

# STATES OF JERSEY

## OFFICIAL REPORT

MONDAY, 30th NOVEMBER 2020

<b>COMMUNICATIONS BY THE PRESIDING OFFICER.....</b>	<b>6</b>
<b>APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS.....</b>	<b>6</b>
<b>1. Nomination of 3 members of the Public Accounts Committee who are not members of the States.....</b>	<b>6</b>
1.1 Deputy I. Gardiner of St. Helier (Chair, Public Accounts Committee).....	6
<b>QUESTIONS.....</b>	<b>6</b>
<b>2. Written Questions.....</b>	<b>6</b>
2.1 Senator S.Y. Mézec of the Chief Minister regarding the payment of the Living Wage by Government of Jersey contractors (WQ.450/2020).....	6
2.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the application of V.A.T. to goods ordered online in Jersey (WQ.451/2020).....	8
2.3 The Connétable of St. Peter of the Minister for Infrastructure regarding the transport of loose material (WQ.452/2020).....	8
2.4 Deputy S.M. Ahier of St. Helier of Minister for Treasury and Resources regarding the Business Disruption Loan Guarantee Scheme (WQ.453/2020).....	9
2.5 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding hospital doctors who have been suspended from duty (WQ.454/2020).....	9
2.6 Deputy M.R. Higgins of St. Helier of the Minister for the Environment regarding the inspection of Jersey care homes (WQ.455/2020).....	10
2.7 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the undertaking of wills by video link (WQ.456/2020).....	11
2.8 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the spread of Covid-19 in Jersey (WQ.457/2020).....	12
2.9 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the operations of Jersey Post (WQ.458/2020).....	13
2.10 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding staff vacancies in the Department of Health and Community Services (WQ.459/2020).....	14
2.11 Deputy R.J. Ward of St. Helier of the Minister for Children and Housing regarding the recommendation for a Jersey Care memorial (WQ.460/2020).....	17
2.12 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding expenditure on the LibertyBus contract (WQ.461/2020).....	17
2.13 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the decision not to proceed with the Jersey Care memorial (WQ.462/2020).....	18
2.14 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding use of the Spend Local cards (WQ.463/2020).....	18

2.15	Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding leaving packages for senior civil servants (WQ.464/2020).....	19
2.16	Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the impact of proposed changes to Springfield Stadium on green space (WQ.465/2020) .....	20
2.17	Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding access to affordable primary care (WQ.466/2020).....	20
2.18	Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the delivery of the Jersey Care Model (WQ.467/2020).....	20
2.19	Deputy G.P. Southern of the Minister of Social Security regarding the impact of Covid-19 on households with the lowest income (WQ.468/2020).....	24
2.20	Deputy C.S. Alves of St. Helier of the Chief Minister regarding Subject Access Requests submitted to Government departments (WQ.469/2020).....	25
2.21	Deputy C.S. Alves of St. Helier of the Minister for Education regarding mental health support to students (WQ.470/2020).....	26
2.22	Deputy C.S. Alves of St. Helier of the Minister for Treasury and Resources regarding the administration of the decrease in the G.S.T. <i>de minimis</i> threshold (WQ.471/2020) .....	26
<b>3.</b>	<b>Oral Questions .....</b>	<b>27</b>
<b>3.1</b>	<b>Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding Jersey’s performance framework (OQ.350/2020): .....</b>	<b>27</b>
	Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):.....	27
3.1.1	Deputy R.J. Ward: .....	28
3.1.2	Deputy G.P. Southern of St. Helier: .....	28
3.1.3	Deputy G.P. Southern: .....	28
3.1.4	Deputy C.S. Alves of St. Helier:.....	29
3.1.5	Deputy C.S. Alves: .....	29
3.1.6	Deputy R.J. Ward: .....	29
<b>3.2</b>	<b>Deputy G.J. Truscott of St. Brelade of the Minister for Health and Social Services regarding Jersey Covid Alert App (OQ.354/2020):.....</b>	<b>30</b>
	The Deputy of St. Ouen (The Minister for Health and Social Services): .....	30
3.2.1	Deputy G.J. Truscott:.....	30
3.2.2	Senator S.Y. Mézec: .....	31
3.2.3	Senator S.Y. Mézec: .....	31
3.2.4	Deputy G.J. Truscott:.....	31
<b>3.3</b>	<b>Deputy G.P. Southern of the Minister for Health and Social Services regarding affordable primary care (OQ.355/2020):.....</b>	<b>31</b>
	The Deputy of St. Ouen (The Minister for Health and Social Services): .....	31
3.3.1	Deputy G.P. Southern: .....	32
3.3.2	Deputy R.J. Ward: .....	32
3.3.3	Deputy R.J. Ward: .....	32
3.3.4	Senator S.Y. Mézec: .....	33
3.3.5	Senator S.Y. Mézec: .....	33
3.3.6	Deputy G.P. Southern: .....	33
<b>3.4</b>	<b>Deputy S.M. Ahier of St. Helier of the Chief Minister regarding purchase of property (OQ.346/2020):.....</b>	<b>34</b>
	Senator L.J. Farnham (Deputy Chief Minister - <i>rapporteur</i> ):.....	34
3.4.1	Deputy S.M. Ahier:.....	34

3.4.2 Deputy M.R. Higgins of St. Helier: .....	34
3.4.3 Deputy M.R. Higgins: .....	35
3.4.4 Senator S.Y. Mézec: .....	35
3.4.5 Senator S.Y. Mézec: .....	36
3.4.6 Deputy M.R. Le Hegarat of St. Helier: .....	36
3.4.7 Deputy S.M. Ahier: .....	36
<b>3.5 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding States of Jersey Complaints panel (OQ.352/2020): .....</b>	<b>37</b>
Senator J.A.N. Le Fondré (The Chief Minister): .....	37
3.5.1 Deputy K.G. Pamplin: .....	37
3.5.2 Deputy K.F. Morel of St. Lawrence: .....	38
3.5.3 Deputy K.F. Morel: .....	38
3.5.4 Deputy R.J. Ward: .....	38
3.5.5 Deputy R.J. Ward: .....	39
3.5.6 Deputy K.G. Pamplin: .....	39
<b>3.6 Deputy M.R. Higgins of H.M. Attorney General regarding rights of prisoners (OQ.344/2020): .....</b>	<b>40</b>
Mr. M.H. Temple Q.C., H.M. Attorney General: .....	40
3.6.1 Deputy M.R. Higgins: .....	40
<b>3.7 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding Our Hospital site selection (OQ.349/2020): .....</b>	<b>41</b>
Senator L.J. Farnham (Deputy Chief Minister - <i>rapporteur</i> ): .....	41
3.7.1 The Connétable of St. Helier: .....	41
3.7.2 Deputy I. Gardiner: .....	42
3.7.3 Deputy I. Gardiner: .....	42
3.7.4 Deputy M.R. Le Hegarat: .....	43
3.7.5 Senator S.C. Ferguson: .....	43
3.7.6 Senator S.C. Ferguson: .....	44
3.7.7 The Connétable of St. Helier: .....	44
<b>3.8 Connétable K. Shenton-Stone of St. Martin of the Chair of the Privileges and Procedures Committee regarding new voting system for elections (OQ.347/2020): ...</b>	<b>44</b>
Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee): .....	44
3.8.1 The Connétable of St. Martin: .....	45
3.8.2 Deputy M. Tadier of St. Brelade: .....	45
3.8.3 Senator S.Y. Mézec: .....	45
3.8.4 Senator L.J. Farnham: .....	46
3.8.5 Senator L.J. Farnham: .....	46
3.8.6 Deputy G.J. Truscott: .....	47
3.8.7 Connétable R.A. Buchanan of St. Ouen: .....	47
3.8.8 The Connétable of St. Ouen: .....	47
3.8.9 Connétable J.E. Le Maistre of Grouville: .....	48
3.8.10 The Connétable of Grouville: .....	48
3.8.11 Senator J.A.N. Le Fondré: .....	48
3.8.12 The Connétable of St. Martin: .....	49
<b>3.9 Deputy R.J. Ward of the Minister for the Environment regarding landfill space (OQ.351/2020): .....</b>	<b>50</b>
Deputy J.H. Young of St. Brelade (The Minister for the Environment): .....	50

3.9.1 Deputy R.J. Ward: .....	50
3.9.2 Deputy G.P. Southern: .....	51
3.9.3 Deputy G.P. Southern: .....	51
3.9.4 Deputy S.G. Luce of St. Martin: .....	52
3.9.5 The Deputy of St. Martin: .....	52
3.9.6 Deputy R.J. Ward: .....	52
<b>3.10 Deputy M.R. Higgins of the Minister for Children and Housing regarding records (OQ.345/2020): .....</b>	<b>53</b>
Deputy J.M. Maçon of St. Saviour (The Minister for Children and Housing): .....	53
3.10.1 Deputy M.R. Higgins: .....	53
<b>3.11 The Connétable of St. Martin of the Chair of the Privileges and Procedures Committee regarding alternative voting options (OQ.348/2020):.....</b>	<b>54</b>
Deputy R. Labey (Chair, Privileges and Procedures Committee):.....	54
<b>3.12 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding outstanding STAC minutes (OQ.353/2020): .....</b>	<b>54</b>
The Deputy of St. Ouen (The Minister for Health and Social Services): .....	54
3.12.1 Deputy K.G. Pamplin: .....	55
3.12.2 Deputy M.R. Higgins: .....	55
3.12.3 Deputy M.R. Higgins: .....	55
3.12.4 Deputy K.F. Morel: .....	56
3.12.5 Deputy K.F. Morel: .....	56
3.12.6 Deputy K.G. Pamplin: .....	56
<b>3.13 Deputy G.P. Southern of the Minister for Health and Social Services regarding £6.6 million additional investment (OQ.356/2020): .....</b>	<b>57</b>
The Deputy of St. Ouen (The Minister for Health and Social Services): .....	57
<b>4. Questions to Ministers without notice - The Minister for Infrastructure .....</b>	<b>58</b>
4.1 Senator S.Y. Mézec: .....	58
Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):.....	58
4.1.1 Senator S.Y. Mézec: .....	58
4.2 The Deputy of St. Martin: .....	59
4.3 Deputy I. Gardiner: .....	59
4.3.1 Deputy I. Gardiner: .....	59
4.4 Connétable P.B. Le Sueur of Trinity: .....	60
4.4.1 The Connétable of Trinity: .....	60
4.5 Deputy G.P. Southern: .....	60
4.5.1 Deputy G.P. Southern: .....	61
4.6 Deputy M. Tadier:.....	61
4.6.1 Deputy M. Tadier:.....	61
4.7 Deputy K.F. Morel:.....	61
4.7.1 Deputy K.F. Morel:.....	62
<b>5. Questions to Ministers without notice - The Chief Minister .....</b>	<b>62</b>
5.1 Deputy M.R. Le Hegarat: .....	62
Senator J.A.N. Le Fondré (The Chief Minister): .....	63
5.2 Senator S.Y. Mézec: .....	63
5.2.1 Senator S.Y. Mézec: .....	63
5.3 Deputy G.P. Southern: .....	63

5.3.1 Deputy G.P. Southern: .....	64
5.4 Deputy R.J. Ward: .....	64
5.4.1 Deputy R.J. Ward: .....	65
5.5 Senator S.C. Ferguson: .....	65
5.5.1 Senator S.C. Ferguson: .....	65
5.6 Deputy M. Tadier:.....	66
5.6.1 Deputy M. Tadier:.....	66
5.7 Deputy S.M. Ahier:.....	67
5.7.1 Deputy S.M. Ahier:.....	67
<b>6. Urgent Oral Question.....</b>	<b>67</b>
6.1 Deputy K.G. Pamplin of the Chief Minister regarding the recent reported spike in positive Covid-19 cases: .....	67
Senator J.A.N. Le Fondré (The Chief Minister): .....	67
6.1.1 Deputy K.G. Pamplin: .....	68
6.1.2 Deputy R.J. Ward: .....	68
6.1.3 Deputy R.J. Ward: .....	68
6.1.4 Deputy M.R. Hegarat:.....	69
6.1.5 Senator S.Y. Mézec: .....	69
6.1.6 Deputy I. Gardiner: .....	70
6.1.7 Deputy M.R. Higgins:.....	70
6.1.8 Senator K.L. Moore: .....	71
6.1.9 Deputy K.F. Morel:.....	71
<b>ADJOURNMENT.....</b>	<b>72</b>

[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Deputy Bailiff:**

If we turn to the Consolidated Order Paper, there is nothing under A.

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

### **1. Nomination of 3 members of the Public Accounts Committee who are not members of the States**

#### **The Deputy Bailiff:**

Under F, we have a nomination of 3 members of the Public Accounts Committee. These are 3 unelected members of the committee and, in accordance with standing Order 124, Members received notification of the nominations of the Chair of P.A.C. (Public Accounts Committee) at least 14 days before this meeting. I therefore invite the Chair to make the nominations.

#### **1.1 Deputy I. Gardiner of St. Helier (Chair, Public Accounts Committee)**

I would like to nominate 3 members to be appointed as lay members to the Public Accounts Committee, as per the report that has been sent. Is there anything else that I need to present currently? All Members have received the report and have received the nominations; if there are any questions I would be happy to answer.

#### **The Deputy Bailiff:**

Are the nominations seconded? **[Seconded]** Standing Order 124(2) states that any other elected Member may, at least 2 clear working days before the meeting, give notice to the Greffier of the person or persons that he or she intends to nominate for such membership. No notice has been given and consequently no other nominations have been made. I therefore declare that Dr. Helen Miles, Dr. Graeme Phipps and Mr. Adrian Lane have been duly appointed as members of the Public Accounts Committee.

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Senator S.Y. Mézec of the Chief Minister regarding the payment of the Living Wage by Government of Jersey contractors (WQ.450/2020)**

##### **Question**

“Will the Chief Minister state how many Government contractors are paying their workers less than the Living Wage and, for any such contractors, will he confirm when their contracts are due for renewal and how much it would cost to uprate workers’ salaries to the Living Wage now?”

##### **Answer**

As detailed in WQ.91/2020, we currently do not hold all contract information centrally and therefore do not have a comprehensive list of all contracts across GoJ. This is being actively addressed by the investment of a new technology system which should be in place by 2023, as outlined in the Government Plan.

Within WQ.91/2020 it was noted that the criteria are applicable for suppliers who have contracted staff on government premises.

Subsequently since WQ.91/2020 there will have been additional contracts let, those contracts will have either been completed centrally by Commercial Services or by the Departments themselves.

Any central corporate contracts would have been contracted under GOJ standard T&C, which contain specific clauses (example below), referring to Living Wages. However, because we do not yet have the new technology system in place, as referenced at the start of this question, it is not possible to easily confirm living wage clauses are in all new contracts issued (e.g. departments may have used the suppliers T&C's). However, if this is the case, it would have been against living wage policy.

Furthermore, as detailed in WQ444/2019, a review was performed across one hundred and fifty contracts. Of these, only four needed to meet the living wage criteria. None of the four contracts expire until 2021. One hundred and forty-six of these contracts did not meet the threshold to have the living wage criteria applied, i.e. for staff who worked for more than 2 hours a day, or more than 8 hours a week for 8 consecutive weeks. Of the remaining four contracts, none expired before 2021. These have been reviewed to ensure compliance.

The Jersey living wage scheme is run off the living wage foundation in the UK and its rules are set by Caritas. The UK Living Wage Foundation states *“The Living Wage applies to all your directly employed staff, as well as regularly contracted staff. The exact definition is those contracted staff who work 2 or more hours a week, for 8 or more consecutive weeks a year. The Living Wage does not apply to contractors that supply your organisation with products e.g. stationary suppliers.”*

### Example of Contract Clause

#### ‘Provision of Services

#### Jersey Living Wage

- 17.1 The Contractor will ensure that all Relevant Staff employed or engaged by the Contractor are paid an Equivalent Hourly Wage which is equal to or exceeds the Jersey Living Wage.
- 17.2 The Contractor will ensure all Relevant Staff employed or engaged by its subcontractors (if any) pay an Equivalent Hourly Wage which is equal to or exceeds the Jersey Living Wage.
- 17.3 The Contractor will provide to the Authority such information concerning the Jersey Living Wage and the performance of its obligations under clause 17 as the Authority may reasonably require and within the deadlines it reasonably imposes.’

#### ‘Provision of Professional Services

##### 1. JERSEY LIVING WAGE

- 1.1. The Consultant will ensure that all relevant Staff employed or engaged by the Consultant are paid an equivalent hourly wage which is equal to or exceeds the Jersey Living Wage.

- 1.2. The Consultant will ensure all relevant Staff employed or engaged by its sub-consultants (if any) pay an equivalent hourly wage which is equal to or exceeds the Jersey Living Wage.
- 1.3. The Consultant will provide to the Authority such Information concerning the Jersey Living Wage and the performance of its obligations under this clause 35 as the Authority may reasonably require and within the deadlines it reasonably imposes.’
- 2.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the application of V.A.T. to goods ordered online in Jersey (WQ.451/2020)**

### **Question**

“Will the Minister provide an update of the progress of any talks with major online retailers in order to ensure the deduction of V.A.T. (value added tax), and the addition of G.S.T. (goods and services tax), to the cost of goods ordered online for delivery to Jersey?”

### **Answer**

No work on this issue has been undertaken during 2020 due to the limited prospects of success and the volumes of important tax-policy reviews under way, in particular relating to the proposed abolition of the Prior Year Basis of paying taxes; the introduction of Independent Taxation; and significant work on OECD initiatives.

The Government continues to expect Jersey to be a “fast follower” of the EU and the UK in obliging online retailers to charge customers the rate of VAT prevailing in the country of destination of the goods (usually the place of residence of the customer); and also in obliging retailers to remit those taxes to the Treasuries of the relevant jurisdictions.

Once such systems are in place across Europe, it is expected that large online retailers would be prepared to do likewise for Jersey.

The EU is expected to make such changes in summer 2021: the speed with which Jersey can follow will depend upon the volume of policy work under way and its relative priority.

The Minister is conscious that some major UK online retailers do already deduct VAT from goods consigned to Jersey. Ultimately, the real power to persuade offshore retailers not to charge VAT lies with islanders by exercising consumer choice. At the present time, we continue to encourage all islanders to buy locally to support local retailers.

### **2.3 The Connétable of St. Peter of the Minister for Infrastructure regarding the transport of loose material (WQ.452/2020)**

### **Question**

“Will the Minister state what action, if any, his department has taken to ensure that vehicle operators transport loads of loose material with an appropriate cover to prevent dust from being inhaled by the public, given that this is a known health hazard; and if no such action has been taken, will the Minister explain why not?”

### **Answer**

DVS officers carry out road checks on a regular basis in all 12 Parishes in conjunction with the States of Jersey Police and Honorary officers which cover all aspects of safety requirements including checking on the security of loads and ensuring coverings are used when appropriate.



In addition to carrying out regular road checks, my officers inspect vehicles that have been reported or brought to our attention by the Police or members of the public in this respect.

They also distribute to the Industry and the weighbridges on a regular basis leaflets marked “COVER YOUR LOAD” which state:

*“An uncovered load may present both a nuisance and a danger to other road users and pedestrians. If the load has the potential to be blown or fall from the vehicle, it is an offence for which you can be prosecuted and fined up to £5,000.”*

Article 106 (2) of the Motor Vehicles (Construction and Use) (Jersey) Order states:

*“ The load carried by a motor vehicle or trailer shall at all times be so secured, if necessary, by a physical restraint other than its own weight, and be in such a position, that neither danger nor nuisance is likely to be caused by any person or property by reason of the load or any part thereof falling or being blown from the vehicle or by reason of any other movement of the load or any part thereof in relation to the vehicle ”*

My officers at DVS will continue to work closely with the States of Jersey Police and the Honorary Police to monitor and deal with any such offences.

The planned introduction of **licencing** commercial vehicle operators will further ensure that those vehicles operate in a safe and secure manner.

#### **2.4 Deputy S.M. Ahier of St. Helier of Minister for Treasury and Resources regarding the Business Disruption Loan Guarantee Scheme (WQ.453/2020)**

##### **Question**

“Will the Minister inform the Assembly of the number of loans approved under the Business Disruption Loan Guarantee Scheme that have exceeded £50,000 and the number that have exceeded £250,000; and will she also advise whether any of the companies involved in the Scheme have ceased trading?”

##### **Answer**

A summary of loans approved under the Business Disruption Loan Guarantee Scheme (“the Scheme”) is included in the Economic Indicators report published monthly by Statistics Jersey. In the October 2020 report it was confirmed that around 60 loans had been approved under the Scheme with a total amount approved of £3,301,700.

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Economic%20Indicators%2020201111%20SJ.pdf>

As at 23 November 2020, 18 loans under the Scheme were for in excess of £50,000 of which 1 loan was for in excess of £250,000.

At the same date the Minister is aware of 1 company that had borrowed under the Scheme and has subsequently ceased trading.

#### **2.5 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding hospital doctors who have been suspended from duty (WQ.454/2020)**

## Question

“Will the Minister inform members whether any hospital doctors are currently suspended from duty in the hospital itself and, if so, will he state the reasons for any such suspension, including when it occurred and what steps and processes have been followed by the hospital to ensure that the matter has been dealt with expeditiously and fairly in the best interests of all parties (the doctor, the hospital and the public); and will he also explain the impact any such suspension has had on patient services?”

## Answer

There are less than five doctors currently suspended. To avoid identifying individual cases, or prejudicing them, we cannot provide further details.

Where a concern about a consultant arises, the approach taken by Health and Community Services (HCS) is set out in the Policy for the Handling of Concerns and Disciplinary Procedures relating to the Conduct and Performance of Doctors and Dentists which is a policy agreed by the British Medical Association.

Where a consultant is excluded, the Medical Director will inform the General Medical Council and discuss the case to ensure no additional restrictions or withholding of licence to practice is required.

I can confirm that all exclusions of doctors within HCS have followed this process and that no exclusion of a doctor has had any impact on patient services.

### **2.6 Deputy M.R. Higgins of St. Helier of the Minister for the Environment regarding the inspection of Jersey care homes (WQ.455/2020)**

## Question

“Will the Minister advise members whether the Jersey Care Commission has visited all Jersey care homes in 2020 and, if not, will he state how many it has visited and when it is expected that all the homes will have been visited; and will he outline the main findings from the visits that have been carried out to date?”

## Answer

I have liaised with the Jersey Care Commission on this matter and have been provided the following information.

*Due to the Covid-19 situation earlier in the year, the Commission’s programme of scheduled inspections was suspended between 17 March and 10 June. This was in accordance with the Regulation of Care (Standards and Requirements) (Covid-19 – Temporary Amendments) (Jersey) Regulations 2020, which expired on 30 September 2020. The suspension of the programme of inspections during this period meant that 22 care homes were not inspected as planned. Commission staff kept in regular contact with care home providers and managers and sought assurances in relation to a range of aspects of care provision.*

*As of 26 November, the Commission has undertaken inspection visits to 40 registered care homes in Jersey. This includes all seven care homes for children and young people. In addition, Commission staff have undertaken site visits to nine care homes carried on by the Government of Jersey, in preparation for their registration.*

*There are a further 15 inspections of care homes scheduled to be undertaken before the end of 2020. The scheduled inspections of eight care homes have been deferred to early 2021.*

*Inspection visits have focussed on the homes' arrangements for safeguarding, complaints management, staffing arrangements and quality monitoring. The findings of inspections to date include evidence of effective arrangements in place to maintain acceptable standards of care during the pandemic. The Commission expects care providers to undertake their own assessment of the quality of care provided to ensure the home is being operated in accordance with its registration requirements. Establishing and embedding this regular review is an area for improvement for several care providers.*

*The arrangements in place to support care receivers to maintain contact with their relatives and friends during the lockdown period were also examined and it was encouraging to note the range of innovative and compassionate methods used to achieve this. Feedback from care receivers and their representatives has been mainly positive in respect of their experience.*

*A further finding from inspections has been the resilience of care staff and evidence of effective leadership.*

*Where areas for improvement have been identified, care providers have demonstrated their commitment to securing necessary improvements and the Commission will follow these up.*

*There have been significant shortfalls in the staffing arrangements in some of the registered children's homes. These matters have been escalated by the Commission to Children's Services and improvement plans will remain under review.*

*The Commission has been publishing reports of inspections of all regulated activities since August 2020 and there are reports of 21 care home inspections on the Commission's website.*

In regard to the JCC's comments on registered children's homes, I have also consulted the Children's Services who added that these shortfalls were 'exacerbated by Covid-19'.

I have since been informed by the JCC that of the nine care homes operated by HSS, six care homes are currently unregistered as required under the law. The current situation is unsatisfactory, and I will be liaising with the Minister for Health and Social Services on this matter.

## **2.7 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the undertaking of wills by video link (WQ.456/2020)**

### **Question**

"Following the introduction of emergency Covid legislation earlier this year to enable wills to be completed by video link, will the Minister advise members how many documents have been completed using this method, and, of any such wills, did the use of the video-link method, and the experiences of those who have used it, prompt any queries or review of the suitability of this process?"

### **Answer**

There is no central register of wills in the Island and therefore it is not possible to say how many wills have been completed by video-link. The manner of how a will has been executed will only become apparent when the will is presented to the Judicial Greffier for probate at a future date. A number of wills completed by video-link have already been admitted to probate, all without difficulty. The

Minister has not received any queries relating to the use of the video-link method or requests to review the suitability of the process.

## **2.8 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the spread of Covid-19 in Jersey (WQ.457/2020)**

### **Question**

“Will the Minister inform Members of the reasons identified for the increase in community spread of the Covid-19 virus and, in particular outline –

- (a) the role, if any, of opening the borders;
- (b) the impact from children who have returned from holidays off-Island subsequently infecting classmates; and

will he explain the nature and size of the spread, any lessons learnt and his assessment of how well the track-and-trace system has coped with the increasing numbers of people who have been infected?”

### **Answer**

In all jurisdictions, the spread of Covid-19 has followed a similar pattern – initial cases are imported into a new area via the borders (seeding) and, unless control measures are in place, the virus spreads through community transmission.

In Jersey, opening of the borders on 3 July was facilitated by the Safer Travel Policy which put in place a series of testing and isolation requirements for arriving passengers. A risk stratification process (red/amber/green rating of countries) was used to reduce the risk of importing any new cases of the Covid-19 virus into the community.

Throughout July, August and early September, there was evidence of only very low on-Island transmission. The border testing programme effectively identified the majority of new cases either on the day of arrival or on a day 5 test. For a small number of these cases, there was very limited transmission to immediate household contacts who were already in isolation.

From mid-September the number of cases in the UK, France and beyond began to rise and the likelihood that an arriving passenger would test positive increased. The Safer Travel Policy was correspondingly adjusted in order to respond to this risk, with the introduction for green arrivals of self-isolation until the result of a day 0 test and an additional day 5 test.

In October the number of cases, household groups and clusters of new cases not clearly linked to arriving passengers (unknown source) began to rise, indicating that transmission was occurring on-Island outside affected households, most likely through individuals without symptoms or with mild symptoms who were unaware they had the virus.

This trend has continued into November with the majority of new cases now no longer associated with inbound travel, although most are linked to an already known case on-Island. The table below provides a snapshot of the numbers of cases/groups/clusters with unknown sources by the end of Friday 20 Nov:

Unknown Source	Single case	Household group	Small cluster	Large cluster	Total
Sep	1				1
Oct	4		2	2	8
Nov	19	3	7	7	36
<b>Total</b>	24	3	9	9	45

There is very little evidence to suggest that any children who have returned from holidays off-Island have subsequently infected classmates.

Responding quickly to an evolving situation has involved preparing and planning for the most likely scenario, but then adjusting policy as required to respond accordingly. Over the past year, many lessons have been learned, leading to the development of a system that responds at pace with a flexible approach to policy development. Rapid analysis of individual cases and patterns of transmission allows agile decision making and tactical changes to operational policy as required. This has helped prevent or slow the onward transmission of the Covid-19 virus by testing, tracing and isolating all individuals likely to be affected. In addition, the introduction of backwards contact tracing to determine a source wherever possible, also provides a wider net for screening for potential positive cases.

The test, trace and isolate system has coped well, but, as the number of positive cases increase, additional resources have been required in order to continue to suppress the spread of the virus. The effectiveness of this approach continues to be reflected in the speed at which we identify and isolate positive cases and their direct contacts, and the absence of any markers of exponential growth in the number of cases on-Island.

Jersey's rate of testing per population is one of the highest in the world, and perhaps the highest in Europe. By casting the net out as wide as we do in our test, trace and isolate system, we are finding asymptomatic cases, as well as positive cases who only have mild symptoms, and isolating them in order to limit onward transmission whenever possible. The weekly rate of positives per test in Jersey remains low at only 1.2%, whereby in the UK it is 7.4% and in France it is 16.4%.

## **2.9 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the operations of Jersey Post (WQ.458/2020)**

### **Question**

“Will the Minister, as shareholder representative for Jersey Post, advise Members of –

- (a) any problems Jersey Post experienced from the U.K. Authorities (for example Customs and Excise) and Royal Mail since the ending of Low Value Consignment Relief;
- (b) the justification for the current charges for mail and parcels to the U.K. when the speed of delivery, even on special delivery mail, has been reduced; and

(c) why Jersey Post is charging customers V.A.T. (value added tax) on products that would not be subject to V.A.T. within the U.K. and

(d) what action, if any, Jersey Post will undertake to address these issues?"

### **Answer**

The Minister is not aware of, and Jersey Post has not advised the Minister of, any problems experienced from the UK Authorities and Royal Mail since the ending of Low Value Consignment Relief.

Jersey Post has advised that it delayed the introduction of its price rises due in April until October 2020 to help islanders and businesses during the Covid-19 pandemic. The prices charged for mail and parcels to the UK reflect the cost of getting the mail to the UK and the delivery partner (Royal Mail, Parcelforce etc) completing the final mile delivery. Any delays experienced with mail deliveries within the UK are outside of the control of Jersey Post and are most likely due to measures introduced by Royal Mail and others to protect both their staff and customers from Coronavirus.

Jersey Post is not charging customers VAT on products that would not be subject to VAT within the UK.

Jersey Post continues to work with its delivery partners in the UK to minimise the impact the Covid-19 pandemic is having on their ability to operate and deliver mail and parcels in a timely manner.

The Minister notes that the Deputy regularly asks questions on postal matters and would strongly recommend that he takes up the open invitation from the CEO of Jersey Post to meet with him directly and discuss the Deputy's concerns and these matters in more detail.

### **2.10 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding staff vacancies in the Department of Health and Community Services (WQ.459/2020)**

#### **Question**

"Further to the information provided in response to Written Question 432/2020, will the Minister –

- (a) publish the monthly totals of vacancies for the 5 staff groups from January 2019 to September 2020;
- (b) explain the increase in nursing vacancies between August 2019 and August 2020;
- (c) provide a breakdown of the jobs within the manual workers group, together with an explanation for the increase in vacancies between August 2019 and August 2020;
- (d) advise Members whether, in light of the 16 percent vacancy rate for nurses, any previously-delivered services have been reduced or cut and whether the NICE guidelines on safe staff-to-patient ratios for wards are still being met in all circumstances; and
- (e) provide details of the amount of monies (if any) saved from the non-payment of salaries for the vacant posts in 2019 that was allocated to –
  - (i) increased pay for agency or locum posts;
  - (ii) a return to centrally-held Treasury funds; or

(iii)other services within the Department of Health and Community identified as underfunded?”

**Answer**

(a)

I regret that in the time available, it has not been possible to extract all the data required from the database. The data requested will be provided as soon as possible.

(b)

The number of nursing vacancies increased because of a number of factors including:

- Increased investment in mental health services through the Government Plan
- Staff appointed earlier in the year being unable to commence employment due to Covid travel restrictions
- Post- lockdown, many staff returned to the UK to be closer to family
- A number of staff due to retire this year brought forward their retirement date.

We are currently actively recruiting and have some 40 vacancies. In addition to these, there are 25.5 staff who have been appointed but who are awaiting clearances and 10 post-qualifying nurses who are due to commence employment in January 2021.

(c)

In fact, there was not an increase in manual worker vacancies. The data reported previously was incorrect and erroneously included Covid-related posts, which are all zero-hour posts, and therefore do not count toward the vacancy rate.

There are 17 vacancies in this staff group as of 27<sup>th</sup> November 2020, made up of 7 x domestics; 3 x Porters; 1 x Stores; 2 x Catering; 4 x Estates.

(d)

By utilising the flexibility in our workforce provided by bank staff (and agency workers covering vacancies), we have met all safe staff ratios and have not reduced any services.

(e)

(i)

An estimate, for each staff group, of the additional annual cost, in real terms, of using locum or agency workers over substantive employees of the Department:

**2019 January 2019 to December 2019**

All Staff	HCS	Staff Group	Additional cost of agency staffing £000's
			(over)/under
		Allied Health Professionals	159
		Civil Servants	(1,502)
		Manual Workers	405
		Medical Staffing	(3,041)
		Nursing & Midwifery	135
		<b>Grand Total</b>	<b>(3,843)</b>

**2020 January 2020 to October 2020**

All Staff	HCS	Staff Group	Additional cost of agency staffing £000's
			(over)/under
		Allied Health Professionals	(1,259)
		Civil Servants	(1,006)
		Manual Workers	193
		Medical Staffing	(3,450)
		Nursing & Midwifery	(1,709)
		<b>Grand Total</b>	<b>(7,232)</b>

(ii)

No monies from vacant posts are returned to centrally-held Treasury funds. Any underspends due to vacancies are used to offset the spend on agency staff as shown in the attached table. This agency spend occurs due to the vacancies.



(iii)

The underspend on vacancies is not used to support underfunded services but, as described in ii), is used to offset the cost of agency spend.

**2.11 Deputy R.J. Ward of St. Helier of the Minister for Children and Housing regarding the recommendation for a Jersey Care memorial (WQ.460/2020)**

**Question**

“Will the Minister advise what consultation and communication with the Citizens’ Panel, if any, will be undertaken following the decision not to proceed with the recommendation of a Jersey Care memorial?”

**Answer**

I hope to meet with the Citizens Panel in the New Year to progress a way forward with the memorial element of the Legacy Project. Further to my appointment as Minister for Children and Housing earlier this month, I have already prioritised a briefing regarding the Citizens Panel’s work and remain in contact with the officers who support the Panel process.

Following the public protest which took place in October, important work is continuing behind the scenes to engage with survivors who did not take part in the Citizens Panel process. We are listening to their views about how the Island should remember the failings addressed by the Care Inquiry. It is my intention to now steer this project to ensure we bring survivors together and identify an appropriate and sensitive way for Jersey to remember.

**2.12 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding expenditure on the LibertyBus contract (WQ.461/2020)**

**Question**

“Given the additional Covid-19 response funding allocations made to LibertyBus within the 2020 Government Plan over the period 2020 to 2024, will the Minister advise the total Government spend for the LibertyBus contract for each of the years during that period?”

**Answer**

The Covid-19 response funding set aside in the Government Plan 2021-2024 is the maximum expected sum that may be required should circumstances dictate that bus ridership numbers fall below those needed to ensure that the bus contract is viable. It is likely that expenditure will be below the sums budgeted.

The base departmental budget for Infrastructure, Housing and Environment contains the following sums assigned against the contract:

	2020	2021	2022	2023	2024
<b>Budgeted Figures</b>	£'000	£'000	£'000	£'000	£'000
Main & School Bus Services	3,644	3,735	3,735	3,735	3,735
Concessionary Passes & Avanchi Access	1,100	1,100	1,100	1,100	1,100

Impact of GST on LibertyBus fares	-	400	400	400	400
Return of Profit Share	(250)	(250)	(250)	(250)	(250)
Total - IHE Revenue Head of Expenditure	4,494	4,985	4,985	4,985	4,985
Covid Support Head of Expenditure 2021-24		2,000	1,200	500	250
Covid Support in 2020					
Paid (Q2 2020)		399			
potential impact (forecast additional 2020)		622			

It should be noted that the Main & School Bus Service contract sums are fixed, the remaining sums are indicative budgeted amounts and actual costs may vary depending on service utilisation. Profit Shares are not guaranteed over the period and during covid-19 restrictions are unlikely to be received.

There is no budget for the impact of Transfer Fares recently agreed by the Assembly under P.107/2020 as it is too early to ascertain the level of demand that will arise when this facility is offered from January 2021.

Inflationary increases are included within the contract sum, however, as no inflation funding is provided within the current Government Plan 2021-24, the above sums are flat rated.

Final figures for 2020 are not yet available, all sums shown are budgeted.

### **2.13 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the decision not to proceed with the Jersey Care memorial (WQ.462/2020)**

#### **Question**

“Will the Chief Minister advise what consultation, if any, he had with the newly-appointed Minister for Children and Housing prior to the announcement of the decision not to proceed with the Jersey Care Memorial?”

#### **Answer**

Before the appointment of the Deputy to the position of Minister for Children and Housing, I did discuss the Jersey Care Memorial with him. The Deputy informed me of what he was due to say in his nomination speech. I suggested that he arrange a meeting with the Citizens Panel as a priority, and which I understand is in the process of being arranged.

### **2.14 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding use of the Spend Local cards (WQ.463/2020)**

#### **Question**

“Will the Minister advise –

- (a) what plans, if any, she has to use additional resources to top up the Spend Local cards; and
- (b) what the mechanism is for making a decision to top up the cards?”

### **Answer**

An evaluation of the Spend Local cards is being conducted jointly by officials from the Economics Unit, Treasury, and the Customer and Local Services Department. Following the completion of that evaluation Ministers will give consideration to the merits of repeating the initiative. The Government already has in place an ambitious fiscal stimulus programme, which includes the recently approved £50 million Fiscal Stimulus Fund, and a temporary reduction in the rate of employees’ Social Security contributions that is estimated to provide an additional £26 million in stimulus. Any decision to top-up cards would take into consideration the availability of these initiatives and other measures such as the Co-Funded Payroll Scheme that are designed to support workers and businesses that continue to be impacted by public health restrictions.

No specific funding is allocated in the Government Plan for topping up the Spend Local cards so a decision to do so would require the use of funding held in the Covid-19 Response Head of Expenditure for the Economic Recovery or, if that was not available, an allocation from the Covid-19 Reserve.

The process for allocating Economic Recovery funding has been outlined to the relevant Scrutiny Panel. An allocation from the Covid-19 Reserve would require a business case, the approval of which would be subject to the investment appraisal process. The current investment appraisal process is set out in R.80/2020 Procedures for Allocations from the Reserve.

### **2.15 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding leaving packages for senior civil servants (WQ.464/2020)**

#### **Question**

“In relation to ‘leaving packages’ for senior civil servants, will the Minister advise –

- (a) what funds, if any, have been put aside for 2020 and 2021;
- (b) what budget line will be responsible for this cost; and
- (c) what projects / other items, if any, will be impacted by any unplanned increase in this type of expenditure?”

#### **Answer**

(a) No specific funds have been allocated in 2020 and 2021 for senior civil servants “leaving packages”. In Government Plan 2021-2024 there is an allocation in General Reserves of £5 million for restructuring in each of the years 2021 and 2022.

(b) In the first instance a department would be expected to meet the costs of any such payment from within its own approved head of expenditure. In the event that it is unable to do so there is a process by which a request can be made to the Minister for Treasury and Resources for an allocation from the General Reserve, if funding is available. The process requires submission and

evaluation of a business case. If approved, the allocation to the department would be by public ministerial decision.

- (c) Each case would be considered on an individual basis by the relevant department. If funding is requested centrally, the business case received would require an assessment of any impacts on projects/expenditure.

**2.16 Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the impact of proposed changes to Springfield Stadium on green space (WQ.465/2020)**

**Question**

“Will the Minister advise whether there will be any net loss of green space as a result of the changes to Springfield Stadium, as proposed in the current planning application (P/2020/1263)?”

**Answer**

Yes. If approved, there will be a total loss of 439 square metres of grassed area at Springfield, comprising 232 square metres behind the goal at the south side of the stadium (measuring 58m x 4m) and 207 square metres behind the goal at the north side of the stadium (measuring 69m x 3m).

If the planning application is approved, the grass in these sections will be replaced by astroturf to create spectator areas at both ends of the 3G pitch. This is being carried out to accommodate the increased number of football supporters and to enable Jersey Bulls FC to continue to progress through the National League System. To continue to play in this league, their ground needs to comply with the requirements for a minimum audience capacity of 4,000 with the ability to increase to 5,000.

There is currently no other facility in the Island that can meet the ground grading requirements of the Football Association.

**2.17 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding access to affordable primary care (WQ.466/2020)**

**Question**

“Further to the adoption of the Affordable Access to Primary Care Scheme (P.125/2019), will the Minister advise –

- (a) whether the vulnerable groups (those being in most in need of affordable health care) have been identified; and, if so, which specific groups are included; and
- (b) if not, when such identification will take place in the light of the requirement to agree the funding for such measures in the Government Plan?”

**Answer**

Officers are continuing discussions with GPs to deliver a scheme which will meet the terms of the Affordable Access to Primary Care Scheme (as agreed with the adoption of P125/2019). The exact nature of the groups to be included in the scheme forms part of the ongoing negotiations. It remains the intention for the scheme to be introduced by January 2021. It would be inappropriate to provide further information at this stage, but once the negotiations are complete details will be published.

**2.18 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the delivery of the Jersey Care Model (WQ.467/2020)**

## **Question**

“Will the Minister advise when she expects to agree contracts for the delivery of the Jersey Care Model with G.P. representatives; and will she provide a detailed breakdown of the services to be delivered with the £6.6 million of additional investment required to fund the Jersey Care Model in 2021, especially for those vulnerable patient groups as identified in P.125/2019?”

## **Answer**

As Minister for Social Security, I am currently responsible for discussions with GP representatives regarding a scheme which will improve access to GP services by reducing financial barriers for people with a low income. Discussions are on-going and progress is being made. This work will offer insight to the programmed implementation of the Jersey Care Model as new models of care and funding mechanisms are developed in the coming years. However, I am not involved in negotiations with GP representatives in respect of the delivery of the Jersey Care Model itself.

The £6.6 million of additional investment identified in the 2021 Government Plan falls under the responsibility of the Health and Social Services Minister.

The additional funding to support access to general practice for low income patients as proposed in the 2020 Government Plan, and re-iterated in the Assembly decision in respect of P.125/2019, does not form part of the £6.6 million identified in the 2021 Government Plan as part of the Jersey Care Model budget. This project will initially be funded from the Health Insurance Fund.

The Health and Social Services Minister has provided the following information on the £6.6 million of additional investment in 2021:

The detail of the investment is provided in the documentation of P.114/2020. Details of the financial case can be found on page 418 and 438, and for the annual detail of modelled recurrent expenditure, please refer to page 477 to 481 of the electronic proposition documentation. Below are extracts of the relevant tables.

### **Summary of additional re-current and non-recurrent expenditure:**

Table 4.5b: Summary of cost and benefits for JCM

Description (£m)	2020	2021	2022	2023	2024	2025	Total
Additional non-recurrent revenue expenditure associated with the do something case	0.0	2.9	2.9	2.9	2.9	2.5	14.1
Additional capital expenditure associated with the do something case not captured above	0.0	1.3	0.8	0.5	0.4	0.0	3
<b>Sub-total: Non-recurrent investment</b>	<b>0.0</b>	<b>4.2</b>	<b>3.7</b>	<b>3.4</b>	<b>3.2</b>	<b>2.5</b>	<b>17</b>
Expenditure impact associated with the selected payment model option	0.0	0.0	0.0	0.0	0.0	0.0	0
Additional recurrent expenditure associated with the do something case	0.0	3.7	9.2	18.0	30.2	37.9	99
Benefits from the do something case	0.0	0.0	-3.8	-14.8	-29.0	-50.5	-98.1
<b>Sub-total: Net recurrent benefits from the do something case</b>	<b>0.0</b>	<b>3.7</b>	<b>5.4</b>	<b>3.2</b>	<b>1.3</b>	<b>-12.6</b>	<b>1</b>
<b>Net recurrent and non-recurrent impact of the JCM</b>	<b>0.0</b>	<b>7.9</b>	<b>9.1</b>	<b>6.6</b>	<b>4.5</b>	<b>-10.1</b>	<b>18</b>
<b>Cumulative impact</b>	<b>0.0</b>	<b>7.9</b>	<b>17.0</b>	<b>23.6</b>	<b>28.1</b>	<b>18.0</b>	<b>94.6</b>

In 2021, in addition to the recurrent investments contained within the ‘do something’ financial modelling (£3.7m), a number of non-recurrent investments are also required. These fall into two main categories, which are:

1. **Programme costs:** These are the costs associated with the transformation programme required in order to deliver the JCM (as described in the Management Case). It is expected that this transformation programme will operate over a five-year period and will include the following:
  - a. **Programme Management Office (PMO) support** in order to plan and track delivery of the programme and manage risks and issues.
  - b. **Organisational Development (OD) support** in order to design the new operating model associated with the JCM and embed the new ways of working that will be required.
  - c. **Communications support** for both internal and external communications on the changes in the JCM.
  - d. **Digital transformation subject matter expert(s)** in order to deliver those elements of the programme.
2. **Digital non-recurrent investments:** The JCM describes the requirement for several new digital tools for use across the health and care system. These include investment required for integrated care records and JCR, core record systems, hub and micro services, and analytics. These investments have been split between non-recurrent revenue and capital expenditure lines.

In addition to this, further non-recurrent expenditure has also been assumed to provide **contingency** for the programme.

The costs of each of these elements have been estimated at a high level based on similar examples from elsewhere (see section 4.2.3 for further details). The non-recurrent expenditure associated with these are shown in the table below.

*Table 4.5a: Non-recurrent costs to deliver the JCM*

Description (£m)	2020	2021	2022	2023	2024	2025	Total
Programme costs	-	2.1	2.1	2.1	2.2	2.2	<b>10.6</b>
Digital non-recurrent investment	-	0.3	0.3	0.3	0.3	-	<b>1.3</b>
Digital capital investment	-	1.3	0.8	0.5	0.4	-	<b>3.0</b>
Contingency	-	0.5	0.4	0.4	0.4	0.3	<b>2.0</b>
<b>Total non-recurrent expenditure</b>	-	<b>4.2</b>	<b>3.7</b>	<b>3.4</b>	<b>3.2</b>	<b>2.5</b>	<b>17.0</b>

The order of service delivery is described on p.174 of P.114/2020:

## Implementation planning

### In developing a realistic and achievable implementation plan we reviewed the deliverability of the JCM

HCS will still look to deliver the JCM as originally presented and reviewed within this report, however rollout of the programmes will be phased in three risk assessed tranches.

In light of the emerging challenges the island is facing post COVID-19, phasing of the programme has been amended to allow stabilisation of the platform within Jersey and internationally.

Assessment of deliverability	Tranche 1 (2021)	Tranche 2 (2022-2023)	Tranche 3 (2023-2025)
<p>The ambition to the implementation has been reset recognising the need to:</p> <ul style="list-style-type: none"> <li>Address the findings in the JCM and particular areas that are key risks e.g. having the right workforce ready and skilled</li> <li>Learn lessons from COVID-19 in terms of the need of the model</li> <li>Have capacity in the immediacy to respond to any potential Wave 2 COVID-19 and potential winter pressures</li> <li>Focus on efficiencies in the acute to reduce bed numbers to support the 'Our Hospital' programme</li> </ul>	<ul style="list-style-type: none"> <li><b>Detailed planning</b> – assessment and modelling of need including supporting policy review</li> <li><b>Foundations</b> – establish the supports for the workforce to be successful (e.g. public health function, digital)</li> <li><b>Acute</b> – driving efficiencies as a part of GoJ requirements, best practice and Our Hospital build</li> <li><b>Community/Intermediate Care</b> – focus improving health &amp; social care pathways through an enhanced single point of access and use of Tele-care</li> <li><b>Workforce</b> – creation of an island wide workforce plan to support implementation of system wide changes in tranche 2 and beyond</li> <li><b>Communications</b> – establishment of public, patient and wider stakeholder groups to inform design and delivery</li> </ul>	<ul style="list-style-type: none"> <li><b>Commissioning</b> – implement a commissioning framework with community and social care partners, building on the care at home initiative</li> <li><b>Acute staff</b> – community clinical team to support shift of model away from core acute, including nurse roles, etc.</li> <li><b>Community/Intermediate care</b> – launch schemes which involve co-designed services with external partners, including rapid access team and enhanced reablement services</li> <li><b>Detailed planning</b> – assessment, modelling and co-design of primary care framework, e.g. long-term condition management</li> <li><b>Staff training</b> – launch of long term staff training programme to ensure model of care delivery</li> </ul>	<ul style="list-style-type: none"> <li><b>Acute</b> – continued service improvement programme to support delivery of services in line with best clinical practice</li> <li><b>Primary care</b> – co-designed pathways for management of patients with long-term conditions to be rolled out</li> <li><b>Community/Intermediate care</b> – fully implemented revised social and intermediate care model with a reduction in placement prevalence</li> </ul>

## 2.19 Deputy G.P. Southern of the Minister of Social Security regarding the impact of Covid-19 on households with the lowest income (WQ.468/2020)

### Question

“Will the Minister –

- state what estimates, if any, are available for the impact of the latest Covid-19 figures on incomes in the lowest income households, particularly those in the bottom income quintile;
- advise whether she is giving any consideration to increasing benefits temporarily in order to assist low income households (as has been the response by the U.K. Government) or equivalent measures and if so, to what extent; and if not, why not?”

### Answer

- Detailed data on household incomes is collated on an annual and five yearly cycle and it is too soon to be able to report on the impact of Covid-19 across the population as a whole. However, data is available in respect of the earnings of Income Support claimants, where at least one participant on the claim has an earned income. An initial analysis of this data suggests that there was a significant and expected decrease in average wages between March and June, but as of the end of October earnings have on average returned to pre-Covid-19 levels. The Income Support system automatically compensates for a reduction in



household earnings and the Income Support budget for 2020 has been increased by £6.9 million to support households from this drop in wages.

b) It is not easy to make a direct comparison with the UK. The Council of Ministers rapidly considered, and then brought forward, a range of measures to help low-income households during the Covid-19 lockdown period; this area remains under active consideration by Ministers. Measures that have been taken include:

- Co-Funded Payroll Scheme – the Co-Funded Payroll Scheme continues to support the wages of employees and self-employed people
- Spend Local - £100 card issued to every adult and child
- Direct payments - an additional £100 payment to all Income Support and Pension Plus recipients
- Covid Related Emergency Support Scheme (CRESS) –an extra benefit was provided from April to August for unemployed people who did not qualify to apply for Income Support
- A rent freeze was applied to all domestic properties until the end of September and Andium rents have been frozen for the whole of 2021
- The Income Support budget for 2021, and future years, has been increased to ensure support remains available for low income families while the economy starts to recover.

I have no further plans to increase benefit rates at present, but I can assure members that I am monitoring the situation very closely and will consider additional measures when and if they are needed.

## **2.20 Deputy C.S. Alves of St. Helier of the Chief Minister regarding Subject Access Requests submitted to Government departments (WQ.469/2020)**

### **Question**

“Further to the response to Written Question 441/2020, will the Chief Minister provide the following from May 2018 to date –

- (a) a breakdown of the number of Subject Access Requests that were submitted across all Government departments and, of those, how many were completed within –
  - (i) 4 weeks;
  - (ii) 12 weeks; or
  - (iii) in excess of 12 weeks;
- (b) the reasons given for extensions beyond the 4-week time limit;
- (c) details of the complaints procedure provided to those requesting a Subject Access Request; and
- (d) the number of complaints that have been received”

## Answer

For parts a), b) and d), we are unable, within the time limit, to provide any additional information to that provided within WQ441/2020. We would welcome a meeting with Deputy Alves to consider how we could provide her with the information she requires within the limits of the data we hold.

c) The Subject Access Request process is details on gov.je

(<https://www.gov.je/government/dataprotection/pages/subjectaccessrequest.aspx>) including where to raise a complaint and the option to lodge a complaint with the Data Protection Authority.

### **2.21 Deputy C.S. Alves of St. Helier of the Minister for Education regarding mental health support to students (WQ.470/2020)**

#### **Question**

“Will the Minister advise what mental health support, if any, is being provided to students who have been required to isolate following contact with positive cases of Covid-19?”

#### **Answer**

There are currently 28 Emotional Literacy Support Assistants working in Primary Schools and 11 in Secondary Schools. In addition, there are also 9 School Based Counsellors working within Secondary schools. These staff, who are supervised by the Education Psychology Service are able to support the emotional health of all pupils in their schools, including those in self isolation. Where emotional health needs exceed the capacity of these staff, consultation lines are available to them to discuss strategies to support the children. Parents can also use these consultation lines where they feel concerned and do not need a referral from schools to do so.

In addition, the Youth Enquiry Service (YES) provides information, advice and counselling and is available to all young people and young adults under the age of 25yrs. YES is open Mon to Fri 12 noon to 6pm with young people and young adults able to call or visit YES during these times. Advice is also available at [www.yes.je](http://www.yes.je) 24/7 on a range of items not just COVID-19.

### **2.22 Deputy C.S. Alves of St. Helier of the Minister for Treasury and Resources regarding the administration of the decrease in the G.S.T. *de minimis* threshold (WQ.471/2020)**

#### **Question**

“Will the Minister advise –

- (a) whether, since the decrease of the G.S.T. *de minimis* threshold, there has been any instruction issued from the Minister or any Government officers, to customs or postal service providers, to withhold and combine shipments that are destined to the same recipient in order to reach the G.S.T. *de minimis* level;
- (b) if such an instruction has been issued, the reasons for this; and
- (c) if no such instruction has been issued, whether she has been made aware of any occasions where this has happened, notwithstanding that there has been no instruction to do so?”

#### **Answer**

No such instruction has been given.

It is the long-standing practice of the Agent of the Impots, based on Customs Law, that G.S.T is calculated based on the combined value of goods which arrive on the same day, for the same person, from the same supplier. Other than that, Customs Officers do not hold parcels until the £135 threshold is reached.

Officers focus on collecting tax where it is due but also on ensuring that the thousands of consignments that arrive into the Island each day are cleared by Customs as quickly as possible.

This practice ensures that offshore retailers do not wilfully “disaggregate” supplies of goods to Jersey customers in order deliberately to evade the payment of G.S.T properly due. The practice mirrors similar approaches in other jurisdictions.

The Minister is not aware of any occasion where customs or postal service providers have withheld shipments that are destined to the same recipient in order to reach the G.S.T. de minimis level. Shipments from the same supplier, to the same recipient that arrive on the same day are combined as outlined above.

The Minister continues to encourage people to shop locally.

### **3. Oral Questions**

#### **3.1 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding Jersey’s performance framework (OQ.350/2020):**

Given that Jersey’s performance framework shows that, since 2008, the percentage of Islanders with physical or mental health conditions lasting (or expected to last) for 12 months or more has remained unchanged, despite the Island’s population increasing by more than 12,000, will the Minister advise what measures are being undertaken to improve the long-term mental and physical health needs of Islanders?

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

The data the Deputy is referring to tracks a proportion of Jersey’s population with self-reported long-term health conditions. It uses data from the Jersey Opinions and Lifestyle Survey, which survey is a representative sample of adults in Jersey. Participants are asked: “Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?” In 2020, 29 per cent of adults reported having a longstanding physical or mental health condition expected to last for 12 months or more. As the Deputy notes, while this proportion has remained largely unchanged for more than a decade, Jersey’s population has increased by over 12,000 people during that time. So a greater number of people are living with long-term conditions. It may be thought that a decade ago their lives may have been curtailed by that long-term condition, they are now managing and living with it to a greater age. This is in line with population demands modelling conducted for the Jersey Care Model, details are provided in the proposition relating to the Care Model and the issue of addressing and assisting people to live with longer-term conditions is one of the fundamentals of the Care Model and will be addressed as we develop the Care Model.

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

Apologies, but I do not believe that was an answer to the question I asked, which was: “... advise what measures are being undertaken to improve the long-term mental and physical health of

Islanders.” It seemed to me to be a description of how the information was gathered but there was no answer there, Sir. Forgive me if I am speaking out of turn.

**The Deputy Bailiff:**

You are entitled to a supplementary in any event, what do you want to say to the Minister. What do you want to ask?

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

I would like to ask what measures are being taken to reduce the number of Islanders - and let us talk specifically about mental health then - with long-term conditions, to reduce that number and to improve it, given that the population has increased and those numbers are increasing accordingly.

**The Deputy of St. Ouen:**

As I did say, long-term measures will be worked through with all stakeholders involved in the Jersey Care Model. We recognise the need to change. We need to move away from the institutionalised base model into a more modern community-based model of the patients at the centre of care and, as an example of that perhaps, the Mental Health Services have recently established a community team, which is going out to address issues of patients while in their home, trying to make sure that those patients do not become acute patients.

[14:45]

That is one example of the sort of community-based work that needs to happen within all the planning for the Jersey Care Model.

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

There is absolutely no breakdown of what will be spent, when it will be spent and on what services in association with improvement in our mental health. Will the Minister undertake to give this Assembly a full breakdown of what would be spent and when it will be spent as we introduce the Jersey Care Plan?

**The Deputy of St. Ouen:**

I cannot predict the future; I cannot say at the moment what the plans will be developed with stakeholders. The Care Model has only been approved in recent weeks. Within the Government Plan, the Assembly will be asked to vote sums of money. So it is dependent on approval of the Government Plan. Then with the Scrutiny Panel and all stakeholders we will develop the detailed models for delivery of the plan.

**3.1.3 Deputy G.P. Southern:**

Is the Minister suggesting that we vote for the money without any planning and breakdown of the planning whatsoever? Surely he must know what he intends to do in 2021 and how much he plans to spend on particular services or are we acting blind?

**The Deputy of St. Ouen:**

All this information was in the Jersey Care Model proposition, including the implementation planning within 3 *tranches*. *Tranche* one of 2021 was detailed there and I would refer the Deputy to that. It

is at page 174 of the proposition, which talks about the work needed for detailed planning, assessment and modelling of need; establishing supports for workforce to be successful; driving efficiencies in acute services; focus on community and intermediate care; providing new pathways through an enhanced single point of access; creation of an Island-wide workforce plan; and communications. It is all in there in the proposition.

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

The Minister mentioned that the data that Deputy Ward was referring to in his question was based on data that was collected from the lifestyle questionnaire survey. How is the Minister collecting other data, other than the survey, to see whether in fact these numbers are increasing or not?

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

There is a section within Strategic Policy, Performance and Population that deals with health informatics and collects data on health, so we have the waiting list data within the General Hospital and we have all the data that the Island collects. Because health is not just about health services but it is about quality of housing, it is about environmental aspects, all of which tend to be reported in such things as the Jersey Opinions and Lifestyle Survey.

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

Is the Minister able to state whether in fact these areas of physical and mental health are increasing? Because originally the Minister mentioned that the percentage was the same in proportion to the whole population. So, by looking at this other data that he has just mentioned, can he specify whether there has been an increase there or is it still the same, looking at that specific data as well?

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

I am not sure what the Deputy means by “increasing”. Does she mean the number of patients being seen or anything else?

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

In the original question, Deputy Ward referred to the percentage of Islanders with physical or mental health conditions, lasting or expected to last for 12 months, or more has remained unchanged. But I believe the Minister said that Deputy Ward was only referring to the data that had been collected from the lifestyle questionnaire survey.

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

I am still not sure of the question. Yes, so I did agree with Deputy Ward that the data from that survey did show little change. In interpretation of that, I pointed out that the population has increased in the time. That was my answer because that was the question asked of me, referencing Jersey’s performance framework and the unchanged nature of that particular statistic. I do not have to hand any other statistics.

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

Beyond the good work of the Listening and Talking Therapies that will deal initially with people’s mental health problems, does the Minister agree that there is a crisis over long-term mental health conditions? This data reflects that crisis and simply emergency action needs to be taken rather than just waiting for something to be done in the long term with the Care Model?

**The Deputy of St. Ouen:**

No, I would not call current pressures, which are regular pressures, a crisis. In Mental Health, our teams have been enhanced by additional recruitment recently. We are in a better place with Mental Health Services than we were some years ago. There is always room for improvement and our team is seeking out that improvement and is step by step delivering that improvement.

**3.2 Deputy G.J. Truscott of St. Brelade of the Minister for Health and Social Services regarding Jersey Covid Alert App (OQ.354/2020):**

Will the Minister provide the Assembly with an update on the performance of the Jersey COVID Alert app in terms of its impact on understanding and controlling the spread of COVID-19 in Jersey?

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

The app is an important piece of a much bigger picture in the attempt to control the spread of COVID-19 in the Island. It provides the contact tracing team with another tool to identify direct contacts of confirmed positive cases. When a person receives a positive test result, they are interviewed by the contact tracing team and a significant portion of that interview is used to identify possible contacts within the days leading up to the time at which the positive case starts their isolation. However, those initial interviews are often challenging for the positive case due to the shock of being confirmed as having COVID-19. For this reason, it is common for these initial interviews to miss potential direct contact and it may take a number of phone calls to establish a more complete picture of interactions. So the app helpfully provides an almost instant identification of direct contacts that the positive case might have forgotten about or was not aware of. The fact that the app is built on the basis of anonymity means that the provision of specific metrics can be challenging. However, in the first 39 days of the app's use, 75 positive cases were provided with passcodes by the contact tracing team. The app identified that these 75 positive cases were in direct contact with at least 175 other people, of which some went on to test positive. Some of these direct contacts were also identified by other contact tracing processes, but some were not, proving the app's usefulness.

**3.2.1 Deputy G.J. Truscott:**

I want to thank the Minister for his answer and I do believe this is a positive news story. Yes, I know the app has cost the Jersey taxpayer £250,000, but reassuringly the app is playing an important part in helping prevent the spread of COVID in our community. I quickly popped on the official Jersey Tourism website this morning. The first banner was: "Your safety is our priority." There were a number of other boxes with links to official government websites, all giving very good advice and reassurance to prospective tourists. But, disappointingly, there was mention ...

**The Deputy Bailiff:**

Are you coming to a question, Deputy?

**Deputy G.J. Truscott:**

Just coming up now. Like all things, communication is key. Is the Minister satisfied with the public awareness campaign or does he think more can be done to improve the uptake and usage of the COVID alert app on the Island?

**The Deputy of St. Ouen:**

I am always pleased to receive suggestions as to how we might better communicate and improve services. So I have taken a note of the Jersey Tourism website and we will get in touch with whoever keeps that website and ask for reference to the app to be included, and indeed notification to be given to all persons arriving at the ports.

### **3.2.2 Senator S.Y. Mézec:**

I know that there are statistics on how many devices have downloaded the app. But are there any statistics available for how many people have uninstalled the app from their phone or taken equivalent efforts to make it inactive on their phone?

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

I am afraid I am not aware of whether there are those statistics but I will inquire and come back to the Senator.

### **3.2.3 Senator S.Y. Mézec:**

I thank the Minister for his answer. Would he endeavour to do so as quickly as possible on the basis that the way I understand it, that it may be possible for people to deliberately deactivate the app on their device if they believe that they are coming up to an event, which they would want to avoid isolation for and not want to receive notifications. That would clearly be a very irresponsible thing to do. When he has the information that he said he will look into, would he think about any publicity that may be necessary to ensure that people are using the app responsibly in the run-up to Christmas?

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

I thank the Senator for that and I will look into those aspects of it.

### **3.2.4 Deputy G.J. Truscott:**

I understand that the Jersey COVID alert app now works in most of the U.K. (United Kingdom). Could the Minister confirm if the N.H.S. (National Health Service) app works in Jersey and could the Minister also confirm if there is to be an updated version of the app that will work in Europe as well?

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

I understand that the interoperability of the apps within the British Isles is reciprocal, so the English app should work in Jersey. I am not aware of any proposals to have that interoperability with any other European countries.

### **3.3 Deputy G.P. Southern of the Minister for Health and Social Services regarding affordable primary care (OQ.355/2020):**

Will the Minister inform Members which, if any, groups of vulnerable patients have been selected to receive affordable primary care through subsidised G.P. (general practitioner) consultations, as required by P.125/2019; and furthermore, provide an estimated date for announcing what these groups are and delivering this particular service?

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

I have answered this question before and I do not believe I am going to satisfy the Deputy just at this moment. But, as I set out in an answer to the Deputy's Written Question 466, and various similar questions in preceding weeks, officers are continuing discussions with G.P.s to deliver a scheme, which will meet the terms of P.125/2019. The exact nature of the groups to be included in the scheme is part of those ongoing negotiations and thus I cannot say which finalised groups have been agreed upon yet. It remains the intention for the scheme to be introduced by January and it would be inappropriate, because of the discussions and negotiations, to provide further information. As soon as we can, we will publish the details.

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

If I may, such an answer is risible. Is the Minister aware that he is about to pass the date for amending anything that might occur in 125 and that without knowing which groups are being addressed, no one can analyse whether that is appropriate, how much it is going to cost, how many people will be affected, *et cetera*?

[15:00]

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

Until the negotiations are concluded, no one can say which groups will be included within the agreed scheme.

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

Is the Minister negotiating in the blind, in the dark?

### **The Deputy Bailiff:**

Deputy Southern, you have had your supplementary. You will get a final supplementary in due course.

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

Does the Minister collect or have data that identifies how many individuals have conditions that have worsened due to not consulting with a G.P. as a routine matter or early on? Particularly in those vulnerable groups that may be identified in the proposition that has been referred to.

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

It is difficult to collect data as to the reasons why a condition may have worsened. But we have certainly, as States Members, identified that accessibility to primary care is a key measure for improving healthcare in the Island. That is exactly what the Government Plan set out to do and what is being done by the negotiations being conducted. Not by me, in fact, but by the Minister for Social Security as the Minister responsible for the Health Insurance Fund.

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

A simple question: does the Minister believe that some patients have had conditions that have worsened because they have not accessed a G.P. due to accessibility of G.P.s?

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



Yes, absolutely I believe that, and I believe that is shared by most, if not all, Members. It is recognised as a problem that we need to resolve. Government agreed to do that in the Government Plan and it is doing so.

### **3.3.4 Senator S.Y. Mézec:**

The instruction of the Assembly to the Government to deliver a new system by the start of next year was unambiguous and clear. Does the Minister think it is acceptable that this late in the day we are completely in the dark over what the details of this may include? How can we have confidence that it will be delivered as the Assembly has instructed him to do?

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

The Senator was serving in Government until recently so he will know how so much of Government was redeployed to deal with the COVID crisis. But that in the summer many officers and workstreams came back to what was more normal working. But it did mean that we had lost several months in trying to develop the solution to this. As a result, it was decided within Government that this work would pass to the Minister for Social Security as she, rather than myself as Minister for Health and Social Services, already had a funding stream with which this could be delivered. That was the important key. We wanted to deliver within the timeframe promised by the Government Plan. Very unlikely I would have been able to do that trying to invent a new funding mechanism from the autumn onwards. So taking the existing resources within the Health Insurance Fund, the Minister for Social Security took on these negotiations and she is progressing them.

### **3.3.5 Senator S.Y. Mézec:**

Unfortunately, it is just a repetition of the question, which he did not attempt to answer. How can we have confidence that this will be delivered by January next year when so late in the day we have no details available to us at all and seemingly no ability as Members to influence or amend those proposals when they do come to the Assembly? So can he give the Assembly a cast-iron guarantee that come January next year the instruction that we gave the Government to implement the new system will be delivered and that there will not be excuses for delay after that?

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

I am not party to the negotiations but I know that people are working very hard, both on the part of G.P.s and on the part of Government, to conclude these negotiations, which would allow a notification to be made of the scheme to States Members.

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

I find this attitude to the Assembly rather deplorable on the part of the Minister who is refusing to even say how many patients they are negotiating around. Surely they must have that information to agree that we are talking about delivering this reduction in fee to a certain number of people. You cannot have a negotiation unless you have some numbers there. So will the Minister inform this Assembly as to what number of people, because it could be 10,000 people, it could be 30,000 people. Will he give the numbers that he is negotiating over to this Assembly now?

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

The Deputy labours under a misapprehension. I am not negotiating, as I have said. This is passed to the Minister for Social Security and therefore I am not able to divulge, because I do not know. But,

in any event, it would be inappropriate to conduct negotiations on the floor of the Assembly. That must be the case.

**Deputy G.P. Southern:**

This is a shameful negation ...

**The Deputy Bailiff:**

Deputy Southern, it is not appropriate to comment on an answer in those terms.

**3.4 Deputy S.M. Ahier of St. Helier of the Chief Minister regarding purchase of property (OQ.346/2020):**

Will the Minister provide his assessment of the appropriateness of the offer by D2 Real Estate to acquire a driveway near Overdale, taking into consideration the adoption of Our Hospital Site Selection: Overdale, P.123/2020, as amended?

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

Senator Farnham is dealing with all matters to do with the hospital and he is going to answer the question.

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

I would like to reiterate to reinforce to Members that there are no plans to acquire any properties or land, which may be required for access routes, before a report on alternative access strategies, as required by the Constable of St. Helier's amendment, has been presented to the States Assembly for approval. We are anticipating that investigation and report will be completed for presentation to the States later in December. In the meantime, engagement with landowners will continue so that the hospital project can, as much as possible, remain within its projected timetable.

**3.4.1 Deputy S.M. Ahier:**

The email stated: "On behalf of the public of the Island I confirm I have been instructed to offer." Can the Assistant Chief Minister inform the Assembly who instructed D2 Real Estate to make such an offer?

**Senator L.J. Farnham:**

First of all I would say that discussions commenced some time ago with all relevant landowners and property owners. Some of those discussions have reached agreement in principle but many of those discussions are ongoing. In those instances, the landowners and property owners are very keen to come to agreement. In fact in a number of cases agreement in principle has been reached. But of course they are frustrated because potentially, as the amendment was accepted, we cannot go any further than that until we have States Assembly approval, which we hope to get when we bring the report back. So I do not see anything wrong with the process continuing to try to reach agreement wherever possible.

**3.4.2 Deputy M.R. Higgins of St. Helier:**

Does the Minister believe that it shows almost bad faith, not only to States Members who passed the proposition and the expectation that no further steps would be taken until that report is delivered to

the States, and secondly giving the wrong impression, not only to the other householders, but also to the Island as a whole as to what Ministers' assurances mean?

**Senator L.J. Farnham:**

There is no easy way to negotiate in some instances like this. We know that the proposed access routes are not favoured by some of the residents. So when there is a resident or residents unwilling to negotiate there is never an easy solution. But I do not agree that it is inappropriate. I think it is entirely appropriate for us to engage with the residents while of course being mindful that we cannot acquire any property before coming back to the States. But it is entirely appropriate to continue with the discussions because we want to avoid more costly delay. The intentions are to stick to the timetable as much as possible.

**3.4.3 Deputy M.R. Higgins:**

Would the Minister accept that it is almost as if they shot themselves in the foot because States Members believed that nothing was going to happen until the report came before the States and so did residents? Therefore this storm has occurred because they have not made themselves clear and they never notified the Members or the residents that they are planning a change and will continue negotiating in the meantime.

**Senator L.J. Farnham:**

No, I do not agree with that. The amendment said, and I shall read it: "To request the Council of Ministers, prior to its acquisition of land or properties required to facilitate access to the preferred site for Jersey's new hospital." It said: "Prior to its acquisition." I want to reconfirm to Members that we will not be acquiring any land or property prior to fulfilling the obligations of the amendment as approved by the Assembly. But we would not be doing the Island taxpayers a service if we were to halt all discussions, all engagement, with landowners right now because it would mean there would be further costly delay. I would reiterate again that not all landowners want discussions to halt. Many of them are very keen for the certainty and to get agreement in principle as soon as possible.

**3.4.4 Senator S.Y. Mézec:**

Following on from the answer that the Minister has just given, it is very clear that the wording of the amendment that was accepted does not prohibit exploratory discussions with residents. But it does very clearly prohibit the acquisition of land before that report takes place. So would the Minister like to say that making an offer at this point is premature and would he like to distance himself perhaps from the language that might have been used in those discussions with those residents and make it clear to them that the decision of the States Assembly will be respected?

**Senator L.J. Farnham:**

I thank the Senator. I can reassure Members that the decision of the States Assembly will be respected. Looking at the email that was sent, the language was acceptable, it was in the format of an offer. Perhaps the message could have stipulated that no transaction could take place prior to the further States approval in line with the amendment. Difficult as it is for some of the land and property owners up there, and I understand their difficulties and nobody wants to be forced to sell land they would rather not sell. I can understand their interpretation of the email. But I do maintain it was acceptable, although it could have been worded slightly better to just clarify that an acquisition could not be made without further States approval.

### **3.4.5 Senator S.Y. Mézec:**

Could the Minister confirm exactly how the decision of the States Assembly in adopting that amendment, how that decision was transmitted to the officers who are working on his behalf so that they were aware of the decision that the Assembly had made and aware that it is the sovereign decision, which overrides what Ministers may prefer in some instances? How was that communicated to the officers who are working on his behalf? Does he believe that they understand that it is the decision of the Assembly, which takes precedence here and not what instructions Ministers may have given before that decision was taken?

### **Senator L.J. Farnham:**

Yes, I can confirm that of course the project team became aware of the decision because they were all tuned in to the debate.

[15:15]

Following that, a meeting of the Executive team took place to make sure they fully understood the interpretation of the amendment, which was quite clear. So they worked absolutely in line with that amendment and the Senator alluded to, in his initial question, the amendment said: "Prior to any acquisition." It did not say: "Prior to any further negotiations." It said: "Prior to any acquisition." We are going to make sure we absolutely stay within the interpretation and the meaning of the amendment.

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

Accepting the explanation so far of the Deputy Chief Minister in relation to what has proceeded over the last few weeks, can he not see or would he not accept that the perception of the Island of Jersey is that, by seeing that they are continuing to offer to purchase land in those given areas, they may also be seen to be making a presumption that, whatever the report says, it will be driven in a manner that has seemed to remain with the option that was first put forward by his department?

### **Senator L.J. Farnham:**

I can accept that it could appear to be that. But the process is following the exact format as stipulated in the amendment. So, while it could be seen to outsiders that an offer on a piece of land or a property, some of which have been accepted, could be deemed to be a presumption that we are going to purchase that piece of land. But of course it is absolutely clear, and especially to the sellers of the land who have accepted the offer in principle, the acquisition, the transaction, cannot take place until the States have approved the further transport strategy, as it agreed to do when it voted for the amendment. So I can understand there could be a misinterpretation but I want to reinforce the point that the hospital team are working within the amendment.

### **3.4.7 Deputy S.M. Ahier:**

Have the residents whose houses were due to be demolished been informed by the Assistant Minister that a review is underway? May I ask again if the Assistant Chief Minister was the person who instructed D2 Real Estate to make the offer?

### **Senator L.J. Farnham:**

The negotiating team are in touch with the 3 properties, not me directly. I did not instruct the agent to make the offer. I did not instruct or not instruct. The agent was just carrying on in line with the process that they had been following since discussions started with all landowners.

**The Deputy Bailiff:**

Has your question been answered, Deputy Ahier?

**Deputy S.M. Ahier:**

Sorry, whether the residents had been informed that a review was underway, if the Minister could respond?

**The Deputy Bailiff:**

Yes, the first part of the question I do not think you replied to. Do you want to put it again to the Minister, Deputy Ahier, so that it is understood by the Minister clearly?

**Senator L.J. Farnham:**

I could save a little bit of time. The negotiating team are in contact with the 3 properties that have accepted the offers in principle, as I understand it. They are aware that transactions cannot take place until the Assembly has approved the transport alternative access strategy as set out in the amendment.

**3.5 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding States of Jersey Complaints panel (OQ.352/2020):**

With regards to the complaint against the chief operating office that is currently being investigated by the States of Jersey complaints panel, will the Chief Minister explain how he and the chief operating office have engaged with the complaints process; and, if they have refused to engage, will he explain when such refusal was communicated to the complaints panel?

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

Yes. Probably not the answer that the Deputy wishes to hear, but following some consultation with the complaints panel, it has been agreed it would be inappropriate to comment on an ongoing review by the panel before they have concluded their considerations on the matter. I know that sounds somewhat formal, but it is usual, the standard procedure, you do not comment on an ongoing investigation or an ongoing review until it has been concluded. Particularly in these circumstances.

**3.5.1 Deputy K.G. Pamplin:**

I fully understand where the Chief Minister is coming from. But, as the chair of the panel has spoken publicly and I quote: "In his view that the current administration had deliberately obstructed the board by its refusal to engage in the process." So not talking about the matter in question, we are talking about the process. What is the Chief Minister's response to the public comments by the panel chair?

**Senator J.A.N. Le Fondré:**

Basically, as I have said, there is an ongoing review by the panel and unfortunately I cannot comment, even though I would very much like to. But we are engaging with the panel and I am sure when the matter has been resolved then we can comment on it.

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

Does the Chief Minister accept that a refusal to co-operate with the panel, to work with the panel - and I am speaking in general terms - also a refusal by Ministers to accept the recommendations of the complaints panel on numerous occasions, suggests in the public mind that the Government does not take the complaints panel seriously? Therefore undermines the authority of the complaints panel, which is, for many Islanders, the only form of redress they get when the Government does not act appropriately?

### **Senator J.A.N. Le Fondré:**

Just to address all of those, just to be very clear, I do take the complaints panel very seriously. Although I will freely admit that because of COVID we have slipped, we have tried to have [offline] levels with the output and the reports from the complaints panel than has been done previously. But I also accept we can do better. This particular issue, I really cannot comment on further. I am trying to think of a way of applying it generically. My best bet is I am very happy to brief the Deputy separately and then we can work out a way I can put it into the public domain. But we are engaging with the panel. It is a complicated discussion, more about process rather than the issue, and that is what we are trying to address. Other than that, I cannot comment further. But I do take the principle of how we deal with complaints very seriously and I absolutely agree and take the point that the Deputy makes where for certain Islanders who come to that point, the complaints panel is one of the few places of redress. I do believe there is more work that we should be doing in that area.

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

When mentioning that there was more work to do in this area, is the Chief Minister referring to the Public Ombudsman Law, which we are still waiting to see any results, and which ideally would end up replacing the complaints panel and create a very formal footing for complaints and the need for redress by Islanders? So in essence, when can we see the Public Ombudsman Law being brought before the Assembly?

### **Senator J.A.N. Le Fondré:**

The law is easy. When I say it is easy, it is the very clear intention the law is brought in before the election. So whether that is towards the end of 2021 or the very first 2 months of 2022, I cannot give the Deputy a precise date. But it is the very clear intention that the law will be brought in before the election. One of the delays again, as with many things, has been because of COVID. As I have said previously, it does give the opportunity then for things like Health to be brought in under the auspices of the Ombudsman, whereas previously that was not intended to be the case in that first iteration. But in terms of the law, then the issue is when the Ombudsman goes live versus acting in fact in a shadow form initially. There will be a handover period but the law is very clear, we want it in before the election so that this Assembly approves it.

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

Could I ask the Chief Minister, given his answer to the last question, does he think it may not be the best idea therefore to suspend funding for the Public Service Ombudsman next year, and that is something he may want to look at again?

### **Senator J.A.N. Le Fondré:**

The point there is that the Ombudsman cannot operate until the law is in place. What has been delayed because of COVID is the law. So therefore that has an automatic impact on when the Ombudsman needs funding because it is dependent upon when we start. I know we will all have our individual priorities, and that is what we had to do in this Government Plan, it has not been easy to prioritise all the various costs and expenditure, given the impact of COVID, not only on society and on Health, but also on our finances. Those are the choices we have had to make. So we are not stopping it. We have had to delay it but part of that is because of the impact of COVID and then getting the law drafted.

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

Given the impact of the changes proposed in the Government Plan, does the Chief Minister recognise that the Public Service Ombudsman will not be in place until 2024, which is way after the next election? There are real questions whether the law can be produced before the next election. So would he like to reconsider his previous statement?

### **Senator J.A.N. Le Fondré:**

I do not think I can reconsider the previous statement. What I have said, and I think the Deputy just confirmed it, i.e. you cannot have the Ombudsman in place until you have the law in place. The Deputy is suggesting, which is not my information I hasten to add, doubts as to whether the law can be in place before the election. I am very keen and clear that it needs to be. But there is no point in providing funding to a body that has not yet been created or given the statutory authority. It is a cart before the horse scenario. You have to have the law in place to then have the body in place to then use the funding. If the law is not in place, there is no point in having the funding there.

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

I thank Deputies Morel and Ward for joining in with the question period. To follow up their questions, again I quote the Chair of the complaints panel: "For the process to be obstructed, or seemingly to, does [to his mind] suggest that the Government is not willing to maintain an independent transparent oversight of its processes." Is it indeed the case the sooner an Ombudsman with effective power is brought in, the better? Does the Chief Minister thereby, listening to his answers, agree with that statement?

### **Senator J.A.N. Le Fondré:**

I do not know if the Deputy used the word "wilful" or not. The particular issue we are dealing with is complicated and it is a specific process issue, which, for example, many politicians will know what we have to deal with when we are dealing with certain advice that we all receive that we cannot relate to it publicly. So if I referred, for example, to Scrutiny protocols, that is kind of what I am applying at the moment. But in terms of do I think the Ombudsman needs to come in? Yes, but, as I have said, because of COVID there has been a significant delay in a whole range of things that we are trying to do. So the intention is to bring the law in place, i.e. to the Assembly, I would expect by the end of next year, so during the course of 2021. No doubt Scrutiny will want to go through it as well. As soon as we have the law in place then we can work out the timing. The issues within all of the things around funding particularly is, once we have a clearer idea, once we come out of the pandemic, the precise nature of the impacts on our finances, we can give some greater certainty. So what we have done is taken a precautionary basis on the future funding for the Ombudsman. But also based on realistic expectations of when we can get the law in place, which I obviously do support.

### **3.6 Deputy M.R. Higgins of H.M. Attorney General regarding rights of prisoners (OQ.344/2020):**

Will Her Majesty's Attorney General advise the Assembly of the legal rights of prisoners at H.M. (Her Majesty's) Prison La Moye to make and receive telephone calls to friends, family and outside organisations; and state what legitimate and proportionate restrictions, if any, there exist to such rights?

[15:30]

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

Firstly, as regards rights, rule 45 of the Prison (Jersey) Rules 2007 provides a prisoner with a qualified right to access to a telephone. That right is qualified by rules 45(3), (4) and (5), which provide prison officers with powers to record and monitor calls and also to terminate malicious calls. Where an officer terminates a call, the officer has to inform the prisoner of the reason for the termination. So the right is also subject to rule 45(7), which provides power for the Minister for Home Affairs to issue directions imposing additional conditions on the use of a telephone by a prisoner. Secondly, as regards legitimate and proportionate restrictions, the imposition of restrictions on rights to make and receive telephone calls; that clearly engages Article 8 of the E.C.H.R. (European Convention on Human Rights), which protects a person's rights to private and family life. So to be compatible with Article 8 of the European Convention on Human Rights, the interference must be lawful and proportionate to one of the legitimate aims set out in Article 8(2). It was held in a recent E.C.H.R. case in Strasbourg that Article 8 does not in itself guarantee the right to a telephone call. But where telephone facilities are made available, they may be subject to restrictions in view of the ordinary and reasonable requirements of imprisonment. That case was *Lebois v. Bulgaria 2017*. Finally, with very limited exceptions, a prisoner must be allowed to communicate with his or her legal adviser outside the hearing of the prison authorities. So that is reflected in rule 45(3) of the prison rules, which provides that such calls may not be recorded.

#### **The Deputy Bailiff:**

You have gone beyond 90 seconds now so can you bring your answer to a close?

#### **The Attorney General:**

I have stopped.

#### **The Deputy Bailiff:**

Even better.

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

Is the Attorney General aware of the fact that prisoners have had calls, not terminated, but not been allowed to a number of friends or organisations outside the prison, and have not been told of the reasons why. I will just ask that question first. I may have another one following that.

#### **The Deputy Bailiff:**

You may not get another one, Deputy Higgins, so if you want to ask 2 questions then ask them now in one go.



**Deputy M.R. Higgins:**

In one case, some prisoners were calling a gentleman who was doing a survey, he was inquiring about the prison, conditions, opportunity and quality of rehabilitation, *et cetera*. Would he think that is an appropriate thing to stop conversations on as well as phone calls to family and friends?

**The Attorney General:**

I was not aware of that specific incident that has been mentioned by the Deputy. I was only aware in the most general terms of possible restrictions or instances where telephone calls had been terminated. But I was not aware of the specific matter that has been raised by the Deputy. In terms of the specifics of the instance that the Deputy has mentioned, assuming that he is right about the facts, in principle it seems to me that would not be an appropriate use of the power to terminate a telephone call. I had heard that the calls were being recorded and put on a blog and it may be that would not be appropriate, so there are further restrictions regards malicious calls. It would be debatable as to whether or not putting these sorts of calls on a blog would be malicious or whether they would be, for example, a breach of discipline under the prison rules, the schedule to the prison rules. But taking the outline of the facts that the Deputy has mentioned, it seems to me that of itself, and without any of those other factors that I have referred to, that would not be an appropriate use of the power to terminate.

**3.7 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding Our Hospital site selection (OQ.349/2020):**

Following the adoption of my amendment to Our Hospital Site Selection, P.123/2020, will the Minister explain how the Parish of St. Helier, including the Deputies and residents of St. Helier Districts 3 and 4, are to be involved in the investigation into alternative access arrangements to Overdale and the consideration of mitigating the destruction of property and natural amenity, as well as potential financial savings?

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

This is also going to Senator Farnham.

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

The Our Hospital Project Team will shortly be consulting with the Constable and the relevant Deputies about the further options for access arrangements and the criteria upon which those options will be evaluated, including any third-party acquisitions, changes to amenity, spaces, cost, and programme. The programme of neighbourhood engagement that has begun will also provide means of discussing the methodology and outputs of the access strategy with the residents. We hope to do that in close co-ordination with the Constable and the Deputies. In addition, the representative panel of health workers and blue-light services will be consulted also about the options and the criteria.

**3.7.1 The Connétable of St. Helier:**

Would the Deputy Chief Minister reassure the Parish and other stakeholders that his team are not merely going through the motions in this respect but that they are seeking to think outside the box? In other words, that they have not been instructed to “show us why alternative access will not work”, but rather they have been instructed to show us how an alternative access could be made to work?

**Senator L.J. Farnham:**

I hope I can reassure Members. There are currently, in the programme, 9 different routes looked at: options 1, 2, 3, and 4, 1(a), 1(b), 1(c), 2(a) and 2(b), 3(a) and 3(b) and 4(a) and 4(b). The fifth option will include, as I understand it, a number of options, so we could have 5(a), (b) and (c), all based around the Constable's idea of the one-way proposition. I know that all aspects of the possibilities are being thoroughly explored. We are under no doubt whatsoever that we have to come back to the Assembly with a comprehensive and well-thought-out and well-studied report on the different traffic strategies. I am completely aligned with the Constable that, when we finally decide on the correct traffic and access infrastructure, we have made the right decision.

### **3.7.2 Deputy I. Gardiner:**

Would the Minister confirm what are the different instructions that were given to the officers following the adoption of the Constable's amendment in engagement with stakeholders, or if they were different?

### **Senator L.J. Farnham:**

I am not sure we have given any specific instructions other than we must consult and engage closely with the Constable and the Deputies and the relevant neighbours around the access. We are currently considering the best way to do that. As I said earlier on, we will be in touch with the Constable and Deputies imminently. I also will ensure that States Members, once we have gone through that stage, States Members will also be consulted prior to bringing the proposition later in December.

### **3.7.3 Deputy I. Gardiner:**

Would the Minister not find it strange that the amendment brought a different perspective into the approach and not changing instructions, following this amendment, is not ... how the Minister can consider seriously the amendment if the instructions will not change to the officers following the adoption of the amendment?

### **Senator L.J. Farnham:**

Sorry, what instruction is the Deputy referring to?

### **The Deputy Bailiff:**

Do you want to clarify your question, Deputy?

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

Yes. Since the amendment was adopted by the States, the amendment changed the approach or at least changed the approach how the access road should be examined. Would the Minister not find it strange that the officers continue to work as they used to work before the amendment or the change should be? Basically different instructions should be given to the officers following the amendment how to approach the road.

### **Senator L.J. Farnham:**

So the Constable's amendment was to request the Council of Ministers, prior to its acquisition of land or properties required to facilitate access to the preferred site for Jersey's new hospital, to present the States Assembly for approval a report on alternative access strategies designed to maximise sustainable models of travel to and from the hospital. That is what our specialist transport and traffic engineers are working on now. As soon as they are in a position to start presenting the ideas and the

methodology, they will do so. I do not think it has changed any instructions or created new instructions. It is just a common sense and natural approach to the process we are following now.

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

Can I just confirm with the Deputy Chief Minister that all of the emergency services, police, fire and ambulance, are all being consulted in relation to all of the access routes in relation to the potential new hospital site at Overdale?

**Senator L.J. Farnham:**

Yes, I can confirm that all blue-light services are being consulted. There was, as I understand, considerable consultation on the previous 9 schemes that were included in the original proposition. Of course it is absolutely vital that we work closely with our blue-light services on the access opportunities.

**3.7.5 Senator S.C. Ferguson:**

I am sorry I was not in earlier because our internet was down. Is the working group going to also consider the proposal made last Friday in a letter to the *Evening Post* by Bruce Willing? I have read it and it sounds very sound and viable to me and it would also, in the end, be the least damaging for the park and everybody around.

**The Deputy Bailiff:**

Is that your question?

**Senator S.C. Ferguson:**

Yes.

**Senator L.J. Farnham:**

I do recall seeing a number of items of correspondence from Mr. Willing but could the Senator just give the detail of what the proposal was that appeared in the letter in the *J.E.P. (Jersey Evening Post)* from Mr. Willing. I cannot recall it off the top of my head.

**Senator S.C. Ferguson:**

Well he was not going to knock down the bowling place. It was a ramp that kind of started by the children's play park and took the curve around. It took the steepness of the hairpin bend away. I would suggest that there are some very good ideas in the *Evening Post* in the letters column. Perhaps the working party and the Senator would like to have a look at it.

**Senator L.J. Farnham:**

I certainly undertake to have a look at those ideas. But I would also add that the whole concept of creating new access routes to Overdale are based upon those sort of ideas, improvements, improvements to gradients, much better cycle and footpath access. So I am confident that our teams are using those ideas as the guiding principles of improving the access.

[15:45]

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

Would the Minister like to give us an assurance that they will look at it and he will come back with it in the report about access?

### **Senator L.J. Farnham:**

I cannot promise that we will allude to Mr. Willing's letter in the report but I will certainly bring it to the attention of the team.

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

Yes, well when you come back with your report on the access ...

### **The Deputy Bailiff:**

Senator Ferguson, you have had your supplementary question now and the Minister has responded to it.

### **3.7.7 The Connétable of St. Helier:**

Yes, please. I am relieved to have the opportunity to distance myself from, quite honestly, the nonsense that the Senator has just proposed. It is all very well for out-of-town people to talk about ripping up People's Park and the playground but certainly St. Helier residents do not want that to happen. Will the Minister simply reassure residents in particular, also the Jersey Bowling Club, that he and his team are going to make a real, genuine and sincere effort to find an alternative to the alien U.K. traffic scheme that we were in danger of having imposed upon us and that we can find a Jersey solution for access to the hospital that will save money and save the damage to the environment and people's homes?

### **Senator L.J. Farnham:**

I can assure the Connétable and Members that it is our intention to find the very best and most suitable transport scheme that is appropriate for Jersey, appropriate for our new hospital and has minimal impact on the environment, including the very valuable green space known as People's Park. We want minimum intrusion, we want minimum environmental impact and we want maximum opportunity for access to our hospital, not just for cars, but especially for pedestrians and other modes of transport.

### **3.8 Connétable K. Shenton-Stone of St. Martin of the Chair of the Privileges and Procedures Committee regarding new voting system for elections (OQ.347/2020):**

Will the Chair state the minimum amount of time needed for the States Assembly to approve and install a new voting system for elections in Jersey in time for the 2022 general election; and will he set out, with reference to the allocated campaign periods and estimated cost, a possible timeline for organising and holding a referendum on electoral reform in 2021, should Amendment 4 to P.139/2020 be adopted?

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

P.P.C. (Privileges and Procedures Committee) is working within Venice Commission guidelines to have any changes to the composition and election of the States approved at least 12 months prior to the next election. P.139, if adopted this week, well we can make that timeframe, as we can, with

changes to the Public Elections Law legislation to address the recommendations of the E.O.M. (Election Observation Mission) if we stay on track to lodge very early in the new year. If a referendum is approved in principle, it should then be referred to the commission to consider the referendum question. Based on previous experience, the commission would need at least 3 months to consider a suitable question, test it in focus groups and make recommendations to P.P.C. which could then be published in a report to the States Assembly. That takes us to March/April 2021 at the earliest. P.P.C. could then lodge in April or May a Referendum Act which may be debated after 3 weeks. If the Act is debated May/June, a referendum cannot take place until at least 3 months later which is September. If any amendments change the question, the further views of the commission would be sought and this could delay further. During that minimum period, the commission would aim to recruit and appoint lead campaign groups and ensure the dissemination of suitable public information. As they have not carried out these last stages before, it is not certain how long it would take to advertise, to select and appoint lead campaign groups, so we cannot be sure if everything could be completed by September. It might be safer to say October 2021. On costs, I see the Constable of Grouville quotes a cost of running a standalone referendum on his amendment as an estimate of £70,000. I have not seen the breakdown of that but if it does not include the cost of focus groups and the possibility of publicly funding the lead campaigns, it could rise.

### **3.8.1 The Connétable of St. Martin:**

What is the minimum timeframe in which States Members can bring further amendments to the voting or electoral system in time for the 2022 election?

**Deputy R. Labey:**

Further amendments? I am not quite sure of the question. States Members would have to bring a proposition for it to be amended.

**The Connétable of St. Martin:**

Yes, sorry.

**Deputy R. Labey:**

So if the Constable is asking me if P.139 is not approved, I would say possibly January or February would be a cut-off point. It is difficult because it is about how long the law drafting takes for then the legislation to come back to the Assembly to be approved, so I think beyond February would be highly dodgy, highly unlikely.

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

Could I ask the Chair if he thinks that there is merit if the referendum is passed in asking the Parishes to contribute to or to pay for the entirety of the costs of the referendum?

**Deputy R. Labey:**

I cannot begin to consider that just off the bat like that, I would need to look at it.

### **3.8.3 Senator S.Y. Mézec:**

Would the Chair like to comment on the question of value for money of a referendum being held when there was one in 2013 where the overwhelming majority of the public voted for change and the

winning option itself was one which very, very closely resembled P.139 anyway? Would he not consider that to be rather a repetition of an exercise that has already taken place?

**Deputy R. Labey:**

Yes, I think it would be a ridiculous repetition and a pointless waste of money. The Assembly needs to face facts. When it decided not to implement the result of the 2013 referendum, it basically said: "We are taking the responsibility on to sort this mess out." Now, if we cannot do that and we have to go running back to the people with a referendum, as I repeat, I think that would be frankly ridiculous and we would be laughed out of court. It would damage the reputation of the Assembly and further reduce the esteem in which we are held.

**3.8.4 Senator L.J. Farnham:**

Does the Chair - I am not sure if he can speak on behalf of the whole Privileges and Procedures Committee - think it is important prior to making significant changes to the democratic rights of all Islanders through electoral reform that the Islanders are given an opportunity to give their consent to any such change, for example, the removal of the Isle of Wight mandate?

**Deputy R. Labey:**

No, I do not believe that to be the case. The introduction of the Island-wide mandate was not via a referendum, nor was the removal of the rector and the jurors, nor was the reduction in the number of Senators. We have had a referendum and the result was unequivocal: 80 per cent of those who voted in that referendum voted for option A or option B which represented change, a reduction in the 3-tier system. So only 20 per cent voted for the status quo which might be interpreted as a "save the Senators" vote. We have had the referendum. What is before the Assembly now with P.139 is effectively option B but we think it is slightly better, 9 districts not 6, and there are amendments which look very much like option A and there is one that looks very much like the Clothier report. But, no, I think it is time for the Assembly to take responsibility, show leadership, which the Chief Minister has been accused of not showing recently in the vote of no confidence debate. Taking responsibility means taking leadership and then going to the electorate with an election. If they do not like the decisions we have made, they can chuck us out, that is democracy, but let us get on with this job, let us take responsibility.

**3.8.5 Senator L.J. Farnham:**

I think the answer to the question was, no, the public should not be consulted, but does he not agree that if an amendment to the proposition next week which calls for a referendum - of course any referendum result would have to be binding for the States to retain any credibility whatsoever - should have a more simplified format? A yes/no is far better than the attempt that was made last time; not only did we get a very poor turnout but I believe more people voted for options B and C I think than ultimately A, I cannot remember if I have got that right, so the format used in the last referendum was flawed because the winner was the option that received fewer votes than the other 2 options.

**The Deputy Bailiff:**

Do you want to come to a question, please, Senator?

**Senator L.J. Farnham:**

Sorry, I thought I had made the question. Does the Chair agree that any referendum should not follow the format used in the last referendum which was flawed?

**Deputy R. Labey:**

Well I think that the answer to my last question was not that the public should be consulted but that the public has been consulted and the result was unequivocal, 80 per cent voted for change, voted for larger constituencies of the same size and of course there was the issue of whether the Constables were in by automatic right or not, and that is the one that came out on top. But if you just look at those figures, they are very consistent throughout the 12 Parishes in their voting, which means that it was not a flawed referendum. It was clearly easily understood by the voting public because their pattern of voting was very, very similar. There was no erraticism, it was nothing erratic, which leads me on to believe that they did understand, they did comprehend, they were not hoodwinked. We have to face that fact and not try to call into question now the result of that referendum as if the public were somehow not cognisant or not able to understand it. No, what they were saying to the Assembly was very, very clear and it is this: we want change and the Assembly has to deliver change. That is what we should do.

**3.8.6 Deputy G.J. Truscott:**

Regarding timing for the referendum, could the chair indicate when the election in 2022 is likely to be? Are we looking at a spring or autumn election?

**Deputy R. Labey:**

I thank the Deputy for his question. P.P.C. have floated, first of all with the Comité des Connétables, the notion of an election in 2022 on 22nd June. This is because we want to clear Liberation Day before nominations start and certainly before the electioneering starts, the weeks of the election. We thought we could get it in, nominations start after Liberation Day has happened, because we do not want to be on parade on Liberation Day as candidates in an election. It is quite wrong and quite unfair to the others who are not and we think we can get it in by 22nd June. We want to obviously speak to the Council of Ministers about that and I want to float that with the membership of the Assembly as a whole to see what Members think about that. That is our plan A at the moment.

**3.8.7 Connétable R.A. Buchanan of St. Ouen:**

I just wondered whether the Deputy has looked at the Guernsey model of the referendum which gave them the outcome that they have now, which was essentially a descending scale of options and the outcome being binding upon the Guernsey Assembly and whether he saw any merit in that.

**Deputy R. Labey:**

I do not because I believe that we have had a referendum, we did not implement it and I think the electorate would laugh us out of court if we went back to them, especially with the same question which is effectively option B. The Constable may say that it was binding on the States of Guernsey, I am not sure you can ever bind a Parliament to enact a plebiscite.

[16:00]

I think a Parliament always is sovereign and I am not sure that legally it can be bound.

**3.8.8 The Connétable of St. Ouen:**

It was certainly my understanding of reading the Guernsey regulations that it was binding on them and they passed that as an Act of their Assembly before the referendum took place. Does he feel that having a binding referendum would give it more credibility?

**Deputy R. Labey:**

I do not think anything will give a referendum in Jersey credibility until the States has done what it said it would do in refusing the result of the referendum, and that is to sort the mess out and deliver change themselves. That is what we are charged with doing and that is what I think we should do. I think the referendum is taking us down a wrong-way street.

### **3.8.9 Connétable J.E. Le Maistre of Grouville:**

Would the Chair concede that many outside observers, and indeed observers locally, think that because it was not a binary question it is not valid? Secondly, is he also aware that if you analyse the results of that very low turnout referendum that more people that voted on that day did not choose, or there were more people who voted on that day who did not want, number B either as a first or second choice? In other words, there were many people who did not give a second choice because they did not want the item B.

**Deputy R. Labey:**

I would have to look at the figures but I do not think the Constable is right on that. I think the referendum, as I have said before, because of the pattern of voting that was followed by so many of the Parishes, in fact, 10 out of 12 it was a very, very similar pattern, and I think with, was it St. Helier and St. Brelade, A came out on top in the first vote. So, I think from that we can conclude that the public knew what it was doing and knew what wishes it was expressing for the Assembly to follow. They are very, very clear; 80 per cent of those who voted, voted for a change to the status quo.

### **3.8.10 The Connétable of Grouville:**

The question is: would the Chair not concede that although he says 80 per cent voted for change, there were 2 almost equal groups voting for very different change?

**Deputy R. Labey:**

It was not very different change. The district representatives were arranged to be elected by 6 districts of equal size. That was the Electoral Commission's attempt at achieving voter equity and voter equality across the Island which we do not have and which we must strive to implement as quickly as we can. The big difference between A and B was retaining the Constables' automatic right or not, and I think that was perfectly understandable. So most people, 80 per cent of people, as I repeat, very clearly voted for something that was a change to what exists now, a change to the status quo. There were 3 good campaigns and there was a lot of coverage and the voting patterns show that the public knew how they were voting and what they expressed.

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

I am glad the Deputy, who I have a great deal of respect for, corrected his words in the last question because originally at one point he said that 80 per cent of the public voted for change. Obviously it was 80 per cent of the public voting who voted for change; that is quite different. I think I would like to ask him to address again his recollection and his use of the word "unequivocal" because my recollection is exactly the same as Senator Farnham's and the Connétable of Grouville's that with



the difficulty it was not a binary choice that the majority of people voting did not vote for the winning option, and that was why the result was rejected by the Assembly. So it falls into 2 questions (a) why is he using the word “unequivocal” when obviously it was equivocal because that is why the Assembly did not support it and (b) what was the voter turnout during that referendum? Could he remind us?

**Deputy R. Labey:**

Well there were a lot of questions in there. Let us be clear, the Assembly did not accept the result of the referendum and implement option B because it was unpalatable to Members of the Assembly of the day. They could not implement it because they did not like it and they did not want it. The shame was that they allowed that question to go to referendum, they did not sort that out before it went to referendum and say: “Look, if this is going to pass, I am not having any of it.” No, they let it go to a referendum, they did not like the result, they would not implement the result for whatever reasons they had. But no one at the time was saying that the referendum in some way was flawed and I think it is interesting now. We can see what is happening, can we not? We can see what is happening with the position of Senator Le Fondré and Senator Farnham, perhaps the Constable of Grouville, I am not quite sure, that they want to discredit the referendum result because they do not like the result but it is the best piece of evidence that we have. It might have only been 23 per cent of the population but it is the 23 per cent of the population that made the effort to come out and vote. We know the reason why many of the other members of our electorates will not come out to vote is because they have given up on us. They have given up hope, as far as the States Assembly is concerned, because we are not putting our own House in order, giving them a simpler system, giving them votes across the Island that carry the same weight and power as somebody with a different postcode. We are not listening to the advice of electoral commissions or distinguished panels or the election observers now. It has got to stop and what P.P.C. has proposed now, P.139, represents a big, honest, significant compromise. It is an adjustment of option B to give 9 districts, not 6, so we are keeping things more local. I just hope that Members will see through all this smoke and mirrors and go straight to the heart of the matter, which is whenever we ask the public what they think of our system, they always say loud and clear, as they did in that referendum: “We went change.”

**The Deputy Bailiff:**

Now, we should not forget that there are other questions to get through before the 2-hour limit expires. It would be a pity not to get the chance to come to the end of those questions because of course the matters that this question is focusing on will be the subject of extensive debate later on this week.

**Deputy M.R. Higgins:**

I am going to withdraw my question because I think it would be adding fuel to the fire and I think it is better we get to the debate tomorrow.

**3.8.12 The Connétable of St. Martin:**

Several years have passed since the referendum and life has changed substantially since then and it has been mentioned this afternoon by Senator Mézec, and briefly by the Chair, that having a referendum is just a repetition of the last referendum and not worth holding. Would the Chair not agree that the forthcoming debate is a repetition of the debate that we held earlier this year but that that debate did not give the answer that was sought?

**Deputy R. Labey:**

Yes, and after that debate, P.126, the Constable of St. Martin and the Constable of St. Ouen, who I sit very close to, were very kind to me in terms of the argument that I put forward for that, P.126. I asked them of course, P.7 was then due to be debated but was withdrawn by Senator Gorst, and I asked both of them how they felt about then debating P.7. Both of them gave me positive noises that they might have looked upon P.7 positively and voted for it. So that is why I have brought that back, I have accepted the compromises that we have to make, P.P.C. have adjusted P.7 to make it a little bit more generous I think in the allocation of the district representatives. I wanted to bring that back to the Assembly at the earliest opportunity because I honestly believe if Members will make the compromises on their red lines, as P.P.C. have done, and I mean this honestly, that we can find P.39 acceptable. I think the public of the Island will find it acceptable because it chimes with what they said in 2013 with the referendum. It would be a significant step forward. It would simplify our overly-complex system and I think it would set us in very, very good stead. I just ask Members to give it their best thought with an open mind in the next few days.

### **3.9 Deputy R.J. Ward of the Minister for the Environment regarding landfill space (OQ.351/2020):**

Will the Minister advise how long it is estimated that current landfill space in Jersey can be used and whether any other sites are being investigated; and, if so, will he state which sites are under consideration and what is being done to reduce waste and to enable a sustainable approach to waste management?

#### **Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

Our solid waste strategy adopted in 2005 seeks to reduce and recycle inert non-combustible waste and the current Island Plan already seeks to ensure that waste site management plans are required as part of planning applications when development generates waste material. It also encourages the reuse of existing buildings and requires justifications where structures are proposed to be demolished. This is a matter I want reinforced and give greater emphasis in the new plan when it comes. But it is encouraging at the moment that the rate of recycling of aggregates compares favourably with other places and we recycle about 40 per cent of this material. Now La Collette reclamation site provides a principal solid waste disposal facility. It is my understanding that at current rates of fill, the facility has less than a year's capacity but work is being undertaken to extend the short-term lifetime capacity and I think it is best for the Minister for Infrastructure who manages that site to detail that. But when La Collette is unable to receive further material, the site of La Gigoulande Quarry in St. Mary already has planning permission for the management and disposal of future solid waste arisings as part of their activity. As part of the Island Plan review, work is being undertaken to ensure that the next Island Plan can safeguard existing inert solid waste sites and that further options are identified. Those options may include emergent proposals which seek to advance the line of sea defences in response to the increased flood risk from sea level rise and wave overtopping, as was set out in the Island shoreline management plan.

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

What consultation will be undertaken with which groups on the Island? Because I think he would agree there are many more ... the understanding of our effect on our environment is growing exponentially among the people of Jersey and around the world and in groups, and so what consultation will be undertaken before any decision is made on a use of a site?

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

Well already I think, the entire process I have described and summarised, the detail of them requires extensive public engagement and consultation at every stage. So if we start with the current issues that arise on individual sites when waste management plans are required as part of planning applications, of course those matters are a matter of publication, everybody can read the plans, they can go to the Planning Committee and make arguments and there are a number of occasions where applications have been refused because of failure to manage that waste properly or failure to have a plan. There is also the fact that where, with the refurbishment of existing buildings, plenty of planning decisions have been turned down because those structures are regarded as not sustainable. But again there is consultation, it comes from the applicant but it goes to the public and obviously evidence comes forward from groups and expert information is obtained. Planning policies, well this is the ultimate, I think. The Island Plan has a huge comprehensive public consultation route and there is expert evidence which will come in or be presented and I think they can all be gone over.

[16:15]

So I do not think there is any chance that the Deputy, if he has those fears perhaps, that somehow some new site is going to be proposed and there will not be any opportunity to have expert evidence on it, to have groups look at it, to have their views and earn a public inquiry and finally a democratic decision. After all, that decision will be within this Assembly, so I think there is just absolutely endless procedures there and it is my job to make sure they happen.

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

Will the Minister be setting fresh, more difficult targets for all sorts of solid waste in order to extend, if possible, the lifetime of the site?

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

The question I have answered is about what used to be called “non-combustible waste”. It is solid waste that you cannot put in the Energy from Waste plant. Yes, I certainly want to see more of that material recycled. I think not many years ago we were recycling hardly any of it, now we are doing 40 per cent. There are plans afoot to enable, I understand, the cleaning and washing potentially of that material to try and increase its uptake because that is an issue where the standards of that material increase its market ability, so certainly, yes, that will be. In terms of the rest of the waste, because I think the Deputy spoke about other waste, very much so I would like to see waste reduction generally. But of course those matters, the waste management strategy, this is one of the functions that cuts across myself and the Minister for Infrastructure. The Minister for Infrastructure runs the E.f.W. (Energy from Waste) Plant, runs all the operational side. I believe my colleague Minister wants to see that and I shall make sure in every way that we can do it within the Planning Law and what tools I have got under waste management, then we can achieve an improved management of waste because I do not think we can carry on with the current generation as it is.

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

The Minister mentioned targets there; what carrots or sticks does he have in mind in order to make sure that higher targets for recycling are being met or will be met?

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

Well, I am not too sure I have any carrots because you know the amount of environmental budgets that exist. One scrapes the barrel for every penny that we can to get essential work done, such as the investment in the past in our environment which I am determined to put right. But there are sticks

because if, in the new Island Plan, we have tighter policies and we have tighter targets of recycling the material or on criteria for waste management and so on, yes, that is a stick. Because in a nutshell, if you do not comply, you will not be getting consent, so, yes, there is a stick there. In terms of bigger carrots, I very much look forward to the States approving a waste management strategy which does not just cover solid inert waste, like I have covered in my answer, but in every aspect of waste, including the stuff we burn, and I think there are things we can do there. The Deputy will know that Guernsey successfully introduced the charge for that material and as a result dramatically reduced the amount of its domestic waste arisings. Those opportunities are available in terms of our long-term strategies.

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

In the Minister's answer it is clear that La Collette will be full before the new Island Plan is agreed and it may be, I hope he would agree, that La Gigoulande Quarry needs to be revisited as an inert waste dump. But the question to him is this: would he agree with me that there is an utmost urgency to look at the recycling of aggregates to produce sand which would have 2 effects: (1) would reduce the amount of inert waste going into La Collette and (2) would be to reduce the amount of sand needed to come out of the sandpits at St. Peter?

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

Yes, I think there is a very complicated set of issues there which I will try and sum up. The Deputy will know that the matter of the sand quarry in St. Ouen's Bay is a matter that has been actively considered within the mineral strategy. One of the positions that we know at the moment is it is possible to use, to generate sand, if you like, from the quarry operations. But the figures I have is that is only responsible for about 50 per cent of our current demand and that the other 50 per cent would have to come from importation of sand, and I am advised in principle that the Ports of Jersey can do that. So all those issues, they are all in the strategy which has pretty well come to a head, will be the genus of the new policies in the Island Plan. But, sorry, I cannot give total definitive answers at the moment on all those issues because these issues are so highly complicated. Perhaps if the Deputy wants to ask a supplementary I can perhaps be a little bit more focused but it is pretty difficult to do so at the moment.

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

On a slightly different subject, could I ask the Minister whether he will resist any further super fill at La Collette other than that which is permitted at the moment?

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

My feeling, and I have not looked at this in detail, I think that would be a matter, if the Minister for Infrastructure proposes that, that would have to come forward to the regulator, which I think is myself. My feeling at the moment is there would have to be really good reasons to do that. Past records of us doing that in previous sites, on the West of Albert, for example, were pretty unsuccessful I think. I cannot give a guarantee that that will not happen. It certainly would have to be investigated as to whether there would have to be no other alternative. But there is not any question that, while we continue to generate this waste in the long run, we either have to find (a) a route for its disposal or (b) increase its recycling.

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

In the wider issue of waste, the incinerator is not at capacity. What is the Minister's view on the incinerator and in particular in reference to our commitment on reducing emissions?

**Deputy J.H. Young:**

This is where we are betwixt and between, there are 2 arguments here. Obviously I was not in the States as an elected Member when the decision to have an Energy from Waste plant was introduced and, of course, at the time there were a lot of opponents of it. But what we do get, we do get electricity as a gain and so it is viewed as a recovery plant as opposed to a disposal but nonetheless I think if one looks at other societies, we look at our sister Island again, Guernsey, who chose not to do so and instead introduced the kind of systems to reduce their waste, they have managed to do it. So, at some point I think, we have got that plant now, I am told it will be made more efficient if we could have additional waste. Am I really keen in bringing in loads of waste from outside and trying to set up in a new external business? No, I am not, but if anybody proposed that, or proposed by somebody else because it would not be me, they would have to go through all sorts of regulatory hoops, I can assure the Deputy of that.

**3.10 Deputy M.R. Higgins of the Minister for Children and Housing regarding records (OQ.345/2020):**

Will the Minister advise the Assembly what steps, if any, he is taking to ensure that Children's Services records are accurate; to enable all service users to review their records, particularly any in which there may be accusations of child abuse or neglect; and to ensure that no inaccurate information is provided to the courts when they are considering matters that could potentially see a child removed from their parents?

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

Parents and carers, along with children and young people where their age is appropriate, are invited to and encouraged to contribute to child protection case conferences, Child in Need meetings and Children Looked After reviews. Assessments are shared with parents and carers and their views are obtained and recorded. Children, young people and their parents are entitled to make subject access requests for all information held on the child's social care files. Third-party information is redacted where consent from a third party has not been given. Further steps are taken to ensure accuracy of information via a triangulation of information through multi-agency partners. The case recording policy has been recently updated and will be signed off at senior leadership team level for the rollout in December 2020. In conjunction with this, case recording training has been developed and will be delivered to all social care staff on a rolling basis from December 2020. The practice standards were launched alongside the quality assurance framework in October 2020 and staff from across the service helped too in the development of these. Our practice standards sets out clear expectations for all staff to adhere to, ensuring that they work restoratively and transparently with children and young people and their families in Jersey. The quality assurance framework is a mechanism that measures the practice within the service and beyond to the wider partnership. All members of the public are encouraged to make complaints, comments and compliments using the customer feedback management system. This is available to the social care managers who have been trained in this system and encourage self-service or load information on to the system on an individual's behalf. We have also recruited a quality assurance officer who will co-ordinate our work on this system from 4th December 2020.

**3.10.1 Deputy M.R. Higgins:**

I met with the Minister on Thursday and for the first time, I think he has had his first case of inaccurate information, or no minutes being produced and things of that order to him first-hand in front of his officers. So instead of reading what his officers have given him, will he go away and look at it in reality which bears no relationship to what he said?

**Deputy J.M. Maçon:**

Of course it is not right for me to discuss individual cases. What I will say, however, this is something that has been notified to the department. New frameworks and policies are being put in place and that staff members are being put in place in order to assure the information that the department has. The department recognises this as an issue that it needs to improve on and, under the steps taken by the previous Minister, things are being put in place.

**3.11 The Connétable of St. Martin of the Chair of the Privileges and Procedures Committee regarding alternative voting options (OQ.348/2020):**

Will the Chair state what consideration, if any, has been given by the committee to providing alternative voting options or processes to Members, such as the indicative votes system used by the U.K.'s House of Commons in 2003, 2007, and 2019, to allow Members to debate and vote according to the merits of each amendment to P.139/2020, as well as the proposition itself?

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

Standing Orders at present do not make provision for the holding of indicative votes and this issue has not been considered by the P.P.C. that I chair anyway. It did cross my mind when I proposed P.126 early this year, I thought it might attract a lot of amendments, and I wondered if even unofficially, so just us all meeting together, we could try an indicative vote system so you vote for your favourite option and the one that comes bottom of the poll drops out and we continue until one emerges. But you would have to get the guarantee from all the proposers that at the end of that process they would accept a winning one to go forward to the Assembly and drop their amendments and I am not sure that we could ever get that. Another issue I find with the indicative vote is the gap between the indicative vote and when the actual vote takes place, I would be worried about what went on in that gap. In fact, to the potential supporters of P.139, I would say do not indicate to anyone what your vote might be because the phone calls will start, doubtless they already have, from those wishing to twist your arm and to reconsider making this change and being bold and voting for it. I would not want to subject my potential supporters to that kind of pressure and persuasion.

**The Connétable of St. Martin:**

I have got 2 other questions but I am aware of the time so I will just ask the Chair of P.P.C. privately, if that is okay.

[16:30]

**3.12 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding outstanding STAC minutes (OQ.353/2020):**

Will the Minister explain why the minutes of the S.T.A.C. (Scientific and Technical Advisory Cell) for the period of July to November 2020 have not yet been published, despite this having been explicitly requested by the States Assembly with its adoption of P.88/2020?

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

The Deputy's proposition asks that a dedicated page on gov.je should be established and maintained for the publication of the cell's minutes and this has been established. S.T.A.C. minutes from April until 13th July have been published and I am advised by the Chair of the cell that further batches of minutes are expected to be published and placed on the webpage this week.

**3.12.1 Deputy K.G. Pamplin:**

I do not think the Minister answered the question, I am happy to be put right, but could the Minister explain why those minutes have not been processed on the page? But he is right, that was requested as part of the proposition. We are about to enter the month of December, and we are entering a very critical period of the pandemic, and yet those minutes are not there for the public, for reassurance of State Members and the public alike.

**The Deputy of St. Ouen:**

I can say that the value of S.T.A.C. is to provide a safe space for medical, scientific and other technical specialists to discuss and develop their collective advice. As stated in its published terms of reference, minutes can be released once the matters discussed are no longer active policy under development. Even then there is still a need to carefully review and consider each set of minutes, as S.T.A.C. often discusses individual cases or specific groups of cases where upholding patient confidentiality is paramount. I suspect that those are largely the reasons why there has not yet been the publication of some minutes.

**Deputy K.F. Morel:**

Excuse me, Sir, begging your indulgence, Deputy Higgins has a supplementary question.

**The Deputy Bailiff:**

Have I missed Deputy Higgins? Did you get in before I ...

**Deputy M.R. Higgins:**

Yes, I had.

**The Deputy Bailiff:**

Deputy Higgins, yes, you must ask your question.

**3.12.2 Deputy M.R. Higgins:**

With the Minister giving the various reasons he said for the minutes not being produced from July sounds a little bit lame. Could it be that no minutes were taken and they have not been written up?

**The Deputy of St. Ouen:**

No, I do not believe that is the case. Minutes are taken very carefully but they do have to be returned to S.T.A.C. and approved and that process is behind but, as I am advised by the Chair, many minutes are expected to be published this week.

**3.12.3 Deputy M.R. Higgins:**

If any of the Members who had seen the recent BBC programme on S.A.G.E. (Science Advisory Group for Emergencies) in the U.K. and the way they made their decision-making and the flaws in it, I think we have done very well since then. So I do not think that the Minister and S.T.A.C. need to be afraid of producing their minutes but the impression that they are giving with the delay is there is something to hide. So, please, will the Minister undertake to get them on the website and to Members as soon as possible?

**The Deputy of St. Ouen:**

Yes, I can undertake to continue speaking to the Cof S.T.A.C. and try and ensure he has the resources to get this work done and try and ensure he gets whatever additional support he needs. I have to say, as chair and the senior nurse who also provides executive officer support to S.T.A.C., they are doing this work alongside their other important work to control the pandemic, provide proper clinical governance and treat patients. So there is that workforce pressure but I will continue, and I undertake to continue, to raise this matter and try and ensure that minutes are published as soon as can be.

**3.12.4 Deputy K.F. Morel:**

Given that we are in the crisis situation where the Emergencies Council is sitting and obviously is being advised by S.T.A.C., as well as the competent authorities is being advised by S.T.A.C., Ministers and the fact that Ministers often refer to scientific advice as being the reason for their decision-making, does the Minister agree that the public having an understanding of how that scientific advice is presented and what that scientific advice is plays a key role in providing the public with comfort that the Government are acting in their best interests and absolutely in accordance with scientific advice?

**The Deputy of St. Ouen:**

I do agree and that is also the view of S.T.A.C. itself as its terms of reference record that its minutes will be made publicly available. That is the view of Ministers and we are endeavouring to get this backlog resolved and minutes published as soon as can be.

**3.12.5 Deputy K.F. Morel:**

I thank the Minister for his agreement with that which I just stated. But with that agreement in mind, will the Minister assure the Assembly that, while revisions to the minutes may indeed ensure that no patients or no Islanders can be identified and obviously that no privacy is removed, S.T.A.C. minutes will be a faithful representation of the meetings that they refer to and are not being revised in hindsight in order to provide perhaps what some Ministers or members of S.T.A.C. may see as a more palatable record of the meetings?

**The Deputy of St. Ouen:**

I do not sit on S.T.A.C., no Minister sits on S.T.A.C., it is purely the scientific and technical experts who would want a proper record of their decisions made. The actual minute-taking is conducted by a member of the States Greffe who have considerable experience in taking and recording minutes. The minutes are agreed by the members of S.T.A.C. and I have complete confidence that they would require them always to be a true record of their meeting.

**3.12.6 Deputy K.G. Pamplin:**



Will the Minister just agree that this Assembly and the public are fully supportive of the members of the States of Jersey staff, including those in the S.T.A.C. cell, for their efforts and work but because of this perception of lack of transparency it can, and, as we are seeing at this critical moment, put doubt when there should be no doubt so we can fully get behind the Government and all the work that needs to be carried on? That is what we are talking here, perception of transparency. It has now been a month since we have seen those minutes and we are seeing how those minutes are turned around. Can he just agree with that if he chooses to do so?

**The Deputy of St. Ouen:**

Yes, I can understand the concerns and it is a question of capacity, I believe, rather than anything more sinister. I will continue to see what additional support can be provided that might assist the speeding up and the review of the minutes so that they can be released as soon as can be. As I have said, the Chair is planning to release a batch of minutes this week.

**3.13 Deputy G.P. Southern of the Minister for Health and Social Services regarding £6.6 million additional investment (OQ.356/2020):**

Will the Minister explain how the £6.6 million additional investment allocated to the Jersey Care Model (reference CSP2-1-05) in the Government Plan 2021-2024 will be spent in 2021, as well as the expenditure on the model in 2022, 2023 and 2024; and will he set out the proposed order in which services involved will be delivered?

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

This is going to be extremely difficult to answer in the time usually allotted because it is seriously detailed and all of this information is in P.114 relating to the Jersey Care Model and which the Assembly has debated; it was also discussed in the debate. It is a question that really suits a written answer rather than an oral but I will list expenditure as requested. In 2022, it is £12.1 million, in 2023 it is £20.9 million, in 2024 it is £33.1 million. It should be remembered that there are also benefits and savings accruing during those years and by 2025 those savings will exceed the expenditure on the care model. The Deputy also asks about the proposed order in which services involved will be delivered. Again, that is in the proposition at page 174 and following. The proposed order of delivery is in 3 *tranches*, so next year there will be work in establishing an enhanced public health function, a significant amount of work around digital, there will be the creation of an Island-wide workforce plan and a focus on community and intermediate care, intermediate care being a help to assist patients either coming into hospital or recently released from hospital. In the following years, there will be the implementation of a rigorous commissioning framework with community and social care partners. There will be support to acute services to shift the model of care away from acute into community roles where appropriate and further work on launching schemes, which would deliver services in the community with external partners, including a rapid-response team and reablement, all the time undergoing detailed planning, assessment and modelling with all the stakeholders involved in the care model. I hope that assists in giving a brief oral description of a very detailed plan that is fully recorded in the proposition.

**The Deputy Bailiff:**

Yes, that completes the time allotted for oral questions. Deputy Pamplin, I am ensured that your urgent question is the first question put to the Chief Minister when we come to questions without notice to the Chief Minister.

**Deputy G.P. Southern:**

That is the most unsatisfactory outcome. We have let questions drift there. There were only 13 questions asked and I have been cut short on my particular question. I have found that unsatisfactory.

**The Deputy Bailiff:**

We now move on to questions without notice ...

**Deputy R.J. Ward:**

May I ask a question?

**The Deputy Bailiff:**

Yes, Deputy Ward.

**Deputy R.J. Ward:**

Given that there was an urgent question lodged, is there no facility to take that urgent question and follow up beyond the questions without notice to the Minister? We are in a very particular situation at the moment with COVID and I think for the public interest, I think we should really consider that. I do not know if I can propose that we do that and get the Assembly to vote on it but I would propose that we take that question separately.

**The Deputy Bailiff:**

We cannot extend the period for question time under Standing Orders but during the course of questions to Ministers without notice, I will consider whether we can allow a specific period of time just to deal with that question. The first period of questions without notice is to the Minister for Infrastructure. Are there any questions for the Minister for Infrastructure?

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

##### **4.1 Senator S.Y. Mézec:**

Could the Minister outline what tangible improvements to the transport system in Jersey he believes he has achieved in his 2-and-a-bit years in office?

[16:45]

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

A very interesting question. Yes, obviously the Sustainable Transport Policy, renewing a lot of the roads, spending as much money as I can repairing the roads, repairing the potholes, cycling strategy. There is lots to come in the next few weeks and the early part of next year. Sadly, we have been delayed by COVID but that has, I think, put about a 3-month delay on a lot of our projects but we are going ahead as fast as we can. We are trying to clear up the air. I have gone heavily with biofuels, the RD100 to reduce pollution. It is those kind of things I think that will be a bit of a legacy, if you like but I have got lots more to do.

##### **4.1.1 Senator S.Y. Mézec:**

But with respect, strategies are words on paper and come before the tangible improvements and maintaining roads and fixing potholes is what he just said, it is maintaining, not improving. Could

he just clarify what actual improvements to the transport system he believes have been achieved over the last 2 years?

**Deputy K.C. Lewis:**

Yes. Prior to COVID the bus company reported an increase of over 40 per cent on the bus ridership at a time when the U.K. were about 15 per cent to 20 per cent down, we were 40 per cent up, which is a credit to LibertyBus and the way they are running the bus contract.

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

Will the Minister be implementing a policy that has just come out of the U.K. and Guernsey and ban the sale of petrol and diesel vehicles in 2013 and, if not, why not?

**Deputy K.C. Lewis:**

Yes, I believe that has been brought forward by 10 years. We will be going along similar lines. I do not like to use the word “ban” but obviously we are encouraging more people to go electric. As I have mentioned, we have been promoting electric bikes and other electric vehicles. But I say it is a long way off yet, I do not think the things like RD100 biodiesel is a good stopping point until we get to the full electrical changeover. It is a long way away but things have got a habit of moving very quickly, so I am in favour of the principle.

**The Deputy of St. Martin:**

I am encouraged by the Minister’s words. I would disagree with him when he says 10 years is a long way away, it is not very much in climate terms. But I am grateful for his response and I look forward to hear his words turning into action.

#### **4.3 Deputy I. Gardiner:**

Would the Minister advise if they follow the mandatory masks introduction that LibertyBus drivers will be obliged now to wear masks and, if not, why not?

**Deputy K.C. Lewis:**

Most of the LibertyBus drivers are wearing masks. There have been several complications, inasmuch as it was not feasible to retrofit Liberty buses with plastic screens, so you literally screen them off from the fare-paying passengers. Several reasons, the configuration of the bus did not really allow it, plus they need to look to their left through the Perspex screen to see the near-side mirror to make sure no one is coming up on the inside. The other problem is that if one of the drivers happens to wear glasses, with the doors opening and closing, wearing a mask can steam the glasses up a little. But we do encourage them whenever possible to wear a mask but it is not at the moment obligatory.

##### **4.3.1 Deputy I. Gardiner:**

Lots of working places, like surgeons in the hospital would perform operations with spectacles and wear a mask for protection, but I am not sure if they are opening doors, as the Minister mentioned, makes a difference.

**Deputy K.C. Lewis:**

It is quite warm in a bus and if it has been raining you get a lot of condensation, so that is a possibility. But, as I say, we encourage drivers to wear a mask.

#### **4.4 Connétable P.B. Le Sueur of Trinity:**

With the drive towards carbon neutrality and the aim of reducing car uses, does the Minister appreciate how frustrating it appears when a Parish comes to him with a quick win that would deliver safe walking and cycling routes to the Trinity School and all his department appear to do is pour cold water on it?

#### **Deputy K.C. Lewis:**

I think the Constable may need to elaborate. We do not pour cold water on anything of that nature; we actively encourage it. We are obviously, as I have mentioned, delayed by COVID at the moment. Lots of our staff have been redeployed to other agencies to manage the outbreak of COVID. They are starting to come back now and we are starting to progress as many projects as we can. As the Constable will be aware, I am very keen on safer routes to school. We have just worked with the Parish of St. Saviour on Bagatelle Lane; that is a safer route to school. We have got other things in the pipeline around the Island. But it does dovetail with our looking after children, safer routes to school is way up on my priority list.

#### **4.4.1 The Connétable of Trinity:**

I thank the Minister for his answer. While I appreciate that everyone is busy at this particular time and resources are scarce, all we are asking for is a simple amendment to the Trinity Traffic Order. Will the Minister undertake to look again at our request for the benefit of the children and the environment?

#### **Deputy K.C. Lewis:**

More than happy to look at it again because I reiterate, we are not pouring cold water on anything; child safety is our priority.

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

Does the Minister accept that in giving up £4 million of his maintenance budget to H.S.C. (Health and Community Services) he has reduced the capacity of his department to maintain and repair the Island's infrastructure below the minimum required?

#### **Deputy K.C. Lewis:**

The Deputy raises an interesting question. If it was left to me would I go for it? No, but it is reduced obviously. We do obviously perform to a standard. Lots of projects that may be deemed can be put off for a year, have been put off for a year but, no, everything is done with safety in mind.

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

I do not believe that was an answer. I did not ask him about safety, I said he has not been ...

#### **The Deputy Bailiff:**

Have you got a question to ask?

**Deputy K.C. Lewis:**

If you ask a supplementary I am more than happy to answer it.

**4.5.1 Deputy G.P. Southern:**

I have got 2 supplementaries then; may I ask them both? Safety considerations apart, does the Minister believe he has reduced his capacity to repair and maintain infrastructure below the standard required and why has the £4 million referred to been listed as an efficiency saving, when someone is spending it?

**Deputy K.C. Lewis:**

Obviously it has gone to a central department. Obviously I cannot do as much as if I did have that £4 million; that goes without saying. But everything is done to a standard; that is a legal requirement.

**4.6 Deputy M. Tadier:**

The Minister just said that if it were left to him then the budget would not have been cut but was it not left to him? Does he not sign off his own budget and does he not have to agree any cuts that he makes to his own budget?

**Deputy K.C. Lewis:**

Absolutely. But obviously we have had some priorities this year due to COVID and most departments have suffered and we have had to reduce our budget accordingly. The Deputy is well aware of the infrastructure that we put in, one being the Nightingale unit and lots of other items due to COVID that we have been working on. The clinical incinerator has been working extra time to dispose of all the toxic stuff, so we are working very hard on this. Can we do the same job with less money? It is very difficult but we are trying our best to do that.

**4.6.1 Deputy M. Tadier:**

The Minister is making it sound like he did not have any choice over this. But, for example, when I was still an Assistant Minister I defended my budget very robustly at Culture and does he agree that there was no inevitability about cutting his own budget and that austerity is a political choice which he has signed up to?

**Deputy K.C. Lewis:**

I am a member of the Council of Ministers and we have to make a judgment on what is and what is not essential work. I have to do my work as well as I can but bearing in mind that our colleagues in Health, for instance, were desperate for the money. You have to make a choice on these things. I say we do our best with what we have. If there is a project that can be put off until next year that may be classed as non-essential, then of course we can do that.

**4.7 Deputy K.F. Morel:**

I was wondering if the Minister would advise the Assembly as to what proportion or what amount of copper cable that we have in our computers and rechargers for our mobile phones, *et cetera*, that pervade our life and I am sure are being stored up in every household around the Island. How much of that copper cable is being recycled on an annual basis?

**Deputy K.C. Lewis:**

Yes, indeed quite a bit of it. Waste electrical, we have a big department in Trinity that deals with the waste electrical cables. There is obviously money in copper cables and other components from computers. They are collected in our depot in Trinity, sent to the U.K. and are recycled and we do get money back on that.

**4.7.1 Deputy K.F. Morel:**

My next question is to ask how much we receive back through copper cable, as it is worth thousands of dollars a tonne of copper. Given the enormous value of recycled copper, what efforts is the Minister making to ensure that recycling of copper cable is maximised and all Islanders are encouraged to undertake it?

**Deputy K.C. Lewis:**

Indeed, I do not have the exact ... of visual display equipment we exported over 141 tonnes. I do not have the revenue received on that but we do collect electrical lights and cables, *et cetera*, then it is our La Collette Bring Bank, so nothing is wasted. Other electrical batteries, there was over 25 tonnes that were collected and returned to the U.K. for reprocessing and recycling.

**Deputy K.F. Morel:**

If I may, I did not ask about electrical batteries ...

**Deputy K.C. Lewis:**

That was an as well as.

**Deputy K.F. Morel:**

... or visual display screens but I did ask what measures he is taking to increase the amount of electrical cable recycling?

**Deputy K.C. Lewis:**

As I say, all this is collected in our Trinity depot. It can be just dropped off down at the La Collette Bring Bank and we will be happy to receive it there.

**5. Questions to Ministers without notice - The Chief Minister**

**The Deputy Bailiff:**

That concludes the first period of 15 minutes. We now move to the second period of 15 minutes for questions without notice. This is to the Chief Minister. At the end of this period of 15 minutes we will then turn to the urgent oral question asked by Deputy Pamplin of the Chief Minister for which I will allow a further 15 minutes of questions to the Chief Minister.

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

When will the C.E.O. (chief executive officer) position be advertised and what is the timeline for their recruitment?

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

Yes, I think as we have hopefully learnt by now, we do not discuss or try not to discuss direct personnel matters in the public domain. But, essentially, S.E.B. (States Employment Board) have agreed a process of recruitment both of an interim and permanent chief executive. The crucial thing from our point of view is ensuring a smooth transition. I will be hoping to give Members more information in due course.

**5.2 Senator S.Y. Mézec:**

Is income inequality today better or worse than it was in July 2018 when the Chief Minister took over?

[17:00]

**Senator J.A.N. Le Fondré:**

It is a difficult one to assess. As we know, we are trying to await for the relevant survey, so that is due to be coming out basically this month. I think I suspect that income inequality under the strict definition is probably marginally better, mainly because of the measures that have been put in place during the COVID crisis. I do caveat quite considerably with the fact that we do not obviously know the direct impact on people's employment. But if you take into account the fact that every household on low income and pensioners each received per person £100; they have all received the vouchers. If you are in employment, even low employment, the social security rates have come down and also the measures that were put in around rent, as the Senator will know. My instinct feels that those will have assisted quite considerably but obviously we will only know the full impact when we have had the data but this year is an extraordinary year.

**5.2.1 Senator S.Y. Mézec:**

I would be amazed if what the Chief Minister says turns out to be the case but everything he listed was a temporary measure and not something that deals with the structural causes of income inequality in the Island, many of which have been making income inequality worse over the years. What structural changes does the Chief Minister believe that he has been responsible for over the last 2 years that will have a tangible and measurable impact in reducing income inequality? His own priority he set at the start of this term, what tangible and structural changes has he made in those 2 years?

**Senator J.A.N. Le Fondré:**

I was just reaching for the relevant pages of the Government Plan. Apologies because it is difficult to relate to, given that my own focus has been entirely or almost entirely for the last, at least, 6 months, if not longer, on COVID. But we were starting to do changes through, I believe, from memory, there were various measures that the Minister for Social Security brought in. We have also been doing things like the new disability strategy and other such measures that will all have contributed. Do not forget income inequality does also have a lap into the well-being area as well, which combined will have an impact on the financial differentials that we are talking about for income inequality.

**5.3 Deputy G.P. Southern:**

Does the Chief Minister propose to debate the Government Plan in the complete absence of any income data either before COVID-19 or after? If so, what does he consider seriously to be the point of that?

**Senator J.A.N. Le Fondré:**

I make the point that income data in terms of revenue data for the Government is obviously in the Government Plan. I suspect that the Deputy is referring to the survey being performed by the Statistics Department, which will then inform around the area of income inequality, for example. I will just reiterate the point, I share exactly his desire to see the information but I also make the point I have made on numerous times over the last few months, that because the Statistics Department is an independent department - and I mean independent - I cannot apply pressure, which is what the Deputy seems to be implying at various times, to ask them to do work quicker or to a timescale that is set by politicians, rather than the members of that independent department. I make the point the survey itself, I think it was meant to take a year to take place with all the various families that had to complete that survey on very regular intervals during the period, it got interrupted with COVID fairly obviously; it was restarted. At the moment with the closure of that survey they are validating the data. The other important thing on all of that is the data that does come through is as accurate as possible. I agree that it is frustrating but the independence of that department has to be respected and I respect that department.

**5.3.1 Deputy G.P. Southern:**

Can the Minister address my second question, which was: and, if so, what would be the point of that discussion of the Government Plan?

**Senator J.A.N. Le Fondré:**

We are where we are. We are legally obliged to lodge a Government Plan and we have to do it with the data we have got available. The fact that COVID came in was not predicted and obviously that has had an impact on the delivery of the data that the Deputy desires.

**Deputy G.P. Southern:**

A wonderful quote from Frank Walker that was, thank you.

**Senator J.A.N. Le Fondré:**

Yes, apologies for the plagiarism.

**5.4 Deputy R.J. Ward:**

The Chief Minister has made a point that he has been focused on COVID, so I will ask him a question relevant to that. Is the Chief Minister confident that the arrangements for returning students are clear, sufficient and robust enough to prevent further inbound transmission and, if so, how? I am not asking for a list of what those arrangements are, just how they will be successful.

**Senator J.A.N. Le Fondré:**

I am confident that the measures that are proposed are sufficiently robust, that it is always dependent upon people following those measures. I am also confident that the measures that are needed to be in place for those who cannot self-isolate at home are robust because we have accommodation ready and waiting for them and services to look after them for those students who need to self-isolate away



from family homes, and from that perspective they seem satisfactory and robust. If the Deputy has got any differing views with specific examples, I would be delighted if he sends them to us in advance, preferably so that we can act on them and address his concerns, if he has got any.

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

Can I ask the Chief Minister whether he believes that the facility for isolation for returning students for those who may live in accommodation that does not enable that is sufficient for the numbers that are returning? This is a really important question because it will be happening soon.

#### **Senator J.A.N. Le Fondré:**

Absolutely. From memory, I think we have got, potentially, 45 students coming through - this is from memory - who may need to self-isolate and we have got the ability to have more units than that if we need.

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

Chief Minister, you seem quite enthusiastic about the extra income available from internet purchases with companies outside the Island. I understand you appreciated the sums to be gained on the tax differential and you asked for negotiations to be commenced. You have seen the reply from Treasury in the written questions; why is the reply so lukewarm? Is it that we have not got people that can cope with this?

#### **Senator J.A.N. Le Fondré:**

Yes, I am very keen to receive any additional money that we can receive and particularly in these areas. I have dug out the response that the Senator has had on her written question. I will take it up again with Treasury. The only comment, I suspect, whether it is COVID-delayed or Brexit-delayed is one or other matters, we do know obviously that the European Union are going to be or extremely likely to be implementing these measures in the middle of next year anyway. Obviously the *de minimis* was reduced from £230 to £135 and that was implemented on 1st October. That is not quite what the Senator is asking about but I will say there has not been no movement but, equally, I too would be very keen if we could endeavour to get hold of more taxation on online services that are taking place effectively or finally.

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

The newspaper cutting that I sent you as well indicates the substantial amount that will be available, particularly with more home entertainment and so forth. Why is nobody doing anything? Will the Chief Minister come back to the next States meeting and report back on what is being done properly?

#### **Senator J.A.N. Le Fondré:**

I am very happy to arrange an update for Members to understand the circumstances surrounding the issue. The clipping that the Senator sent does identify also for the United Kingdom quite significant sums of money. There is the issue around small jurisdiction, which we all know those arguments and about how easy it is to get them to implement it. There is also the other argument which I may be mixing 2 strands, because it is a memory test, which would be around what we call the 2 Pillars, which negotiations are going on elsewhere, which certainly does cover digital taxation and where the O.E.C.D. (Organisation for Economic Co-operation and Development) versus the E.U. (European Union) are. I do not know if that overlaps. I do not know if the issue that she is raising directly

interacts with the issue I am referring to. What I can do is I will get an update, I will come back to the Senator when I can, bearing in mind that obviously this week and next week is Government Plan territory and COVID, but I will come back to the Senator when I can.

**Senator S.C. Ferguson:**

Sir, can I just pop a quick one in?

**The Deputy Bailiff:**

Senator, you cannot because you have had your question and a supplementary.

**5.6 Deputy M. Tadier:**

I think some of the questions are being answered but can the Chief Minister confirm that he is still fully committed to reducing income inequality?

**Senator J.A.N. Le Fondré:**

There is an obvious answer, which is yes. But the only "but" is I am acutely aware that at the moment we are still dealing with the COVID pandemic and then we have got to see how we all come out of it, and by "all", the overall society, and societal impacts there are going to be. Our underlying protection, while I know the Deputy and some of his colleagues are very much looking for improvement, I am not - it is a wrong expression - but I am not that bad. We are pretty good relative to other jurisdictions. We know we can always do better but we have got to make sure that in the overall Island context we also deal with everything in the overall Island context with regard to what we are going to be dealing with next year.

**5.6.1 Deputy M. Tadier:**

I am not sure why COVID would change the aim of reducing income inequality, I would have thought it is even more necessary under COVID. But that notwithstanding, does the Chief Minister acknowledge that if we have a scenario where the rate at which the rich are getting richer is much faster than those at the bottom who are getting richer, then that is not resolving the issue of income inequality; it is making it worse? What steps would he take, given that is the scenario, to make sure that those at the top can have their income reduced?

**Senator J.A.N. Le Fondré:**

I think it is going back to the point, the gap and the definition of income inequality. For the sake of argument, if the people who are at the top end do not receive bonuses this year, which is likely to be the case, then I would suggest that, potentially, the differential and, therefore, the definition of inequality under that exact circumstance would narrow rather than widen. The other issue then is around income inequality. Also, what we will probably need to take account of next year is making sure that people are not worse off than where they were the previous year. I think that is your starting point. I genuinely do not know because it will depend on the severity of the impacts that we are having to deal with over the entire economy and entire society of this Island once we have come out of COVID. Dealing with COVID at the moment has been very much about, as we have said, securing lives and securing livelihoods; that is about making sure people are healthy, that the overall well-being maintained and where we can have still got a job to go to; that has been the fundamentals. Once we have got past the fundamentals then, hopefully, we can come back to what I call more normal considerations. Under more normal considerations I do agree with the Deputy.

## **5.7 Deputy S.M. Ahier:**

Will the Chief Minister advise when he intends to announce his belated office strategy policy?

### **Senator J.A.N. Le Fondré:**

As I have said, I am expecting something within the next 2 to 3 weeks. As soon as I have received it and obviously considered and gone through the relevant bits of approval, then I will be updating Members as and when. But, as far as I am aware, the timeframe has not changed and I am expecting something within the next couple of weeks.

#### **5.7.1 Deputy S.M. Ahier:**

Will the Government continue to rent the Broad Street offices and The Parade offices up until the time the final move is made?

[17:15]

### **Senator J.A.N. Le Fondré:**

There are 2 things there, one is I cannot remember the exact date, from memory **[Interruption]** Sorry, I was pausing, Sir, because I was getting an interruption. From memory, The Parade lease does extend a few years from now but, equally, the fact it is there does enable us to use it as decamp space for various scenarios. The Broad Street lease, the aim, if we can, is if we do get the new premises in the right place and approved, *et cetera, et cetera*, then we can exit the Broad Street lease at the relevant break rule but it does depend on the timescale we are working on.

## **6. Urgent Oral Question**

### **The Deputy Bailiff:**

Thank you. That completes the period of questions without notice. We now come on to the urgent oral question to the Chief Minister, for which we have allotted 15 minutes and the question is being put by Deputy Pamplin.

#### **6.1 Deputy K.G. Pamplin of the Chief Minister regarding the recent reported spike in positive Covid-19 cases:**

May I also thank the Greffe and the Bailiff's Chamber for allowing the speedy process of this urgent question? Given the reported spike in positive COVID-19 cases following recent events, which has led to many Islanders isolating, more and more children having to be removed from schools and demands on the Island's testing centres, what is the Government's response to deal with these concerns?

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

As the Deputy will know, we provided Members with a briefing at lunchtime, obviously before I was aware, I think, or almost probably at the same time as I was aware of the Deputy's question, regarding the rise in active cases and the various groups and clusters of transmission that resulted in the increase. While the current measures to date worked generally quite well, suppressed the growth in overall cases, with the exception of the last 2 or 3 days, we are obviously pretty clear that further measures will be needed to help interrupt transmission. Members were briefed on those at lunchtime and obviously they will be publicised with a press conference this evening.

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

Given now we have broken the 1,000 barrier for active cases and positive COVID-19 in Islanders and now more than 2,000 people identified as contacts of current active cases and, most worryingly, the majority of those are now symptomatic, will the Chief Minister also be aware of the anger of Islanders being pitted against Islanders in communication with Islanders, that the Chief Minister and the Government will take also responsibility for recent decisions or exemptions being made where these incidences have been allowed to happen?

### **Senator J.A.N. Le Fondré:**

Just to start correcting the Deputy on his premise, we do not have 1,000 active cases, we have 1,000 accumulated cases, which is the point I made at the briefing, which is, as I understand it, from day one. It is very, very clearly not 1,000 active cases. The slides that were given to Members and the provisional figures, I have yet to see the final figures, which I think are probably due imminently, are 246 active cases. That is obviously an increase from where we were last Monday, Tuesday, which, from memory, was sort of mid-140 to 148 and that demonstrates the increase that has taken place from a certain number of events - and I use the word in plural - that have contributed to the cases basically since approximately Wednesday, Thursday of this week. That is why not only with masks legislation, I believe the Minister either has or is about to sign off on the order and with the other measures that we briefed Members on at lunchtime, are critically important. If Islanders act responsibly, then we can avoid going to lockdown. If they do not and if the new measures are not seen to work, then we will have to take stronger action. But, as I said, we will be briefing the public on that at 7.00 p.m. tonight.

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

Given the significant increase over the weekend, which will be announced soon and the pivotal point we are at with COVID, does the Chief Minister believe that the practice of workers coming from France, having a test and then going straight to work without any isolation is something that needs to be stopped in order to prevent any possible transmission?

### **Senator J.A.N. Le Fondré:**

I think the point we need to make, and I was just turning to a slide that Members will have seen, is that the bulk of the recent increases we have seen have been through hospitality; they have not been through essential workers coming in. Mostly the measures that were put in place around essential workers coming in, and the Deputy has used French workers, I do not think that is the only nationality that is involved or the only scenario but it is essential workers that we are talking about, are very clearly acting in an isolated bubble. They literally commute to the building sites where they interact only with each other. They are in the hotel they are in and only interact with each other and the minibus they drive is driven by one of those workers. That means that certainly the medical advice we received at the time that these measures were approved was that the scope for transmission is negligible. I really think we have got to be careful, and if I can take the opportunity, not to develop into a sort of lynch-mob mentality. We have got to require responsibility from all Islanders without picking on certain areas, if we can avoid it. But also having said that, identifying irresponsible behaviour rather than necessarily irresponsible individuals. If we can identify that behaviour and get the changes that we need and so, hopefully, we will start seeing some of these numbers coming down. As I said, that is what we briefed Members on earlier today, I think I will stop there.

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

Is it not the case that there are also some clusters that are not traceable and so we are not sure as to the origins of them? Is it not time to stop looking to pass the blame on to population alone and take responsibility for some of the Government decisions like the allowing of what you call ... point out the same sort of isolation measures that people who live here and are working here have to undergo?

**Senator J.A.N. Le Fondré:**

Certainly to date on the information we had, which is what we shared with Members at lunchtime, we are not seeing, for want of a better expression, clusters originating from essential workers. We have also identified that we have got some transmissions in the community but the exact source is not known but those tend to be individual cases. What I have said is the measures that we have put in place were specifically designed to ensure ... interesting comment in the chat, that essentially there was limited, if not any, contact between the bubble and external people outside that bubble in their period of isolation. But the period of isolation is also being allowed on the building sites.

**The Deputy Bailiff:**

To ensure all those or at least as many of those who wish to ask a question can do so, I do not propose to allow any more supplementaries until we get near the end of the list of those who wish to ask a question.

**6.1.4 Deputy M.R. Hagarat:**

What investigation is being carried out in relation to the hospitality venues where these matters in the last few days have alluded to, and by whom are those investigations being taken?

**Senator J.A.N. Le Fondré:**

My understanding in terms of the “by whom”, it is by the Environmental Health team and, as I understand it, the first priority is to do the contact tracing, which, as far as I am concerned, is a different team. Then the Environmental Health team will be going in to determine whether laws or guidelines were followed or not.

**6.1.5 Senator S.Y. Mézec:**

Is the Chief Minister aware of reports of traffic backing up around the testing centre today because of increased demand following results over the weekend? Would he be able to confirm that he has looked into this and ascertained whether the testing centre is able to cope with this demand and what plans he may have in place to ensure that it is not overwhelmed in the coming days if these trends continue?

**Senator J.A.N. Le Fondré:**

Just to correct something the Senator said, he is right about traffic backing up, it has been because of an I.T. (information technology) glitch at the airport drive-in centre, which is mainly about day-5 and day-10 tests, and I have not had an update since lunchtime. The update I did have was that the I.T. engineers are working on the issue and we are hoping to get it resolved later on this afternoon. I have not yet had it confirmed whether that has been resolved or not. It is mainly around the booking system, i.e. I believe it is the fact they are having to manually process bookings for day 5 and day 10 rather than the I.T. The actual testing has been unaffected and the rest of the Island’s testing capacity is also unaffected and is functioning as normal. That is where we have got to be quite careful, it is not because of additional demand, it is because of an I.T. glitch. Certainly, the Islanders who were

affected then this morning were being advised to go back to the airport testing centre this afternoon. They were expecting normal service to resume. I have not had it confirmed whether that has been the case. It was open until 4.30 p.m. and affected Islanders obviously will not need to rebook an appointment; that is the latest information I had had. That was put out as a note to press earlier in the day.

**The Deputy Bailiff:**

Thank you. You will see the request in the chat from Deputy Pamplin. In the circumstances I do propose to allow a little extra time so that those listed in the chat have the opportunity to ask a question.

**6.1.6 Deputy I. Gardiner:**

Over the last 3 to 4 weeks on a weekly basis there are questions as to next week we will have a lockdown. Some Islanders are thinking 200 is the high number, some Islanders are thinking 400 is the high number. I know that the number is not the main issue. Can the Chief Minister arrange a clear communication to the public what criteria are taken into consideration before we all go to the full lockdown? We have been informed but it would be good to have clear communication. Would the Chief Minister consider clear communication to the public how the decision is taken and it is not based on the numbers?

**Senator J.A.N. Le Fondré:**

In fact I think one of our other colleagues asked in the press briefing very similar. I will arrange something for Members before we are going to put it out publicly. But to re-emphasise what I have said on a number of occasions, and what Dr. Ivan Muscat said at the briefing at lunchtime, and I think we have all said at press conferences again over the last month, if not longer, to reiterate what Deputy Gardiner has said; it is not a specific threshold, it is a combination of factors that we look at and what the medical advice is around potential future trends, which is a subjective element. But it will be looking at what is the positivity rate, what people are seeing either in hospital or what they think they are concerned they might start seeing in the next few days, obviously rates of increase and other factors. But I will arrange, as I said today, for, essentially, some greater clarity to be offered on that. It is difficult. It is really trying to say in an uncertain time one cannot put an absolute measure that says if we have got 250 cases now it will be 255 is when we go into lockdown because it will very much depend on each individual circumstance that we are assessing at the time. But the short answer to the Deputy's question is, yes, we will put some words out.

**6.1.7 Deputy M.R. Higgins:**

Just following on from that, 2 weeks ago I was given an answer by the Minister for Health and Social Services on the criteria for a lockdown, so Members can look at that. My question to the Chief Minister is: the Chief Minister has stated that they are investigating the recent spike in COVID-19 positive cases and that he is trying to ascertain whether the law or guidance had been broken. I believe he has also said if the law was broken they will be referred to the courts but he was less forthcoming about breaches of guidance. Will he be prepared to name and shame in cases of breaches of guidance as an example in the public interest because the public are very concerned?

**Senator J.A.N. Le Fondré:**

Can I be just very clear about if the law has been broken? Obviously I do not decide to prosecute. There are various other people, one of whom may well be sitting in the Assembly, who decide on that, namely the Attorney General.

[17:30]

That is not something that politicians get involved in fairly obviously. But my clear view is that if a law was broken then I would expect the relevant measures to be followed. In terms of guidance, what we have got to be careful about, and let us try and be as clear as possible, I am not happy, I am very disappointed, I am very concerned, I have yet to get to anger because I try to not get too angry too quickly but we are about as strong as we can possibly be and be diplomatic about it, that we are very disappointed in the increase in numbers that we are seeing over the last few days, which seems to be coming from people who have not ... in some shape or form they have contributed to the spread of the virus in the community. What I think what we have got to be careful about before we get into ... quite a number of people do not, knowingly or recklessly, go out and spread the virus. We do know, equally, there are some behaviours that sometimes we see in the pubs where people are ignoring the guidance. I think that is where everyone has to be very careful about developing what I would call ... I will use the word “lynch mob” and I am not suggesting the Deputy is saying that in any shape or form because sometimes, particularly with social media, and we have seen it recently as well, the toxicity of the remarks that comes out, and I have had all sorts of emails that come through deploring and decrying and all the rest of it certain behaviour which, to my knowledge, they are wrong, which might inhibit people coming forward and saying: “Yes, I have just tested positive, this has happened” and that enables us to deal with that cluster speedily. It is the balance between identifying behaviour that is not being responsible and not adhered to the guidelines versus naming individuals who may or may not have realised what they were doing and that has a negative impact on our ability to then manage the virus in the future. I think that is the balance we are trying to make. I do share the Deputy’s concern if guidance was knowingly breached.

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

A report published today identified that only 42 per cent of people in Jersey agree with the Island’s strategy for coping with COVID, compared to 80 per cent in our sister isle. While it is understood that the actions of individuals is partly to play in the current spike in cases, does the Chief Minister take some responsibility for his actions and, in the words of one insider, that he and his Government have had to be dragged kicking and screaming through this process? Does he take that responsibility for his actions and slow decision-making that has failed to bring the public with him?

#### **Senator J.A.N. Le Fondré:**

Frankly, I disagree with pretty well everything the Senator has just said. I do not recognise the comments. I do not deal with anecdote. I do not deal with surveys, which are possibly done at a point in time of which I do not know what the sample is, whether it is representative and I have certainly not even seen the results. I also challenge the issues around slow decision-making or anything around procrastination. If anything ... I will not say those remarks, I think I have said enough.

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

Given that COVID-19 is having a disproportionate effect on the economic future of young people in Jersey, would the Chief Minister explain what measures the Government will be taking to ensure that there is no brain drain from the Island as young people look ahead and realise that job prospects, wages and the unaffordability of housing is making Jersey a less attractive place to live?

**Senator J.A.N. Le Fondré:**

In terms of job prospects, I would not envisage that our job prospects are going to get significantly worse compared to any other jurisdiction because I think globally this will have an impact. This is why, at this point in the middle of a crisis, it is sometimes difficult to predict where we will be, hopefully, by Easter or coming out of it and what then the future looks like. We are obviously putting a lot of effort into planning for economic recovery and there is money in the Government Plan for that and also for fiscal stimulus, which obviously the Assembly approved previously and for maintaining as many jobs as we can, which have been all the measures that we have put in place to date and obviously I would suggest we act quite swiftly on. Looking ahead, the other point in terms of education and skills and retraining, there is obviously a significant investment in education proposed in the Government Plan. It is a matter for the Assembly as to whether it approves it or not. That does also include, I have forgotten the correct expression but, essentially, trying to allocate some extra resource to pupils who may have suffered as a result of COVID in terms of bringing their education or their learning because of delays or because of lessons have been cancelled because of COVID, to make sure they catch up to where they should be if we had been in a normal year. There has been quite a lot of investment in that side and we will continue to do so. Obviously unaffordability, that is a problem that the Island has had for a long time and obviously we are behind on that because of COVID but we, equally, are going to be looking at things like supply side, as well as the report from the Housing Policy Development Board, which I have still not had the time to digest yet, which then in the longer term we will hopefully start addressing some of those issues. The supply side I have addressed on a number of occasions both to the Assembly and to Scrutiny as to some measures that, hopefully, will contribute to the supply in the longer term and, again, will assist in the affordability side.

**The Deputy Bailiff:**

Thank you, Chief Minister. Going back to the Order Paper, there is nothing under J, nothing under K. Public business is listed to commence tomorrow morning at 9.30 a.m. Is the adjournment proposed? Seconded? **[Seconded]** Does any Member wish to speak before we adjourn? Thank you. The States stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:37]