matter of prioritisation. Social Security right now and Education are not trying to prohibit anyone from working. They are trying to make it as successful as they can, but it has to be within the limits that we have got for Jersey. The students involved in this one can do the degree; we are not stopping them from doing what they want to do with these courses. All we are saying is, you are going to have to get involved in doing some work at the same time. You are going to have to do both. You are going to have to work, as well as study and we are going to help you with all of that. But this is not a wholesale, are we going to spend every States sitting adding a few more courses onto this, because we get people in the Island that come and say: "I want to do this degree and I want to better myself in this little area."? I do not think it is appropriate for this Assembly. I think we should work together to get a better solution for it. It is a wholesale approach. As an Assembly, if you are interested, go and speak to the Minister for Education, go and speak to the Minister for Social Security and give ideas of how we can do a better wholesale approach. But this piecemeal and what is in front of us right now, the wording of what we are debating right now should not and cannot be how we debate in this Chamber and the decisions we make. I hope Members will reject this and then get together, if Members are concerned, with the departments to help us come up with a better solution.

The Bailiff:

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

10.1.12 Deputy G.P. Southern:

I was very pleased to hear most of these contributions, even when they were not in favour of what I propose. What I am suggesting here, the Minister for Social Security said the guidelines that she has do not stop anybody from studying. In fact, they do, because if you are on income support and want to do a critical skills course, you will receive £622 a week in order to do so if you have one child. If you are on income support and any other full-time degree course, you will receive only weekly funding from Education and your income support will be withdrawn; that is the fact. You will only be getting £231 a week from an educational maintenance grant; that is the fact. It is on papers that are headed from the Department of Social Security; that is the facts. I was glad to hear, at the end, people got hold of what the function of this Proposition is and that we should act where our words are.

[15:00]

If you want to act to do that, I want you to do it this year and not wait until next year when, for these particular students, it is too late. I want you to put children first by improving their educational outcomes. I want you to move to create a skilled local workforce for the future, to reduce Jersey's

reliance on inward migration. I want you to reduce income inequality and improve the standard of living by removing barriers to and at work. I believe what we have got here, in the current state of the Social Security income support, is a barrier to some people getting back into work; that cannot be denied. I want you to drive productivity by developing a workforce fit for the Island's future needs, because this is what this Proposition is about. Finally, I want you to help people to gain the skills they need to secure jobs that pay enough to thrive. This is not about the scammers and skivers in this world, this is not about the lazy, these are people who desperately want to work, who desperately want to improve their situation, better themselves. As Deputy Ash said, all in favour of people bettering themselves and becoming less of a burden on income support in the long term. This is about making long-term decisions and short-term gains for some people. If you wish to do that this year rather than next, then please vote for this Proposition.

Deputy J.H. Young:

Sir, can I ask clarification of the proposer, please? The proposer said that in the situation he described the situation was that the people on those courses received an education grant, but they would lose their income support entirely. Could the proposer tell us: is there no graduation in it, or is it an all, or nothing, thing? If somebody chooses to work a fewer number of hours, is it an all, or nothing, you either do the number of hours and you get income support, or is there a more gradation and flexible scheme concerned?

Deputy G.P. Southern:

Yes, I am happy to clarify that, that there is, in fact, a graduation, yes. If you think you can do it, if you think you can look after your children and work and study at the same time, then by all means. The example, I did not quote from it in my summing up, is that a claimant working 20 hours a week at £8, they get less, but not the figures I was saying before, so that is the case. Can I have the *appel*, please, Sir?

The Bailiff:

The *appel* is called for and I invite Members to return to their seats. The vote is on the Proposition P.89/2019 and I ask the Greffier to open the voting.

POUR: 11

Senator K.L. Moore
Senator S.Y. Mézec
Connétable of St. Lawrence
Deputy G.P. Southern (H)
Deputy M.R. Higgins (H)
Deputy L.M.C. Doublet (S)
Deputy L.B.E. Ash (C)
Deputy of St. John
Deputy M.R. Le Hegarat (H)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)

CONTRE: 29

Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator S.W. Pallett
Connétable of St. Helier
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy of St. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary

ABSTAIN: 0

Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy G.C.U. Guida (L)
Deputy of St. Peter
Deputy of Trinity
Deputy S.M. Ahier (H)
Deputy I. Gardiner (H)

11. Draft E.U. Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations 201-(P.91/2019)

The Bailiff:

We come now to P.91/2019, the Draft E.U. Legislation (Aquatic Animal Health) (Amendment) Regulations and I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft E.U. Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations 201-. The States make these Regulations under Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014.

The Bailiff:

I call on the Minister for the Environment to make the Proposition for principles.

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

Members, I think, will be very aware that the position of the United Kingdom regarding Brexit negotiations are very fluid and, therefore, Jersey has to react to changes as and when they emerge. In this particular respect making sure that Jersey, that our very successful aquaculture industry, can continue to trade once the U.K. leaves the E.U. and gains third-country status and, in particular, shipping those products to the E.U. Of course, Members will be very aware that our current relationship with the European Union is governed by Protocol 3 of the Act of Accession of the U.K. The effect of that is to provide that certain E.U. legislative provisions and particularly, including in relation to trade in aquaculture products, are directly applicable in Jersey, so they are, effectively, now part of Jersey's law. But, of course, in the event of a day one no-deal Brexit, Protocol 3 will fall away and the direct application of the relevant E.U. rules on trade and aquaculture products will end. Jersey, like the U.K., will be treated as a third country by the E.U. if their products are going to the E.U. Those imports from third countries are subject to much more stringent checks at the border than those from inside the E.U. The draft Regulations are prepared following work by our officials and I am going to praise the huge amount done by our officials over the last couple of years. **[Approbation]** It is just absolutely mind-blowing the efforts they have had to put to keep up. That has involved them having to spend many days out of the Island, working with their counterparts in the U.K., with a constantly fast-moving situation and, of course, the Law Officers as well, who have been absolutely exceptional. The review of the legislation was conducted to prepare for the Government's submission for Jersey's application. There is a committee here, called the E.U. Plant, Animal, Food and Feed Committee called S.C.O.P.A.F.F. (Standing Committee on Plant, Animal, Food and Feed), that is a committee in the E.U. that decides these things, for listing as a third country for specified animal products in the event that the E.U. leaves. What we are seeking is listing by the E.U. as an approved third country, not on our own, but as part of the U.K. This particular piece of legislation is about aquaculture products, which are really about farm products like oysters and so on, which is a very successful industry that has been built up. Usually, the process referred country listing would involve the making of individual applications in respect of specific products and that would take a huge amount of time, anything up to 18 months. The S.C.O.P.A.F.F. Committee - and this is where we have this opportunity here - has agreed that the U.K. and the Crown Dependencies

and that includes our neighbouring Crown Dependencies, may proceed using a special bulk-listing process. That committee has made it plain to the U.K. Government and, in turn, to us as a Crown Dependency, that a successful listing application depends on the Government of U.K. and see that it has been able to provide evidence that our standards of the products, that is the food safety products, we wish to be listed will continue to and the word is dynamically aligned with E.U. standards, after our existing relationship with the E.U. ends for at least a 9-month period. These Regulations will amend the E.U. Legislation (Animal Health) (Jersey) Regulations 2016. What these Regulations do is insert 9 E.U. Regulations into the 2016 Regulations for the purposes of making sure we maintain that dynamic alignment with the U.K. Of course, I will say one other thing, I think I should explain that generally this is nationally because Jersey's existing food standards legislation has fallen behind current E.U. food safety requirements of those in other jurisdictions. A new Food Safety (Jersey) Law is under development and that has been the case and it has been out for stakeholders in August 2019. I am advised that I think that process of bringing forward that law will be expected to be complete by the end of 2020 and, of course, that fits with us having to have these Regulations on an interim basis. This law and the secondary legislation made under it will introduce those equivalent standards to the E.U. and the safety standards, as contained within and this is something I did not know: "E.U.'s new official controls regulation comes into force on 14th December 2019." As such, another legislation was needed so to ensure that we comply. The purpose of these Regulations, as I have explained, is to maintain the effect of a series of relevant E.U. food and feed requirements that have effect under Protocol 3 and must continue to have effect after a no-deal Brexit, if we are to obtain a third-country listing. You will notice and I think I have probably put the principles and then probably when we deal with Articles *en bloc* I will explain a couple of more points about the detail in the legislation. But I think I will propose the Regulations in principle at that point and try and answer questions.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. Those against? The principles are adopted. You are proposing the Regulations *en bloc* ... Scrutiny, I beg your pardon.

Deputy J.H. Young:

Yes, Sir, if I could propose them ...

The Bailiff:

Just a moment, Minister, thank you. Scrutiny, would you like to scrutinise these Regulations?

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

The Panel have had the opportunity of receiving presentations and are very satisfied that the team involved have done an adequate job and do not wish to scrutinise.

The Bailiff:

Thank you very much. Minister, do you wish to propose the Regulations *en bloc*?

11.2 Deputy J.H. Young:

Yes, Sir. I think it is probably appropriate to say one, or 2, words about them and not too many. The Regulations designate the Minister for the Environment as the appropriate authority and also that at the moment just to highlight that a person who wishes to engage in aquaculture in Jersey under the 2016 rules must obtain an authorisation from the Minister. What we have here is that that law provides regulated powers and offences and so on. In practical terms, adding these additional standards to the existing Regulations will not change the compliance obligations that are placed on the industry. However, it will set out these food and feed standards to give them express provisions

in Jersey law and clarity of the enforcement mechanism. Of course, the E.U. reference the particular Regulation that is, I think, important, that it allows the Minister by Order to remove an E.U. instrument, or to substitute and add another E.U. instrument as we go.

The Bailiff:

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

Deputy J.H. Young:

Yes, Sir. Can I propose in Third Reading and ask for the *appel*, Sir?

The Bailiff:

Seconded? **[Seconded]** Does anyone wish to speak in Third Reading? Probably not, no. I invite Members to return to their seats. The vote is on whether to adopt the Draft E.U. Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations in Third Reading and I ask the Greffier to open the voting.

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator K.L. Moore
Senator S.W. Pallett
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy 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 I. Gardiner (H)

12. Draft E.U. Legislation (Wild Aquatic Animals - Food and Feed) (Jersey) Regulations (P.103/2019)

The Bailiff:

We now come, while we are still feeling aquatic, to the Draft E.U. Legislation (Wild Aquatic Animals - Food and Feed) (Jersey) Regulations, P.103/2019. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

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

The Bailiff:

Do you wish to propose the principles, Minister?

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

I am grateful for the Assembly for allowing this second piece of regulation in planning matters marine to be dealt with on the same occasion. Because, obviously, both these are required for the submission that the U.K. is going to make on our behalf to the process I described.

[15:15]

The difference here is this particular one makes provision in relation to the application of the European Union food and feed standards to fish, crustaceans and molluscs, which are harvested, or caught, whereas the previous Regulations were about farmed products, whether they are harvested, or caught, in Jersey in the territorial sea around our Island. Of course, that means a wild aquatic animal, which is caught at sea, or in fresh water. Of course, you will see in the Regulations it brings 11 relevant food or feed provisions into effect as far as they apply to wild aquatic animals. Unlike the previous Regulations, they designate the Minister, the person who holds the Minister for the Environment's office, as the competent authority and allows the Minister to remove an E.U. provision, substitute or add an E.U. provision that relates to food standards in relation to wild animals. Of course, there are some differences here; in particular they make provision for the Minister to serve an enforcement notice on a person if they have not, or is not, or likely to comply with the Regulations, or the relevant E.U. provisions and they describe the information that needs to be in that notice and appeal rights and so on and offences. There is a Regulation that provides a mechanism to allow for flexibility, in that the Minister can, by Order, bring forward further changes only to the extent that they relate to relevant E.U. provisions, or otherwise, for food and feed standards for wild aquatic animals. But this is a time-limited power that will expire at the end of 2020. Again, the issue about the new Food Safety Law, which will deal with that situation in the long run, is relevant. Again, in practical terms, adding these standards into the law will not change the compliance obligations that our industry faces. However, it will set out express provisions in Jersey law and provide clarity about the enforcement mechanisms and those are detailed in the Regulations. If the Assembly approve them, then they come into effect within 14 days. Again, I will do the same thing, I will try and answer questions on the principles. I propose the principles first.

The Bailiff:

Are the principles seconded? **[Seconded]** Members in favour of adopting the principles ... I am sorry, does any Member wish to speak on the principles? I think I may have been jumping the gun there; somebody please save me. Deputy Ward, you would like to speak on the principles?

Deputy R.J. Ward:

I think maybe on the Regulations. I am not sure, because it is quite complicated. I was going to ask a question on the enforcement.

The Bailiff:

I think that is probably a detail point.

Deputy R.J. Ward:

It is, sorry ...

The Bailiff:

Which Regulation are you looking at?

12.1.1 Deputy R.J. Ward:

I am looking at Regulation 5 ... no, about enforcement. I just wondered whether the enforcement is on those that are registered in Jersey, or whether that enforcement can be on boats coming from other E.U. areas in terms of fishing and where the enforcement applies to. It may be obvious and I might have missed it.

The Bailiff:

Does any other Member wish to speak on the principles? I will invite the Minister to reply.

12.1.2 Deputy J.H. Young:

That is a challenging question. My understanding is that our Sea Fisheries Law allows us to license boats. But, of course, we do have international agreements that are currently in place, which, I think, best not say any more in the future, because they are there at the moment. We do have French boats in our waters. My understanding is that if our Regulations are contravened in our waters, then we can enforce. These powers of the Sea Fisheries Law, which these Regulations apply, will apply in force. If the Deputy wants more, I would have to refer to the Attorney General there if I could, or seek to get an answer on my email for the greater detail. That is Regulation 4. I think, while I am on my feet, maybe I should propose ... we are still on the principles now, are we not, Sir?

The Bailiff:

From the principles.

Deputy J.H. Young:

Thank you very much, Sir. Therefore, I think could I ask the Attorney General if he is able to give me some enlightenment on that before I ...

The Bailiff:

I think, Attorney, the question was whether, or not, if the offence is committed outside Jersey's territorial waters for the purposes of Article 5, if it is still an offence.

Deputy J.H. Young:

I think it was a question of a foreign fishing vessel that is within our territorial waters, as to whether, or not, those enforcement provisions apply and that is what I am seeking confirmation on.

The Bailiff:

Okay, Attorney, that is a different question.

Mr. R.J. MacRae, H.M. Attorney General:

I understand that the objective of this law is to ensure that enforcement is principally against Jersey boats in Jersey waters. I would need further time to take the clarity ... generally, criminal law is territorial and I would have thought that it would apply to any offence committed in Jersey waters, but I would need to have a little time to give a clearer answer to the Deputy than the one I have just given and perhaps 10 minutes will do if the Assembly ...

The Bailiff:

I am not sure you have that long but ...

The Attorney General:

I may not have that long, no.

The Bailiff:

But Members are to assume, therefore, that the master of a foreign fishing boat, foreign master of a fishing boat, whichever it is the case, would also be caught by Regulation 5. It sounds right to me.

Deputy J.H. Young:

Would it help the Assembly, my email has popped up from the team that says enforcement can be either, but, obviously, the Attorney General will be the one having to enforce it in law?

The Bailiff:

I will tell you, it is the Court, Minister, that will enforce that law ...

The Attorney General:

When one looks at the Regulations as they stand and particularly the report attached, then the best advice I can give in the circumstances is that the Regulations apply to any offence committed in Jersey waters and Regulation 5 is general in its application. I know that the report refers to the master of a fishing boat, without restriction as to nationality. The best advice I can give the Assembly is it applies to any offence committed by anyone in our waters.

The Bailiff:

Very well, all those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Connétable, do you wish to scrutinise these regulations?

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

Once again, the Panel was presented with this piece of law and is satisfied that it is, in these turbulent Brexit times, a necessary piece of legislation and we are satisfied in the same vein as the Attorney has just responded, because that was the question that was asked.

The Bailiff:

I should have asked you for the advice then; that was excellent. Do you wish to propose the Regulations?

12.2 Deputy J.H. Young:

Yes, if I can propose the Regulations *en bloc*, and try and answer any questions a little bit better the next time.

The Bailiff:

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

Deputy J.H. Young:

Yes, Sir, and can I have the *appel*, please?

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? The *appel* is called for, I invite Members to return to their seats. The vote is on whether to adopt the E.U. Legislation (Wild Aquatic Animals - Food and Feed) (Jersey) Regulations in Third Reading and I ask the Greffier to open the voting. If all Members have had the opportunity of voting, I ask the Greffier to close the voting.

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator L.J. Farnham
Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator T.A. Vallois
Senator K.L. Moore
Senator S.W. Pallett
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy 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 I. Gardiner (H)

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

13. The Chair of the Privileges and Procedures Committee will make a statement regarding Recommendation 6 of the Independent Jersey Care Inquiry's 2-year review

The Bailiff:

Before we come to the arrangements for future business, I believe the Chairman of the Privileges and Procedures Committee wishes to make a statement. Deputy.

13.1 Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee):

Recommendation 6 of the Independent Jersey Care Inquiry 2-year review falls within the responsibilities of the Privileges and Procedures Committee and requires an immediate response. It is unacceptable that a briefing session for States Members on their responsibilities with regards to the care of children after the election in 2014 was attended by very few Members. P.P.C. has already undertaken a review of post-election induction and is hitherto engaged in new mid-term training initiatives. These will now include a session on the welfare of children. The recommendation that attendance at future briefings, following elections, should be mandatory and that there should be annual refresher training to underline the principle of paramountcy of the welfare of children in the care of the States is accepted. The key here is for the earliest possible identification of dates for both the post-election session and the mid-term refreshers and for these to be explicit on the nomination form for all candidates, together with an explanation that, on signing the form and being successful at election, candidates are mandated to attend. The Code of Conduct for elected Members will also have to be amended to reflect this. I am content to seek approval from P.P.C. for this measure and to bring it to the Assembly. To further emphasise the importance of corporate parenting, the Panel recommended that reference to this specific responsibility should be incorporated into the oath of office. It adds that: "This would be a powerful symbol of a demonstration of a commitment to move from the failures of the past and urges that a decision and arrangements are made in this regard without further delay." The oath of office is not a symbol or cosmetic, it is a solemn promise. Members will not wish to make promises they are not confident, through no fault of their own, of being able to keep. All the background as to why a change to the oaths was never a very practical suggestion can be found in the report to P.71/2018, lodged by the previous P.P.C. after exhaustive research and includes the following: "Firstly, as Her Majesty's Attorney General confirmed in answer to an oral question asked by the Deputy of St. John on 11th December 2017, the concept of the corporate parent is not currently recognised under Jersey law. Individual States Members, other than the Minister for Health and Social Services, do not have any specific responsibility towards children in care, rather for children generally. Secondly, there are 2 oaths, one sworn by Senators and Deputies and the other by Connétables. The latter oath dates from 1771, is in French and principally relates to Connétables' Parish duties. But oaths are set out in primary legislation in the Revised Edition of the Laws of Jersey, the States of Jersey Law 2005 and the Code of 1771 and, therefore, would take some time to amend, as amendment requires Privy Council approval. It could be argued that if these oaths were amended, other oaths, such as those sworn by Crown, or Parish Officers, ought to be reviewed. The oaths are expressed in general terms and to include reference to one group, looked-after children and to leave out other vulnerable groups, could lead to there being a messy and divisive approach to amending the oaths." It is disappointing that the Inquiry Panel did not address these points, or seek to engage anyone to find out why the recommendation was not implemented. Paragraph 67 in recommendation 6 of the report is, however, helpful; it states: "We recommended that a Children's Plan should be published, which included S.M.A.R.T. (Specific, Measurable, Achievable, Realistic and Timely) objectives. We note that a Children's Plan has been published, covering the period up until 2023. This is a brightly presented document, which makes a number of important high-level commitments to the Island's children and young people. It is not, however, a truly S.M.A.R.T. document, which delivers objectives which are specific, measurable, assignable, realistic and time-related. It is not clear from the published document how the laudable objectives are to be delivered and within what timescale, nor what resources are to be applied. We are unsure that any member of the public reading the plan would know whether and when it had been implemented and what difference it had made. In reality, children and young people do not need a document as much as they need the outcome of the plan in terms of improved resources, services and

life experiences it delivers.” I am on record in this Assembly in pointing out that the Children’s Plan does not represent outcome-focused public policy, which can be measured. The Panel recommends that more specific objectives, outcomes and timescales should be published alongside clarity as to where responsibility for delivery lies. Once in possession of such a document, it may be possible for P.P.C. to design a meaningful public and visible pledge, perhaps at the time of being sworn into office and we will keep this issue live.

The Bailiff:

I now open the matter for questions to the Chairman, if anyone has any questions.

[15:30]

13.1.1 Senator S.Y. Mézec:

I agree with, certainly, the first half of this statement, but I am struggling to get my head around the second half of it, in particular the inference that there is a connection between updating the oath of office for States Members and the reference to the Children’s Plan in this, when, in fact, there is another, separate, piece of work going on on introducing corporate parenting legislation. Is it not the fact that the synergy is between those 2 pieces of work, rather than the Children’s Plan?

Deputy R. Labey:

I am glad to hear about that work that has been undertaken and, yes, that will be taken into account, of course.

13.1.2 Deputy R.J. Ward:

I just have a slight concern over something you have said there. Paragraph 66 at the end, one of the points that came in the speech was that: “Our main concern is that the point that refers to the Children’s Minister must not be allowed to shift all responsibility to this one Minister, therefore creating an expectation across other Ministers and Members that their personal responsibility, as a corporate parent, is diminished” and I thought that the point of the oath was to make clear and not diminish our role as a corporate parent, i.e., to pass it on to the Minister for Children and Housing, or the Minister for Health and Social Services alone, so that is the way I read it. I did not read in the second part as you have here.

Deputy R. Labey:

I am not entirely sure of the question.

Deputy R.J. Ward:

I think what I am saying is: is the point not about the oath? I understand the complexities of changing it, but it is a principle and that part of the speech given by the ... I have forgotten the name, I do apologise, did talk about not passing on corporate responsibility to one, or 2, Ministers. So, the fact that we take an oath as a corporate parent, part of the oath to be as a corporate parent is key to the principle of not diminishing our responsibility as a corporate parent and passing it on to just 2 Ministers.

Deputy R. Labey:

As things stand, Members in general are not the corporate parent. Changing the oath is fraught with difficulty, for all the reasons that the previous P.P.C., on which Senator Mézec sat, I believe, found out in the work that they did. I do not want to, in any way, not be grateful of the work that the Inquiry Panel have done, or to denigrate anything, but I stand by this point, that an oath is a solemn promise and Members will not be inclined to make that promise if they cannot be sure that they can keep it. Members in this Assembly are used to trying to do work in this area and will feel that their work in this area has sometimes been obstructed, so I think the oath is fraught with difficulty. I am moving

to the idea that we take the oath in the Royal Court and on the first sitting of the Assembly perhaps there is a pledge that we can take, right hand raised, perhaps there is a pledge that all Members can take with regard, specifically, to our duty of care to children in care.

13.1.3 Senator S.Y. Mézec:

Is it really that difficult to change the wording of the oath of States Members to include an extra line, or 2, that simply says that States Members, in the course of performing their duties, must pay due regard to the interests of their constituents and, in particular, the vulnerable in their constituency? When I served on the P.P.C., we looked at defining what the duties of a States Member would be and that included what I have just suggested. Of course, there are difficulties with timing from when the Inquiry report came out and the changes to legislation there would need to be before the election, but is it really that difficult to put these extra words in the oath of office?

Deputy R. Labey:

Maybe not and, if it is not, we will do so. At the moment, I cannot see a way clear on that.

13.1.4 Deputy S.M. Wickenden:

Does the Chairman agree that the work we did in the last P.P.C. talked about the fact that you could add children to the oath, but then you are giving a higher percentage of importance to children, but it does not deal with mental health, it does not deal with disability, it does not deal with the elderly? To change the oath to give it meaning to certain areas of our community would you agree is difficult and we need to think about that wording carefully if we are going to do anything at all?

Deputy R. Labey:

That has been an opinion held by a lot of Members, when this issue is discussed.

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

I think I am following on from Deputy Wickenden. I picked up on the first paragraph on page 2, which says reference to one group and then leave out other vulnerable groups. I am afraid I was not at the meeting yesterday, I was on P.A.C. (Public Accounts Committee) and I have only just looked at this, so I might have missed out something valuable, but would the Chairman please like to ... my experience in life is that if you focus too much on one thing and do whatever we can for children and children in care, then you tend to maybe not put the same emphasis onto other areas of vulnerable people in our society. I think if the oath is to change, it must consider all people who we represent within this Assembly and not focus on specifically one area, clearly a very important part of our society.

Deputy R. Labey:

Well, as I said to Deputy Wickenden, that is a common feeling among a lot of States Members. I do not want to duck the issue of making a very visible and prominent statement that this Assembly is breaking the mould and changing the way things have been done in the past and trying to put a stop to historic failures on the part of our predecessors in this Assembly. That is an important statement to make. I am not sure that the oath of office that we currently take is the way forward, but I do not want to duck the issue. I think it is an important statement to make and I will strive to do so.

13.1.6 The Deputy of St. Ouen:

I am just rather surprised that the Chair has chosen to make a statement that is just 30 hours, or so, after the release of this report, in fact less than that, in which we seem to be saying that we cannot implement one of the key recommendations of the Inquiry and which the Panel members seem to consider to be a fundamental. Has this statement been made following a full meeting of P.P.C.? Has a thorough review of the previous response been made, before this statement has been issued? Can P.P.C. receive submissions, ideas, from us and other people engaged as to how we might achieve this

recommendation, which I think is important to embed a sense of responsibility that we must all try to take forward and enhance in our thinking? Can the Chair answer those questions, please?

Deputy R. Labey:

P.P.C. is always prepared to take submissions from Members, this P.P.C. certainly is and I think most Members will be cognisant of that. It is oft-repeated by myself. This statement is careful not to tie the hands of P.P.C. In fact, as I say at one point, I am content to seek approval from P.P.C. for these measures. I have already received requests to comment to the media on the findings of the recommendations of the Inquiry Panel. I wanted to address the Assembly with what I felt about the recommendations as they impede into my portfolio on P.P.C., so I wanted to have this discussion with the Assembly, before I talked to anybody else and no, obviously, P.P.C. have not had time to meet and everything I will bring forward will be only on the approval of the entire Committee.

13.1.7 The Connétable of St. John:

This topic of oaths has been debated before and it has surprised and disappointed me that the Care Inquirers had not looked at this point and responded to it. The Chairman of P.P.C. mentioned earlier that we could make an oath, that we could make a pledge. We have done that and it is on the board in the Members' room where Members have signed it and there is no reason why that could not continue.

The Bailiff:

Connétable, is there a question to the Chairman about his statement? This is not a debate. I just want to be clear about that. Is there and as a member of P.P.C. am I right ...

The Connétable of St. John:

Would he not regard that as being sufficient, having the pledge that we have in the other room?

The Bailiff:

So, I take it you are asking the question because the Committee has not agreed the statement? Is that right? Are you asking this question, because the Committee, of which I understand you to be a member, has not approved the statement?

The Connétable of St. John:

We received the statement this morning, but I was asking for clarification about the pledge, as to whether our Chairman's opinion is that the pledge, that we have signed in the Members' room, is sufficient.

The Bailiff:

I shall add a minute to questions to the Chairman on this. I think I take the view that this is rather like an Assistant Minister asking questions.

13.1.8 Deputy L.M.C. Doublet:

Can I just clarify: does the Chairman believe that we should be defining what corporate parenting means, because, in the law, it does not mean anything to all but one Minister? Whose job is it to do that and if a change in legislation, or policy, is needed to make that change, who would bring that forward? I do not think the Chairman is saying that he does not want to follow this recommendation. What I understand is that we need to address that first, so that we can then follow the recommendation.

Deputy R. Labey:

The Inquiry is disappointed that we have not changed the oath to acknowledge our responsibility in terms of corporate parenting when we do not have, in law, responsibility for corporate parenting at

the moment. If the Inquiry had asked to see me or my officers and take us to task with why we have not implemented a change to the oath, I would have been more than happy to explain the reasons why and point them towards the research that was done by the last P.P.C. and the difficulties we are in legally. That, Deputy Renouf, is part of the reason why I am making this statement immediately and I think all departments should respond immediately to this sort of statement with an interim statement. That is why I am doing it. We would have explained the situation, the legalities of the situation and the difficulty we were in, if we had been asked, but we were not asked.

13.1.9 Deputy L.M.C. Doublet:

I am not sure my question was answered. Does the Chairman think that we do need to change the law on this and does he know which Minister would do that?

Deputy R. Labey:

I am glad to see that is in progress. It can only be a good thing.

The Bailiff:

I think the answer, Deputy, is one would expect a change to the oath of office of Members to come around through the Privileges and Procedures Committee Proposition.

Deputy L.M.C. Doublet:

No, Sir, my question was who would change the law to define corporate parenting responsibilities for States Members?

The Bailiff:

That is right at the heart of the issue.

13.1.10 Deputy R.J. Ward:

With the greatest respect and I know there is a lot more experience, I think this is a demonstration of why this Assembly desperately needs to address the issue of what corporate parenting is, with some sort of genuine training for everybody, before we enter into a discussion about the problems with changing an oath. What people of this Assembly are hearing at the moment and from this statement, if I may say, is an argument over bureaucratic change, when what we need is a discussion over the best way forward for us to fulfil a genuine role as a corporate parent and the change to the law that would be the Minister for Children and Housing, because that is why the Minister for Children and Housing has been put there and it worries me that this statement has not addressed that. I would like you to reiterate the point that this may be difficult, but change is difficult, but we have got to get it right, because we do not have a choice but to not get it right in the circumstances.

Deputy R. Labey:

Deputy Ward need not be worried. Senator Mézec says the corporate parenting changes to the law are in progress. That is not my responsibility. My responsibility is to answer the Inquiry in terms of the points they raise, which are part of my portfolio, which is changing the oath of office to recognise our responsibility as corporate parents, which we cannot do until we have, in law, responsibility as corporate parents. I needed to make that clear, so that people reading that report will wonder why on earth that has not been done and why have P.P.C. not done this? Are they just being lazy, obstructive, are they against it? We have to point out the situation as it is at the moment and I would have been happy to do that to the Inquiry, had they asked.

[15:45]

The Bailiff:

That brings an end to the questions to the Chairman; 15 minutes have expired in relation to it.

Senator S.Y. Mézec:

Sir, can I make the proposition that questions are extended, on the basis that there are areas of the statement that we have not explored through questions? It may be the case that other Members may wish to explore that, but I have got a couple of questions, at least, that are not connected to questions that I have asked previously.

The Bailiff:

It is up to Members. There is a proposition to extend, I take it, for a further 15 minutes, in accordance with Standing Orders, if we need that. The proposition is to extend for up to 15 minutes the questions to the Chairman. Those Members in favour of adopting that kindly show. Those against? Very well, we carry on for another 15 minutes.

13.1.11 Senator S.Y. Mézec:

Changing the subject here, the statement that the Chairman has made refers to training for States Members upon their elections and the previous training that was offered having not been well-attended. I am sure the Chairman is aware of this, but could he confirm that he is aware that, perhaps, one of the reasons that those sessions may not have been attended as well as they could have been was because they took place before the swearing-in date for States Members, when many who had taken unpaid leave to campaign had to go back to their jobs, so that they could make ends meet before taking up their position as States Members and would he undertake to ensure that when such training does take place that it takes that into account to ensure that Members, particularly new Members who may be having to reconcile their past lives, are able to attend and get the best out of it?

Deputy R. Labey:

I think the Senator is absolutely right. I recall, when I first was elected in 2014, I assumed that as the States were not sitting for another 2, or 3, weeks after that I was free to go to China, which I did the day after the elections. I had no indication that there was any induction programme. I might have missed the memo, but I had no idea about that, at all. I think that if we are going to make this mandatory, we have to explain to candidates that fact at point of nomination, so they are absolutely clear that they are mandated to attend certain induction sessions on the welfare of children. To back that up, we have to change the Members' Code of Conduct, because if they are mandated to appear and they do not appear, that is then a disciplinary and it has to go through various channels, for instance the Commissioner for Standards, *et cetera*. Now, this is quite a big change for Members. It will be quite a big change, but it is a tiny infringement, I think, on the near total autonomy that Members have in carrying out their duties in office and I think it is an important signal that we send out for saying these sessions on the welfare of children in care are mandatory for States Members, the one straight after Members have been elected and subsequent refreshers mid-term. I think we can do that. I think we can take that infringement on our autonomy and that is a powerful symbol, I believe.

13.1.12 Deputy M.R. Higgins:

I have a lot of respect for the Chairman of P.P.C., I like him very much, but on this particular one, I think he has acted in haste in coming forward with a statement so quickly, without fully having meetings with his own members, sending out a preferred statement to them and saying, basically: "Do you agree?" Did they see it? I do not know if they did. Would it not have been better to sit down with them to discuss it fully and then come to the States? I am sorry, on this occasion I think you are acting in haste and I think you are making a mistake. You need to discuss all these issues and then come back, so I would ask the Chairman if he will go back and discuss it with his members and then come back to us.

Deputy R. Labey:

Of course, I note the comments of Deputy Higgins and, of course, I will be discussing action that we will take in response to the Inquiry with my Committee, before any action is taken and I will have to have a majority of the Committee before that happens. I have been asked to comment on this Inquiry to the press and I wanted to make any comments that I have to make - any immediate comments that I have to make - to this Assembly, before I make them to anybody else.

13.1.13 Senator S.Y. Mézec:

This statement makes reference to the Code of Conduct for Elected Members and it being amended to reflect this. Could I ask the Chairman what consideration, if any, he has given to this so far? Has he had any conversations, or is he due to have conversations with the Commissioner for Standards about this and would he inform us how he would see any sanction regime working for those Members who, for whatever reason, simply refused to take this training?

Deputy R. Labey:

No, I have not had those conversations yet and they are to follow, in due course. It follows, does it not, that if we are going to make attendance to certain meetings mandatory, then there must be a penalty, or disciplinary action, that follows if Members choose not to attend those meetings? Otherwise, it is meaningless, so those are discussions that will have to follow on.

13.1.14 Senator S.C. Ferguson:

It is all right saying: "We are going to change the oath" and so on and so forth, but how on earth does the Chairman of P.P.C. imagine that your average States Member, who is not a Minister, or an Assistant Minister, is going to be able to accomplish corporate parenting on that oath? I am sorry, but the whole thing is pie in the sky and to start saying attendance at this is mandatory, are you going to run a class too for people to keep an eye on the old folks' homes in their constituencies, so that people know if the vulnerable old are being properly cared for? What sort of *diktat* are you going to impose on everybody?

The Bailiff:

Through the Chair

Senator S.C. Ferguson:

I am sorry, Sir. You know, I just feel that we are sitting here like ... I do not know what, just saying: "We are going to do this, that and the other." We need to know what it is we are going to accomplish, how we are going to accomplish it, what we expect the outcomes to be, what the ... how can you assess the outcomes and, please, tell me how I am going to go and be a corporate parent to a whole load of children in the Island? I am sorry, it is just absolute rubbish. Would the Chairman like to comment?

The Bailiff:

I think the question is how ordinary Members will be corporate parents?

Deputy R. Labey:

That is the question. Now, I am not saying to the Senator that we are changing the oath. I am saying the opposite. I am saying at the moment I do not believe P.P.C. can bring a Proposition to change the oath. I do not believe currently that is the situation. Now, there is legislation in train, apparently, to give us all responsibility as corporate parents. I think Members are going to have a lot of questions about that. I think Members are going to need to know exactly what that responsibility entails and with that responsibility do we have any power, or is it all responsibility and no power, because that is a really disastrous place to be? That is a place that nobody wants to be in, with all of the responsibility and none of the power. We have had a recent exchange in this Assembly about access not being granted to a Minister to a report about one of his staff. Now, I do not want to go into that

specific, but what access are Members going to be afforded when they become corporate parents? There are an awful lot of questions so, Senator Ferguson, we are on the same page at the moment. I do think the Inquiry has called Members out on not attending briefings after the election that really we all should have attended. I cannot remember who did, or did not and whether I did, or did not, so the Inquiry makes a fair point. We are being instructed by our officers, or experts, on what our responsibility is to children in care and trying to stop the failures, the decades and decades of failures in the past by States Members in their duty of care and so we should attend that meeting, so I am saying I will ask P.P.C. that we take that one, we take that criticism and we ensure and we act and we do something about it, so if we make those sessions mandatory for all Members to attend, a small infringement on our autonomy.

13.1.15 Senator S.Y. Mézec:

Corporate parenting is not just about what legislation does, or does not say. Can I ask the Chairman what he considers his duty as a corporate parent to be?

Deputy R. Labey:

I do not think that relates to the statement that I have made.

The Bailiff:

I am not sure, Chairman, that you are a corporate parent at the moment, are you?

Deputy R. Labey:

I am not a corporate parent at the moment. In law I am not a corporate parent at the moment, or a parent.

The Bailiff:

I am sorry to intervene at question time. This is absolutely at the heart of the debate, which Members at some time - and this is not the time, because it is question time on the statement - but, at some time, Members are going to have to consider this very carefully and come up with the right solution.

13.1.16 Deputy J.H. Young:

Can I ask the Chairman, I apologise for coming up to speed a bit late on this, but of course I recall at the elections last time there were many weeks before newly-elected Members became sworn in as States Members? My understanding - and I would like the Chairman to confirm - was that until that point, at which they were sworn in, Members did not have legal responsibilities as States Members? They were Members-elect and, of course, I like the Chairman's view about what the implication is of that, that if a person is a Member-elect, but has not yet been sworn in, but has not yet carried all the duties and responsibilities of States Members, where that puts them with an obligation of what is, it seems to me, something that potentially and I do not know, I have to be frank, could be quite onerous. What is the extent of those responsibilities? The other thing I would just like to say while I am on my feet: of course, as a Government, we are moving from a place where we did not have one corporate government even and we are in transit towards one, so that where the corporate responsibilities are clearer, corporate meaning, in my layman's head, responsibilities are shared between all Members. It is a shared responsibility thing. Could the Chairman comment on those, please?

Deputy R. Labey:

I do not think the last one is for me to comment on, but my understanding is that Members, candidates, do not take on the responsibilities of office until they are sworn into office and that happens currently. Obviously, I was not Chairman of P.P.C. last term, the induction programme was not organised by me. I will be organising, with my Committee, the next one after the 2022 elections, but what has happened normally is that it is 2, or 3, weeks after the election that Members are sworn in and, in that

interregnum, the States Greffe has used that opportunity for an induction programme for new Members to train them up on the procedures of the Assembly. That is what has happened. We do not take on the responsibility of office until sworn into office.

13.1.17 Senator S.Y. Mézec:

In order to help inform the Chairman on how he can proceed with some of the work that he has outlined in his statement, would he be prepared to accept an offer from myself to arrange for him to meet with some young care experience people, for them to help him understand their experiences and what it means to be a corporate parent?

Deputy R. Labey:

I would just say that, referring to my statement, the Greffe and P.P.C. are organising some mid-term training for Members in response to some of the research we did with Members about what sort of skills they feel would be helpful to brush up on. There will be mid-term training opportunities for Members and I think it would be correct to respond to the Care Inquiry suggestion to make one of those sessions about our duties and the welfare of children in care, but, of course, the Senator will know that on P.P.C. we are very happy to take representations from all Members and all ideas.

The Bailiff:

The extended period of question time has now come to an end, so we will return to the Order Paper and come to paragraph M, the Arrangement of Public Business.

Deputy J.A. Martin:

Sorry, Sir. Just a point of information, before the Deputy goes to the next Public Business, Members will hopefully find, if not this afternoon, in their pigeonholes another brick, but it is for the family-friendly debate, P.100/2019 on 22nd October and the Law Officers have gone through all the old law and it is all here how it reads in the new law.

[16:00]

So, if anybody is not in this building every day, if it is not here today, it should be in your pigeonholes in the next day or 2 - 4 weeks before the debate - to make sure you have got this one with you as well, because I know it is really helpful when you see what it was and what is going to be all crossed out. Thank you, just a point of information I did not want people to miss.

Deputy L.M.C. Doublet:

Is now the right time for me to inform Members that I have moved a lodged Proposition of mine?

The Bailiff:

Which one is that?

Deputy L.M.C. Doublet:

So P.54/2019 of the related Amendment, which relates to the family-friendly, I have moved that to the 22nd October sitting and I also have informed Members previously, I intend to withdraw P.79/2019. I am just waiting on a commitment from the Chair of the S.E.B. to inform managers of the breastfeeding policy mentioned therein. Once I have seen that that has been done, I still do intend to withdraw that, so Members, hopefully, need not prepare speeches for that.

The Bailiff:

You have not withdrawn it yet, so it remains on the Order Paper, the future Order Paper, at the moment. Thank you. Chairman, you wish to propose the Arrangement of Public Business for Future Meetings?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

14. Deputy R. Labey (Chair, Privileges and Procedures Committee):

There have been 2 changes to the listing of public business as it appeared on the Consolidated Order Paper. The Channel Islands Lottery: allocation of proceeds, P.105/2019, has been lodged today and listed for 12th November 2019. Now, Deputy Doublet had requested that P.54/2019 be moved to the meeting on 22nd October. That is still the plan, I see there. In terms of next time, there are not that many Propositions listed, so it is possible it will not be a very long meeting. I do think it might go into Wednesday, because a number of the Propositions lodged are lodged by Members in their own name and they generally tend to be the ones we spend more time on. There will be tears, as well, at the next meeting. I hope you are going to be present, but it should not last more than the Wednesday and, with that, I propose Public Business.

The Bailiff:

No questions for the Chairman? Very well, the States now stand adjourned until 9.30 a.m. on 8th October.

ADJOURNMENT

[16:02]