

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 28th FEBRUARY 2023**

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[9:41]

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

[9:45]

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

On behalf of Members I would like, of course, to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Deputy M.B. Andrews of St. Helier North of the Minister for Infrastructure regarding Active Card holders (WQ.37/2023)**

##### **Question**

Will the Minister advise the number of Active Card holders broken down annually for each of the past five years; and will he further advise for each of these years the budget surplus or deficit of Active Jersey?

##### **Answer**

The number of Active Card holders broken down annually for each of the past five years is as follows:

- 2018 – 6986 (includes 1312 free users)
- 2019 – 6028 (includes 1252 free users)
- 2020 – no data available due to Covid disruptions.
- 2021 – 4090 (includes 690 free users)
- 2022 – 4376 (includes 848 free users)

*Membership figures fluctuate throughout the year, with the peak in January and lows in December. As an average, figures have been taken from the records for May of each year.*

*Free users are mostly made up of the “free child” benefit of full Active membership, along with some long-standing complimentary membership arrangements i.e. Probation; Care Leavers etc.*

Active membership is one income stream for the Sport Division and does not have a separate expenditure budget. Resources and facilities are shared across functions of the division, it is therefore not possible to provide the budget surplus or deficit that specifically relates to the Active membership.

## **2.2 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding reviewing the operation of zero-hours contracts in Jersey (WQ.38/2023)**

### **Question**

Will the Minister outline what progress, if any, has been made in reviewing the operation of zero-hours contracts in Jersey, and state whether she intends to bring forward for debate any necessary legislation (indicating, if so, the relevant timeframe for such legislation) to fulfil the requests made by the Assembly through the adoption of 'Regulation of Zero-Hours Contracts' ([P.32/2021](#)), as amended, in particular –

- (a) the prevention of employers requiring zero-hour workers to always be available for work;
- (b) a right for zero-hour workers to a reasonable notice of work schedule;
- (c) a right to switch to a contract which reflects the normal hours worked; and,
- (d) a right for zero-hour workers to receive compensation for shift cancellation or curtailment without reasonable notice?

### **Answer**

The Employment Forum, an independent statutory body, is continuing its work into the operation of Zero Hours' Contracts and associated labour protections in Jersey, taking into account the criteria set out with the agreement of the Assembly in P.32/2021. As set out in my Ministerial Delivery Plan, the timeframe for the Forum to complete its work is by the end of Q1 2023. I will then consider the Forum's findings, including any recommendations for legislative action. At this stage it would not be appropriate to speculate on the results of the Forum's work in relation to any of the criteria set out in P.32/2021.

## **2.3 Deputy C.D. Curtis of St. Helier Central of the Minister for Children and Education regarding access to Les Quennevais School (WQ.39/2023)**

### **Question**

Will the Minister advise whether access to Les Quennevais School cannot be securely maintained due to there being no gate and there being an insufficient door entry system; and will she further indicate whether there are any consequential safeguarding issues that need to be rectified urgently?

### **Answer**

I thank the Deputy for bringing this to my attention. I was not aware of any insufficiency in the door entry system at Les Quennevais School, nor have I been made aware of any urgent safeguarding issues as a consequence.

There are a wide range of site security options deployed across the school estate and the specifics of each site often present their own unique challenges in this respect. My department take site security and safeguarding very seriously, and significant investment has been made in recent years to improve this across the school estate.

I have asked CYPES officers to liaise with the school and Jersey Property Holdings to fully understand any issues at Les Quennevais School and, if appropriate, to develop a costed plan and timeline for resolution.

## **2.4 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding registering Jersey-based teachers on to the cover staff list. (WQ.40/2023)**

### **Question**

Will the Minister state how long it currently takes to register Jersey-based teachers on to the cover staff list for Jersey schools; and will she explain how this process works?

### **Answer**

There is a clear policy in place to ensure safer recruitment practice is adhered to. Timescales vary according to the circumstances of the applicant.

The School Improvement and Advisory Service and People Services have been looking at ways to expedite the process and have recently implemented the following changes.

If a teacher currently working in a Government of Jersey school requests to join the supply list, they complete a simple form containing relevant information e.g. what subject they teach, age range and availability, a zero-hour contract can be issued by People Hub and they can start work.

If a Jersey teacher is returning to the Island, they must complete an application, provide proof of their qualified teacher status, contact details of two referees and obtain a Disclosure and Barring Services (DBS) check. Delays can happen if an applicant has been working abroad as different jurisdictions need to be contacted as part of an overseas police check. Please note, DBS timescales can vary and are not within our control.

## **2.5 Deputy M.R. Scott of St. Brelade to the Chair of The States Employment Board regarding standards of ethical conduct in Government. (WQ.41/2023)**

### **Question**

Further to the response to Written Question 3/2023, regarding standards of ethical conduct in Government, will the Chair –

- (a) provide the definition of “accountability” used in drafting the response; and
- (b) advise what specific activities are totally prohibited and would lead to the dismissal of a public sector employee and state whether any of the following are included in such prohibited activities –
  - (i) lying;
  - (ii) violence;
  - (iii) threats;
  - (iv) abusive behaviour;
  - (v) offering promotions or advancing applications for paid public positions in return for sexual or other favours;
  - (vi) accepting bribes or payment from any third party, outside of the acceptable gifts and hospitality policy;
  - (vii) ignoring Conflicts of Interest;
  - (viii) engaging in retaliatory actions against any citizen or any other public employee;
  - (ix) discriminatory behaviour based on a person’s age, gender, religion, race, disability status, sexual orientation, family relations;
  - (x) failing to keep safe the data of citizens or sharing that data without consent in breach of legal obligations;

- (xi) breaching confidentiality; and
- (xii) failing to undergo training in ethical standards during every year of employment within the public sector or to meet a target number of hours of training or to pass independent testing on ethical standards?

### **Answer**

A) In terms of a definition of accountability within the public service, all employees must take accountability for their own conduct, behaviours, and work, ensuring they:

- adhere to the values and behaviours framework
- take responsibility completing all mandatory training
- take responsibility for raising at early stages, concerns about their ability to undertake their work effectively or meet standards
- respond to reasonable management requests and directions
- use and comply with the formal policies and procedures issued on behalf of the States Employment Board
- meet their contractual obligations in line with employment legislation
- keep up to date with standards set by professional bodies and regulators
- complete their induction to their role
- participate in and contribute towards their annual appraisal/performance review
- disclose to their line manager or through corporate systems anything that may impact on their role at work, including external issues such as legal action against them, investigations, convictions, or conflicts of interest.

Accountability is embedded within each policy to ensure each public servant referenced is clearly accountable and responsible for their performance in a specific area. The States Employment Board requires all public servants to be well led, effectively managed, and adequately skilled to undertake their duties efficiently and to a good standard.

B) The original response still applies in respect of how these would be handled under the policy and procedure, and the disciplinary rules would apply. However, in the list provided all **may** be considered as gross misconduct, for which dismissal is a potential outcome. This is subject to the severity of the incident and impact on the public service.

## **2.6 Deputy S.Y. Mézec of St. Helier South to the Chief Minister regarding the Financial Services portfolio. (WQ.42/2023)**

### **Question**

Further to her statement on 6th February 2023 regarding the Financial Services portfolio, in which she referred to a letter received from the Minister for External Relations and Financial Services, will the Chief Minister publish this letter in full and, if not, why not?

### **Answer**

My exchange of correspondence with Deputy Ozouf was sent to all States Members and the media on 6<sup>th</sup> February 2023.

**2.7 Deputy M.B Andrews of St Helier North of the Chair of the States Employment Board regarding a breakdown of the payroll expenditure by ministerial department (WQ.43/2023)**

**Question**

Will the Chair provide a breakdown of the payroll expenditure by ministerial department for each year since 2017 to date?

**Answer**

Please find extracts from the Annual Report and Accounts which provide a breakdown of the payroll expenditure by ministerial department for the years 2018 – 2021 including a column to show the breakdown of the total payroll expenditure as a percentage of overall government expenditure (as requested in WQ.44/2023). Links are provided below to the original Annual Report and Account documents from which the presented information has been taken.

[2021 Annual Report & Accounts - See Page 276-277](#)

[2020 Annual Report & Accounts - See Page 210](#)

[2019 Annual Report & Accounts - See Page 150-151 \(this also holds the 2018 data\)](#)

<b>Department</b>	<b>Salaries and Wages</b>	<b>Pension</b>	<b>Social Security</b>	<b>Total</b>	<b>% of Overall Gov Expenditure</b>
<b>2021</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Chief Operating Office	14,201	1,978	774	16,953	1.11
Children, Young People, Education and Skills	99,571	14,953	6,130	120,654	7.89
Customer and Local Services	13,117	1,973	813	15,903	1.04
Infrastructure, Housing and Environment	23,290	3,950	1,604	28,844	1.89
Health and Community Services	133,280	17,164	7,421	157,865	10.32
Justice and Home Affairs	38,255	5,789	2,340	46,384	3.03
Non-Ministerial	13,158	2,366	740	16,264	1.06
Office of the Chief Executive	7,619	1,113	388	9,120	0.60

States Assembly (States	5,469	440	161	6,070	0.40
Strategic Policy, Planning and Performance	16,295	1,281	858	18,434	1.20
Treasury and Exchequer	15,958	2,460	950	19,368	1.27
<b>Department Total</b>	<b>380,213</b>	<b>53,467</b>	<b>22,179</b>	<b>455,859</b>	<b>29.79</b>

<b>Department</b>	<b>Salaries and Wages</b>	<b>Pension</b>	<b>Social Security</b>	<b>Total</b>	<b>% of Overall Gov Expenditure</b>
<b>2020</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Chief Operating Office	10,419	1,478	589	12,486	0.80
Children, Young People, Education and Skills	96,784	14,270	5,891	116,945	7.49
Customer and Local Services	11,150	1,671	701	13,522	0.87
Infrastructure, Housing and Environment	26,378	3,677	1,607	31,662	2.03
Health and Community Services	125,857	16,548	7,293	149,698	9.58
Justice and Home Affairs	43,005	5,624	2,356	50,985	3.26
Non-Ministerial	13,424	1,974	784	16,182	1.04
Office of the Chief Executive	6,608	1,020	354	7,982	0.51
States Assembly (States Greffe) (Excluding States Members)	2,734	363	137	3,234	0.21
Strategic Policy, Planning and Performance	5,805	825	321	6,951	0.45
Treasury and Exchequer	13,344	2,214	718	16,276	1.04

<b>Department Total</b>	<b>355,508</b>	<b>49,664</b>	<b>20,751</b>	<b>425,923</b>	<b>27.27</b>
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<b>Department</b>	<b>Salaries and Wages</b>	<b>Pension</b>	<b>Social Security</b>	<b>Total</b>	<b>% of Overall Gov Expenditure</b>
<b>2019</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Chief Operating Office	11,780	1,639	675	14,094	1.08
Children, Young People, Education and Skills	90,740	13,226	5,502	109,468	8.36
Customer and Local Services	9,855	1,397	613	11,865	0.91
Infrastructure, Housing and Environment	25,385	3,456	1,520	30,361	2.32
Health and Community Services	109,648	13,987	6,301	129,936	9.92
Justice and Home Affairs	36,809	4,908	2,163	43,880	3.35
Non-Ministerial	12,558	2,012	659	15,229	1.16
Office of the Chief Executive	5,761	794	310	6,865	0.52
States Assembly (Excluding States Members)	2,115	301	104	2,520	0.19
Strategic Policy, Planning and Performance	5,096	727	266	6,089	0.46
Treasury and Exchequer	11,650	1,569	1,049	14,268	1.09
<b>Department Total</b>	<b>321,397</b>	<b>44,016</b>	<b>19,162</b>	<b>384,575</b>	<b>29.36</b>

<b>Department</b>	<b>Salaries and Wages</b>	<b>Pension</b>	<b>Social Security</b>	<b>Total</b>	<b>% of Overall Gov Expenditure</b>
<b>2018</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Chief Minister's Department	21,325	2,688	1,172	25,185	2.02
External Relations	1,320	171	74	1,565	0.13
Economic Development, Tourism, Sport and Culture	4,597	574	274	5,445	0.44
Education	78,616	11,408	4,793	94,817	7.60
Department of the Environment	6,387	868	360	7,615	0.61
Health and Social Services	111,772	13,779	6,457	132,008	10.59
Community and Constitutional Affairs	35,884	4,575	2,064	42,523	3.41
Social Security	9,944	1,322	608	11,874	0.95
Department for Infrastructure	16,413	2,041	952	19,406	1.56
Treasury and Resources	9,529	1,277	554	11,360	0.91
States Assembly (Excluding States Members)	1,361	191	81	1,633	0.13
Non Ministerial	12,922	1,945	674	15,541	1.25
<b>Department Total</b>	<b>310,070</b>	<b>40,839</b>	<b>18,063</b>	<b>368,972</b>	<b>29.59</b>

**Note:** Data for 2022 is currently under review and audit ahead of its publication as part of the 2022 Annual Report and Account and States Employment Board annual report.



**Note:** With agreement from Deputy Andrews data for 2017 has not been provided due to the requirement to source additional data not previously reported.

**2.8 Deputy M.B Andrews of St Helier North of the Chair of the States Employment Board regarding payroll expenditure as a percentage of overall government expenditure (WQ.44/2023)**

**Question**

Will the Chair provide government payroll expenditure as a percentage of overall government expenditure for each year since 2017 to date?

**Answer**

The information requested by Deputy Andrews in this question has been provided as part of the response to WQ.43/2023.

**2.9 Deputy M.B Andrews of St Helier North of the Chair of the States Employment Board regarding savings in payroll expenditure (WQ.45/2023)**

**Question**

Further to the response to [Written Question 14/2023](#) and the increase in the States of Jersey headcount from 1,015 since 2018, will the Chair advise whether savings in payroll expenditure will be made in future Government Plans across this term of office?

**Answer**

Our focus is supporting and investing in the delivery of frontline services. These services must be efficient and deliver value for taxpayers, which means a close eye must be maintained on overall headcount.

Ministers do not necessarily consider that future Government Plans will result in either a reduction in headcount and/or a reduction in payroll expenditure. The two are also not interlinked – headcount could be reduced whilst overall payroll expenditure increases (for example, due to pay awards), or vice-versa.

Ministers recognise, however, that in respect of headcount, the public service cannot continue to employ more people every year at the rate seen since 2018. Numbers need to be stabilised, and growth in some areas will need to be balanced with savings elsewhere, which is work the Government is currently undertaking through its Value for Money Review.

**2.10 Deputy R.J Ward of St Helier Central of the Minister for Economic Development, Tourism, Sport, and Culture regarding government funding for the Jersey Football Association (JFA) (WQ.46/2023)**

**Question**

Will the Minister detail the current level of Government funding for the Jersey Football Association (JFA) and advise what, if any, charges the JFA incur when using Government owned facilities?

## Answer

The Jersey Football Association (JFA) does not receive any repeat or annualised grant funding directly from Government but has received targeted funding for training and safeguarding in recent years. The JFA receives annual grant funding through Jersey Sport for community football coaches and is also eligible to apply for travel grants through the annual application process.

The JFA utilises a number of football pitches at various Government run locations (including amongst others; Oakfield, Les Quennevais, FB Fields, Springfield) to deliver its development programmes, holiday courses and league fixtures. The JFA is charged accordingly for this.

The Commercial rate per hour for example to hire Springfield's 3G pitch is £93.30. The JFA and its affiliated clubs pay a "club rate" of £82.00 per hour. If bookings involve juniors (i.e. those under 18), then the rate is halved.

The JFA also leases office space on the 2<sup>nd</sup> floor at Springfield Stadium for which it is also charged.

## 2.11 Deputy R.J Ward of St Helier Central of the Chair of the States Employment Board regarding full time employees (FTE) in Broad Street (WQ.47.2023)

### Question

Will the Chair provide the number of current full-time employee's (FTE) in Broad Street, broken down per Ministerial department, with a comparison of the number of FTEs in those departments as of February 2022, and including the Communications Team as a separate line of information?

### Answer

Table 1 shows the breakdown of the FTE and Actual Headcount for the departments with posts identified as being primarily based in Broad Street between 14<sup>th</sup> April 2022 and 14<sup>th</sup> April 2023. The majority of staff based in Broad Street are able to work from alternate office locations or from home.

**Table 1 – Comparison between posts based in departments within Broad Street between 14<sup>th</sup> February 2022 and 14<sup>th</sup> February 2023.**

14 FEBRUARY 2023.			14 FEBRUARY 2022.		
DEPARTMENT / DIRECTORATE	ACTUAL HEADCOUNT	FTE	DEPARTMENT / DIRECTORATE	ACTUAL HEADCOUNT	FTE
Chief Operating Office	155	132.26	Chief Operating Office	142	119.80
Children, Young People, Edu & Skills	5	4.54	Children, Young People, Edu & Skills	4	4.00
Customer and Local Services	7	6.73	Customer and Local Services	6	6.00
Department for the Economy	43	42.02	Department for the Economy	33	31.68
Department of External Relations	15	15.00	Department of External Relations	0	0.00
Health and Community Services	18	17.20	Health and Community Services	15	14.69
Infrastructure, Housing and Environment	5	4.50	Infrastructure, Housing and Environment	6	6.00
Justice and Home Affairs	16	14.70	Justice and Home Affairs	14	11.65
Non-executives and legislature	0	0.00	Non-executives and legislature	1	1.00
Office of the Chief Executive	32	29.15	Office of the Chief Executive	45	42.42
Strategic Policy, Planning and Perf	155	108.38	Strategic Policy, Planning and Perf	177	78.65
Treasury and Exchequer	228	221.03	Treasury and Exchequer	225	217.60
Communications	36	34.61	Communications	35	33.01
<b>Grand Total</b>	<b>715</b>	<b>630.13</b>	<b>Grand Total</b>	<b>703</b>	<b>566.49</b>

Specifically for the Communications Team there were 36 employees (34.6 FTE) in 2023 and 35 (33.0 FTE) in 2022. Given the nature of their role, members of the communications team are based both in

the Broad Street office, the Studio at 28-31 The Parade, and in their allocated Departments, as required.

**2.12 Deputy R.J. Ward of St. Helier Central of the Chair of the States Employment Board regarding the timescale for all 2022 public sector pay awards being settled. (WQ.48/2023)**

**Question**

Will the Chair provide the timescale for all 2022 public sector pay awards being settled and allocated to staff?

**Answer**

To date five pay groups have accepted the 7.9% pay offer for 2023. They are:

- Civil Servants;
- Police;
- Prison;
- Doctors and Consultants; and
- Manual Workers

Civil Servants, Police, Prison, and Doctors and Consultants received their pay uplift in January 2023. Manual Worker Staff will receive their uplift in their March salary, backdated to 1<sup>st</sup> January 2023.

The Nurses and Midwives ballot will close in the week commencing 20<sup>th</sup> February.

A formal pay offer has been given to the Jersey Fire and Rescue Service Association.

Pay talks are continuing with school leaders' unions and teachers' unions.

**2.13 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the living wage (WQ.49.2023)**

**Question**

Following the debate of [P.78/2022](#) the Council of Ministers agreed a sum of £30,000 in the Government Plan 2023 to 2026 to evaluate the technical aspects of the different options to deliver the living wage; will the Minister advise what progress, if any, has been made in developing these options?

**Answer**

Work on investigating the feasibility of devising a scheme to be brought to the States to convert the Minimum Wage over time to a Living Wage in Jersey will commence shortly and will continue through 2023, as set out in the agreement of the Assembly to P.78/2022. Funds allocated in the Government Plan 2023 – 2026 will be drawn down as and when required to support that work.

**2.14 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding the ‘various funding options’ referred to in her response to Written Question 20/2023. (WQ.50/2023)**

**Question**

Will the Minister outline what the "various funding options" referred to in her response to [Written Question 20/2023](#) are and will she further confirm what expenditure, if any, there had been on the planned questionnaire by the Government of Jersey before the decision was made to change direction?

**Answer**

The “various funding options” on which all stakeholders will be consulted, including members of the public, are currently in development. Subject to ministerial review, we envisage publishing them for consultation in Autumn 2023.

As set out in my answer to [WQ.20/2023](#), I decided not to proceed with the planned survey which was originally intended to be sent to approximately 3,500 households in Jersey. I did so on the basis of advice received about the potential complexity of the survey. I am, however, considering other options for understanding more about the broad public attitudes to health care funding. I will provide this information to Health and Social Security Scrutiny Panel, once I have determined how to proceed.

Approximately £7,200 was spent on the survey work which included testing the proposed questions with focus groups. The focus group work will inform any future attitudinal survey work that is undertaken.

**2.15 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the Centre for Research in Social Policy (CRSP) at Loughborough University on Minimum Income Standards (WQ.51/2023)**

**Question**

Will the Minister outline what attention, if any, has been given to the work of the Centre for Research in Social Policy (CRSP) at Loughborough on Minimum Income Standards (MIS) during her department's research into the minimum and living wage; and will she further advise why no MIS exist for Jersey, through which we could evaluate poverty levels in the Island, when Guernsey, Isle of Man, United Kingdom, Inner and Outer London all have this data?

**Answer**

A [report](#) prepared for the Jersey Government in May 2015 set out a detailed assessment of options for calculating a living wage, including the adoption of Minimum Income Standards. The report references in detail the work of the CRSP and the Joseph Rowntree Trust.

Last year the States Assembly agreed amended wording to P.78/2022 requesting action from the Minister for Social Security as follows:

*“...all investigations including consultation and engagement with the Employment Forum in relation to the feasibility of devising a scheme to be brought to the States to convert the Minimum Wage over*

*time to a Living Wage, including any legislative changes that may be necessary, be completed and presented to the States Assembly by end of December 2023”*

This work is included in the workplan of the Minister for 2023 and will commence shortly. The work will include a review of the previous report on living wage issues as well as gathering current information from neighbouring jurisdictions. The work will include an evaluation of the potential benefits of setting up and maintaining an MIS for Jersey for the purposes of setting a living wage.

The Centre for Research in Social Policy at Loughborough University produces an annual report on its calculation on a Minimum Income Standard for the UK in conjunction with the Joseph Rowntree Foundation. The MIS does not set or evaluate poverty levels.

Information on relative low income levels in Jersey is provided through the latest [Household Income Survey](#) published in August 2022.

## **2.16 Deputy L.V Feltham of St Helier Central of the Chief Minister regarding new staff in the Ministerial Support Unit (WQ.52/2023)**

### **Question**

Will the Chief Minister advise how many new staff have been appointed within the Ministerial Office since she took office, including details of –

- a) their role;
- b) whether it was a new, existing or changed position;
- c) the job grade; and
- d) the recruitment process followed?

### **Answer**

Since the formation of the current government, three members of staff have been appointed as Government of Jersey Employees. They work as Research and Administration Officers, providing mainly administrative services around diary and correspondence management, at civil service Grade 8. These appointments filled existent vacant positions, replacing staff with the same Job Description. They were subject to a recruitment process that included open advertisement and an interview panel.

In addition, one individual has been engaged as a temporary member of staff providing leave and vacancy cover via an agency. These arrangements are designed to be short term in nature.

A recruitment exercise is underway to appoint additional Research and Administration Officers filling existent vacant positions, and which will also be subject to panel interview. The labour market is currently challenging, including for administrative staff, and these vacancies have been openly advertised for some time to ensure a reasonable field of candidates.

Given this question relates to individuals, care has been taken in the drafting of this response to limit identifying them, especially given their civil service grade, while still providing a full answer to the question.

**2.17 Deputy L.V Feltham of St Helier Central of the Chief Minister regarding Ministerial travel (WQ.53.2023)**

**Question**

Will the Chief Minister provide details of all Ministerial travel, and the associated expenses (including those of any accompanying staff), since she took office, including the purpose, length, and outcomes of each visit?

**Answer**

Yes. It is important to deliver transparency around costs, and a report will be produced by this government at six monthly intervals providing a breakdown of ministerial travel costs, with the first report due to be published before 31 March 2023

**2.18 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding conflicts of interest during any meetings of the Council of Ministers (WQ.54.2023)**

**Question**

Will the Chief Minister advise whether Ministers have declared any actual, potential, or perceived conflicts of interest during any meetings of the Council of Ministers; and if any conflicts of interest have been declared, how they were managed?

**Answer**

Ministers have made declarations at the Council of Ministers where they consider an actual or perceived conflict of interest may exist, with each Council of Minister's agenda having a designated time slot at the start of the meeting for that to be done.

The treatment of that declaration depends on its nature, with the course of action either being for the Minister to remove themselves from the meeting or, having made the declaration, to remain in the meeting. It is a decision for the Chief Minister and the declaring Minister, in each instance, to determine how they wish to proceed.

The addition of a dedicated slot at the start of meetings is a new development for this Government, seeking to introduce more formality into the process of making declarations.

In addition, the Code of Conduct and Practice for Ministers and Assistant Ministers was updated by this Government in 2022, including expanding the provisions to deliver more clarity and advice to identify and manage conflicts. The latest provisions being as below.

Naturally, all areas of governance are maintained under review.

*“4. Avoiding Conflict of Interest*

*Ministers and Assistant Ministers must identify and actively address any actual or perceived conflict of interest between their ministerial responsibilities and their private interests, or any other public role they hold, including their role as a constituency representative, ensuring that any conflict does not compromise their judgement, the conduct of government, or place themselves under an improper obligation.*

*Where a conflict or perceived conflict relates to the Minister's portfolio, the Minister or Assistant Ministers should be guided by the general principle that they should either*

*dispose of the interest giving rise to the conflict, or take alternative steps to manage the conflict, which can include transferring a ministerial responsibility to another Minister, or in relation to a more minor matter, a delegation to an Assistant Minister. In some cases, it may not be possible to devise a mechanism to avoid such an actual or perceived conflict of interest, for example, due to the significance and nature of the conflict, and in any such case, the Chief Minister must be consulted, and it may be necessary for the Minister to cease to hold ministerial office.*

*Where the conflict relates to a matter outside of a Minister's area of responsibility, but the Minister or Assistant Minister is part of a wider discussion at the Council of Ministers, or in other ministerial meetings, they should declare this at the earliest opportunity, the declaration should be recorded, and the Minister or Assistant Minister would generally be asked to recuse themselves from any discussions.*

*In considering the above, the extent of the conflict, whether it is a conflict generally held by many people, and how direct or substantial it is to the interests of the Minister or Assistant Minister, should be considered.*

*A perceived conflict of interest should generally be treated as seriously as an actual conflict, and Ministers are expected to err on the side of caution in the wider interests of the government and maintaining public confidence.”*

## **2.19 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding the Minister for External Relations and Financial Services (WQ.55/2023)**

### **Question**

Will the Chief Minister advise –

- (a) what proportion of the Minister for External Relations and Financial Services' work relates to promoting, protecting or otherwise representing the Island in finance industry matters in his ongoing External Relations portfolio;
- (b) with respect to her [press statement](#) dated 6th February 2023 regarding her objective of restoring trust and confidence in Government and the standards to which she holds Ministers, what distinction she has made in supporting the Minister for External Relations and Financial Services in continuation of his role in External Relations whilst applying these standards to his Financial Services portfolio, and what consideration she has given to a possibility that this could demonstrate a lack of consistency in application of the said standards;
- (c) any risk assessment and industry consultation she has undertaken with respect to this support; and
- (d) whether she or any other member of the Council of Ministers has received any communications from the public (including current and former members of the finance industry) expressing concern regarding the continuation of the Minister of External Relations and Financial Services in the role of Minister for External Relations and, if so, how many?

### **Answer**

- (a) The Minister for External Relations, working concurrently with the Chief Minister, is responsible for conducting Jersey's external relations in accordance with the common policy agreed by the

Council of Ministers. This includes serving Jersey's best economic interests by promoting a strong, diversified and internationally-connected economy, safeguarding our competitive position as a platform for global business and promoting growth through trade and investment.

In the course of the Minister's ongoing engagements, which also include a wide diplomatic remit, it is not possible to specify with accuracy the proportion of work that will relate specifically to promoting, protecting or otherwise representing the Island in finance industry matters. In doing so, however, the Minister will continue to work concurrently with the Chief Minister, and closely with Deputies Millar and Gorst, with regard to financial services.

- (b) Recent reports regarding the administration of Deputy Ozouf's personal affairs required a proportionate response. I consider that the transfer of responsibility for financial services and allowing Deputy Ozouf more time to focus on his work as External Relations Minister, where there is an ongoing and significant agenda, met this requirement.
- (c) Ministers and Assistant Ministers engage and consult with industry as part of our everyday roles, and that knowledge and experience helps inform decisions on an ongoing basis, including political ones relating to the allocation of ministerial portfolios.
- (d) This issue attracted considerable public attention, and I have received communications from the public, both verbal and written, expressing a range of views regarding this issue.

## **2.20 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the AquaSplash facility on the Waterfront (WQ.56.2023)**

### **Question**

Further to Written Question [208/2022](#) regarding the AquaSplash facility on the Waterfront, will the Minister advise:

- a) the amount paid to the operator each year since the start of the contract in 2003;
- b) how much will be paid annually in the new contract from July 2023;
- c) what will be the duration of the new contract from July 2023 and detail any provisions for further increases (e.g., inflation); and
- d) who negotiated the new contract and when?

### **Answer**

- a) The Government does not hold information on how much Serco has paid towards the operation of the facility. However, Serco are paid an annual management fee to run the pool. This management fee payable to Serco is performance based and index linked.

The maximum Government of Jersey subsidy is inclusive of any management fee payable to the contractor and the amount of management fee is determined by the extent to which the contractor's annual financial deficit is less than the Government of Jersey subsidy fixed for that year.

Administrative responsibility for the AquaSplash leisure pool was transferred to the Education, Sport and Culture Department in 2009. The annual grant paid to Serco for the operation of the Waterfront Pool was as follows:

- o 2010 - £470,000
- o 2011 - £477,000



- 2012 - £484,000
- 2013 - £492,000
- 2014 - £500,000
- 2015 - £401,000
- 2016 - £500,000
- 2017 - £393,000
- 2018 - £468,000
- 2019 - £425,000
- 2020 - £583,000
- 2021 - £414,000
- 2022 - \*

\*Awaiting publication of the States of Jersey annual report and accounts 2022

- a) The contract is still being negotiated and drafted for post July 2023 so we are not yet able to present final figures
- b) Same as previous answer
- c) Same as previous answer

## **2.21 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding a perceived disparity in the application of the principle of open justice by the Jersey judiciary (WQ.58.2023)**

### **Question**

Following [concerns raised recently by the local media](#) regarding a perceived disparity in the application of the principle of open justice by the Jersey judiciary compared with the judiciary in England and Wales:

- (a) what action, if any, will the Chief Minister be taking to ensure the principle of open justice receives statutory recognition in Jersey?
- (b) is consideration being given to aligning the practice of Jersey courts more closely with the guidance issued by the Lord Chief Justice of England and Wales to the judiciary of England and Wales and related media law in that jurisdiction; and
- (c) does the Chief Minister support the implementation of measures that reflect the recommendations in the Justice Committee of England and Wales' [Report](#) on Open Justice and Court Reporting in the Digital Age?

### **Answer**

The concept of Open Justice, and the right of citizens to know as much as possible about the operation of the courts, is a fundamental part of an effective and credible justice system. The European Court of Human Rights has set out that public trials are a fundamental principle enshrined by Article 6, with the transparent administration of justice contributing to the right to a fair trial<sup>1</sup>.

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<sup>1</sup> Riepan v. Austria [2000] ECHR 575

Conversely, as the UK's Law Commission has recently highlighted in its report on open justice, "*the principle of open justice has, however, never been absolute*"<sup>2</sup>. Courts also have a responsibility to victims, vulnerable parties and some defendants to maintain the confidentiality of some proceedings.

The underlying principle in Jersey, as in the UK, is that proceedings should be open unless there is a pressing reason for them to be held in private. However, it is open to judges in the UK to hear matters in private where it is deemed necessary.

- (a) It would be an unusual step for Jersey to address this issue by statute. In the UK, as in Jersey, there is an expectation that the courts will be responsible for managing their own processes in these areas. Allowing the courts to proceed in private where necessary means that a decision can be taken in light of the particular circumstances of each case.
- (b) The 'practice of Jersey courts' is not within the gift of the executive to manage. The right of the courts to manage their own process is a fundamental component of their independence, and independent courts are a necessary check on the power of government.
- (c) The recommendations of the Justice Committee are wide ranging and concern court reporting rules, remote observation of court cases, open days, case law recording and more. Those recommendations are made against the backdrop of a different system of justice, administered by a different structure of courts. There is always room for improvement in processes, but it would not be either appropriate or effective to import a set of recommendations made in a different context.

## **2.22 Deputy M.R. Scott of St. Brelade of the Minister for the Environment regarding conflicts of interest representing the Planning Committee (WQ.59/2023)**

### **Question**

Has the Minister considered that in situations where the Planning Committee has decided to refuse a planning application against officer advice, there is a conflict of interest for the Director of Planning or any senior planning officer to represent the Planning Committee in an appeal against the decision; and if so, will he explain what action he proposes to take to resolve that conflict, and if not, will he explain why?

### **Answer**

Senior Planning Officers in the Regulation Directorate, the Head of Development and Land, and the Group Director of Regulation are Chartered planning professionals and adhere to the ethical and professional standards for their various institutions. Most notably, the Royal Town Planning Institute (RTPI) of the UK. The RTPI guidance on the ethical and professional standards is published on its website: [https://www.rtpi.org.uk/media/2836/ethics\\_update\\_2017.pdf](https://www.rtpi.org.uk/media/2836/ethics_update_2017.pdf)

In this document, the RTPI defines a conflict of interest occurs when personal or other interests affect a planner's ability to exercise independent professional judgment, and which can call into question their professional integrity. The RTPI considers that such conflicts may arise at any time and RTPI members should be alert to situations where potential conflicts could occur and declare an interest to their employer as soon as they become aware of one.

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<sup>2</sup> Khuja (Appellant) v Times Newspapers Limited and others [2017] UKSC 49

The Regulation Directorate of Infrastructure and Environment has a policy and internal process in place for officers to declare when they believe a conflict may arise, with an auditable action thread to remove the conflict – in most circumstances this means passing a piece of work onto another member of staff.

In the ethical and professional standards document, the RTPI specifically addresses the issue of planning professionals dealing with ‘Committee Overturns’ (on page 12), or specifically addressing the situation where a planning professional is required to defend a decision of a Planning Committee that is contrary to their officer report. This can be a regular occurrence for a planning professional within the context of working for an authority. The ethical and professional advice is for the planner to disclose that they are representing a decision that is a Committee overturn and therefore contrary to their officer recommendation, taking care to avoid giving the impression that the evidence they are presenting is their own professional view. For the avoidance of doubt, acting in defence of the decision and the presentation on behalf of the Government of Jersey and decision maker is an appropriate professional standard.

Although the planner can give technical evidence on behalf of the decision maker, in some cases they may ask the decision maker to speak with conviction of the planning reasons for the decision. In this case, a member of the Planning Committee is asked to attend and speak at an appeal hearing. However, this is not always possible due to availability of the members and, in that instance, the senior planner continues to provide the evidence on behalf of the decision maker.

Planning inspectors will consider all material consideration when re-assessing an application at appeal. The inspector will review the case in totality and come to their own professional judgement when making a recommendation to the Minister.

### **2.23 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding the total number of medical appointments offered by her Department (WQ.60/2023)**

#### **Question**

Will the Minister state the total number of medical appointments offered by her Department for the period 2018 to date, and advise what percentage of those appointments have been cancelled?

#### **Answer**

The table below shows the total Outpatient Clinic appointments offered and the percentage of these that were cancelled each year between 1 January 2018 and 31 January 2023. Appointments that were rescheduled are also categorised as cancelled. The percentage of appointments cancelled shown below have been further categorised by care group.

The ‘Other’ Care Group comprises of Pre-Assessment Clinic appointments (where a patient is contacted by a nurse prior to an inpatient or day case admission) and Phlebotomy appointments.

This answer is an update to previously asked Written Questions: [WQ.312/2022](#) and [WQ.15/2023](#). Please note that small variation in numbers is as expected – for example there are data quality validations and corrections reflected in the latest data.

#### Notes:

1. “Medical appointments” has been interpreted as all General & Acute outpatient medical appointments. As such, the data presented includes Jersey General Hospital and Overdale Hospital activity as well as clinics in other locations, such as Le Bas or Springfield.

2. An appointment is counted as cancelled:
  - a. when the Appointment Status in TrakCare (the electronic system that captures appointment slots) has been set to 'Cancelled' or
  - b. if the status has been set to 'Not Attended', this can be further categorised by reason, which can be
    - i. 'Appointment cancelled by service'. Reasons include instances where clinics are cancelled and rebooked in an alternative location or time, which may be on the same day. It is currently not possible to report on these separately.
    - ii. 'Appointment cancelled by patient'. Reasons include:
      - a. Appointment cancelled by or on behalf of the patient
      - b. Appointment no longer required
      - c. Appointment no longer required (Pat)
      - d. Appt cancellation informed by 3rd party
      - e. Appt cancelled by patient - awaiting patient contact
      - f. Away from Island/Education/Military/Travel
      - g. Earlier appointment requested
      - h. GP instructions
      - i. Later appointment requested
      - j. Leaving island
      - k. Patient transferred to private care
3. Transferred appointments, are *not* counted. A transferred appointment occurs when the patient will see a different clinician (to whom the appointment has been 'transferred'), but the appointment date and time remains exactly the same.
4. When HCS or the patient cancel the appointment, a new appointment will be given at the next available slot in relation to the urgency of the patient's referral.
5. HCS encourages all patients to inform the specialty service with as much notice as possible to ensure the slot can be re-allocated to someone else on the waiting list. If a patient requires a different date or time, they can find information on how to inform HCS in their appointment letter. Work is ongoing to ensure patients are given a new appointment slot with a letter being sent to the patient with the new details.

**Medical Appointments Cancelled (as per above definitions) by year, Health & Community Services**

<b>Year</b>	<b>Total Appt Cancelled</b>	<b>Total Appt Offered</b>	<b>Percentage Cancelled</b>
2018	26104	235232	11.1%

2019	26471	235306	11.2%
2020	30664	219413	14.0%
2021	29381	251642	11.7%
2022	37365	275113	13.6%
2023 to 31 Jan	3303	24610	13.4%
<b>Total</b>	<b>153288</b>	<b>1241316</b>	<b>12.3%</b>

Data Source: Hospital Patient Administration System (TrakCare, Outpatient Report BKG1A).

### Medical Appointments Cancelled (as per above definitions) by Care Group and year, Health & Community Services

Year	Dental	Medical Services	Surgical Services	Therapies	Women and Children Services	Other
2018	9.1%	11.6%	9.5%	15.1%	11.3%	0.2%
2019	8.3%	11.4%	9.5%	16.5%	11.4%	3.7%
2020	28.4%	13.7%	12.9%	17.3%	12.4%	4.0%
2021	10.8%	11.6%	10.0%	14.3%	16.0%	8.2%
2022	10.1%	13.6%	10.7%	17.4%	17.1%	11.4%
2023	7.7%	17.8%	10.5%	14.5%	15.6%	9.3%
<b>Total</b>	<b>12.7%</b>	<b>12.5%</b>	<b>10.5%</b>	<b>16.2%</b>	<b>13.9%</b>	<b>8.0%</b>

Data Source: Hospital Patient Administration System (TrakCare, Outpatient Report BKG1A).

### 2.24 M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding entities registered under the 'Zero/Ten' regime (WQ.61/2023)

#### Question

Will the Minister state how many entities have registered under the 'Zero/Ten' regime since 2013?

#### Answer

Entities are not required to register under the 'Zero/Ten' regime. A corporate entity may be taxed at 0%, 10% or 20% depending upon the relevant sources of income declared on the annual tax return.

39,060 entities filed returns for year of assessment 2020. A breakdown of corporate entities is available in the [Statistical Digest](#).

**2.25 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding the current number of vacancies within each Government department (WQ.62/2023)**

**Question**

Will the Chair state the current number of vacancies within each Government department?

**Answer**

The current number of vacancies are as follows:

<b>Department</b>	<b>Vacancies Identified</b>
Cabinet Office	24
Customer & Local Services	0
Department for the Economy	7
External Relations	1
Children, Young People, Education and Skills	126*
Infrastructure, Housing and Environment	147*
Health and Community Services	267*
Justice and Home Affairs	40*
Treasury and Exchequer	35
Non-Executive and Legislative	24
<b>TOTAL VACANCIES IDENTIFIED</b>	<b>671</b>

**Methodology**

- The Government Plan sets out estimated positions for the financial year, the data for employees as January 2023 has been used to identify filled positions.
- Not all positions will be fully funded or may be seasonal.
- Departments indicated with an asterisk monitor vacancy through a manual method, awaiting a completion of the establishment build within Connect People system.
- This approach does not take into account where a budget vacancy exists, but a decision has been made to delay or defer going to market.

**2.26 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding a list of activities which could potentially lead to the dismissal of a public employee (WQ.63/2023)**

**Question**

Further to the responses provided to [Written Questions 23/2023](#) and [41/2023](#), including (for the latter) in respect of a list of activities which could potentially lead to the dismissal of a public employee, will the Chair –

- (a) specify which of these listed activities are characterised as gross misconduct in a public servant's contract of employment with a sanction of summary dismissal without notice in the event of a breach having been proved following a disciplinary hearing;
- (b) provide the content of the ethical organisational guidelines and ethical standards that are intended to address each of these activities, specifying whether such guidelines are intended to encompass the ethical standards fully; and
- (c) advise whether each of these activities is covered in the training of public sector employees and, if so, in what way is this training delivered and how often it is refreshed?

**Answer**

- (a) Section 18 of the Contract of Employment for Senior Employees states:

*The Employer retains the right to terminate your contract without notice if you are guilty of gross misconduct. No payment in lieu of notice will be made if your contract is terminated for gross misconduct.*

Section 23 of the contract states:

*The Employer will apply policies and procedures in specific situations that may arise during the course of your employment. You will be expected to follow these policies and procedures, and to familiarise yourself with them. Of particular relevance are the policies/procedures relating to maternity, discipline, grievance, managing attendance, custody, redundancy and health and safety.*

- (b) The disciplinary general rules and performance addresses areas considered to be Gross misconduct (**list is not exhaustive**):
  - Theft fraud and dishonesty
  - Corruption
  - Serious misrepresentation
  - Aggressive behaviour
  - Being unfit for duty
  - Serious breach of the codes
  - Negligence or malpractice
  - Malicious or wilful damage to property
  - Confidentiality
  - Engaging in political activities
  - Misuse and inappropriate use of applications, emails, internet, or social media
  - Contravention of a duty restriction under the law/loss of legal entitlement to practice
  - Criminal offences outside of employment
- (c) The Codes of Practice and disciplinary policy were recently introduced and updated after considerable consultation. Toolkits have been developed to support managers and employees in the introduction of these policies and training is being developed. Mandatory training is in development for the codes of practice.

**2.27 Connétable of St. Brelade of the Minister for the Environment regarding invasive extractor fan noise for residents of La Rue du Crocquet in St. Aubin (WQ.64/2023)**

**Question**

Will the Minister advise whether he will instruct the Environmental Health Department to deal with the situation of residents of La Rue du Crocquet in St. Aubin as a priority, in light of their indications that they have been subject to invasive extractor fan noise for months without any action being taken; and will the Minister undertake to communicate a timeline for resolution of the problem to the residents?

**Answer**

Officers have been putting and continue to put considerable effort into investigating complaints and working with various parties concerning noise issues in the La Rue du Crocquet area, with a view to bringing about a resolution. This work is still ongoing, so it would not be appropriate to comment further.

**2.28 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs regarding Time off in Lieu in the States of Jersey Police (WQ.65/2023)**

**Question**

Will the Minister state –

- (a) the maximum number of hours that States of Jersey Police officers are allowed to accumulate as ‘Time off in Lieu’;
- (b) who monitors the system of ‘Time off in Lieu’;
- (c) how many officers have accumulated more than the allowed hours;
- (d) how many hours are currently recorded in the system;
- (e) how many hours are given at the start of each year as part of any previous pay settlement; and
- (f) whether the Fire and Rescue Service, Ambulance Service and Prison Service have a similar system, and if so, the details for these systems as requested in the queries above in paragraphs (a) to (e)?

**Answer**

	Police	Fire and Rescue	Ambulance	Prison
a	66 hours	Under service order 02`14 there is no set limit for accumulated time in lieu.	TOIL Must be taken within 3 months of accrual	24 Hours
b	It is the individual’s responsibility to ensure that they are adhering to policy. Their line manager is responsible for the oversight of this.	E-Roster recorded time in Lieu and managed by System Administrator and the Station Commanders. SOJFRS also have a time in Lieu Composite Spreadsheet that is managed by Operational Commanders.	E-roster system, LAP’s	The prison Rostering Officer
c	Due to a glitch in the e-rostering system we are unable	As there is no limit, this question is irrelevant	None	8 people



	to give an accurate figure in time for Ministers questions			
d	As above	2446 hours	46 hours	916 hours
e	26hrs are given to each officer in January who have not gone above the agreed carry over limit of 40hrs	None	None	None

**2.29 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare (WQ.66/2023)**

**Question**

Following [Oral Question 215/2021](#), and in the light of the recruitment and retention difficulties currently experienced in the care sector, will the Minister indicate whether, in consultation with the Care Commissioner, she will prepare a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare, as agreed by the States through adoption of [P.48/2017](#) but never delivered by previous Ministers?

**Answer**

This Government will undertake an exercise to review outstanding Propositions from previous States Assembly decisions, in liaison with the Privileges and Procedures Committee, to determine how best to progress them or return them to the Assembly.

With regard to the Ethical Care Charter specifically, the challenges associated with the recruitment and retention of care staff are clearly articulated in the Jersey Care Commission’s (JCC) November 2022 discussion paper ‘*Addressing challenges and risks in social care*’.

It is for this reason that my Ministerial Plan sets out my intention to work across the Council of Ministers to agree a whole island health and care workforce strategy. Work will commence in 2023.

In developing that strategy, I will, in consultation with providers and care users, give consideration to the standards set out in the Ethical Care Charter and the matter of whether it should be adopted in its current form.

My intention, however, it to develop a strategy that works across the whole health and care sector, unlike the Charter which only focuses on the home care sector.

**2.30 Deputy G.P. Southern of St. Helier Central of the Minister for the Environment regarding a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare (WQ.67/2023)**

**Question**

Following [Oral Question 215/2021](#), and in the light of the current recruitment and retention difficulties experienced in the care sector, will the Minister indicate whether, in consultation with the Care Commissioner, he will prepare a report on the potential impact of the adoption of the terms and conditions contained in the Jersey Ethical Care Charter for Homecare, as agreed by the States through adoption of [P.48/2017](#) but never delivered by previous Ministers?

## **Answer**

This Government, in liaison with the Privileges and Procedures Committee, will undertake an exercise to review outstanding Propositions from previous States Assembly decisions to determine how best to progress them or to return them to the Assembly.

In relation to the Ethical Care Charter, in November 2022, the Jersey Care Commission (JCC) produced a report on '*Addressing challenges and risks in social care.*' Amongst other challenges, this report discussed the JCC's findings on the issues that regulated care providers, including home care providers, are facing in recruiting and retaining care staff. The evidence relied on by the JCC was obtained in carrying out its usual regulatory and inspection responsibilities; from engagement events with the sector; and the results of a sector-wide survey of 120 care providers and adult social care managers.

The JCC made seven recommendations in the report, including recommendations that the Government should review some areas of policy that impact on the recruitment and retention of care workers.

As set out in the Minister for Health and Social Services' 2023 Ministerial Plan, the Minister will commence work across the Council of Ministers to agree a whole-island workforce strategy which will set out how the Government will work to address barriers to recruitment and retention, including for the home care workforce.

While this important work is ongoing and as the JCC has recently produced a thorough report on the current issues affecting the care sector, I do not intend to request either that it directly undertakes or assists me to undertake any further reports to address these matters at this stage.

### **2.31 Deputy M.R. Scott of St. Brelade of the Minister for Economic Development, Tourism, Sport, and Culture regarding the direct involvement in planning applications of Ministers and officers of their departments (WQ.68/2023)**

#### **Question**

In respect of the direct involvement in planning applications over the last five years of each of the following –

- both himself and former 'Ministers for Economic Development';
- officers in the Department for Economic Development or the Department for Economy; and
- the Regulation Standards Officer (with respect to administration of the Minister's powers under the Tourism (General Provisions) Order 1990);

will the Minister state –

- (a) the number of occasions on which a Minister or an officer of either Department has exercised the right to comment on a planning application relating to land designated for economic use, including (without limitation) farmland and visitor accommodation;
- (b) the activity conducted at the premises to which any such comment related;
- (c) the number of times the Regulation Standards Officer., acting in a tourist regulation capacity and having been contacted by a planning officer in respect of premises used for an economic purpose, has informed the planning officer that the Department had no comment because the premises did not relate to visitor accommodation; and

(d) the number of times this Officer has passed comment on an application that was not of the nature to which paragraph (c) refers?

**Answer**

a) and b)

Relevant officers are approached as consultees for applications relating to land designated for farmland and visitor accommodation. The number of times an officer had exercised the right to provide a comment on a planning application relating to each of these categories is listed below:

Type of activity	2018	2019	2020	2021	2022
Farmland (including farm buildings and agricultural workers accommodation)	1	7	8	10	8
Visitor accommodation	4	11	14	12	11

c) Comments are only made by the Regulation Standards Officer when the consultation relates to Tourist Accommodation. The Officer is not consulted to non-tourist accommodation use applications.

d) See table above

**2.32 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs regarding domestic violence incidents and rape allegations (WQ.69/2023)**

**Question**

Will the Minister state –

- (a) how many domestic violence incidents were recorded in 2021 and 2022; and, of these, how many resulted in successful prosecutions;
- (b) how many rape allegations were recorded in 2021 and 2022; and, of these, how many resulted in successful prosecutions; and
- (c) in respect of the rape allegations, how many identified a suspect?

**Answer**

a) There were 1151 domestic abuse incidents during 2021 and 1084 during 2022.

From these incidents or initial calls for service, 425 criminal investigations were opened in 2021 and 403 criminal investigations were opened in 2022.

From these 828 criminal investigations opened through 2021 & 2022.

Currently 178 have progressed to court. 17 cases were discontinued and 10 were found ‘Not guilty’, leaving 151 successful prosecutions

- b) During 2021 55 Rape allegations were made.  
During 2022 58 rape allegations were made.

Currently from these 113 criminal investigations opened through 2021 & 2022, five have progressed to court.

1 was discontinued and 4 were found ‘not guilty’.

32 criminal investigations are currently still live.

(On average Rape Criminal Investigations will take over one year to get from the reported crime date to a court date).

- c) From the 55 rape allegations during 2021, 43 criminal investigations identified a potential suspect.

From the 58 rape allegations during 2022, 54 criminal investigations identified a potential suspect.

**2.33 M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs Deputy regarding the States of Jersey Police, Fire and Rescue, Ambulance, Customs and Immigration and Prison services (WQ.70.2023)**

**Question**

In relation to the States of Jersey Police, Fire and Rescue, Ambulance, Customs and Immigration and Prison services, will the Minister advise –

- (a) the number of Full Time Equivalent (FTE) officers each service has;
- (b) the number of FTE civilian staff each service has;
- (c) the headcount of officers currently in each service;
- (d) the headcount civilian staff currently in each service;
- (e) what recruitment, if any, is currently underway in each service; and
- (f) what number of officers, if any, are above their earliest retirement date in each service?”

**Answer**

Head Count and FTE

In relation to the above questions, we have deemed the term ‘officers’ to be those that are on a uniformed service terms and conditions for Fire & Rescue, Police and Prison, and for Ambulance, those who are on WFM terms and conditions. Please see the table below for details of questions a-d.

	Uniformed Service		Civil Servant	
	FTE	Head Count	FTE	Head Count
Police	207.38	210	110	118
Fire	65	91	2.68	3
JCIS			73.92	76
Ambulance	44.99	45	5	5
Prison	121.98	122	20.04	23

Please note, all JCIS are Civil Servants, and this is reflected above.

There are also other members of the teams under Manual Workers and Nurse and Midwife terms, but as these have not been requested in the question, we have not given details.

#### Recruitment underway in each Service

##### **Fire & Rescue:**

Preparation for on-call recruitment has begun.

2 x non-operational Watch Commander level posts for a fixed period until recruitment for 2 operational Watch commanders is possible.

5th Station Commander post.

Deputy Chief Fire Officer

On-call recruitment will take place across the year.

##### **Police:**

Analyst x 1

Crisis Worker x 2

Senior Analyst x 1

Communications Manager (Financial Intelligence Unit) x 1

IDVA x 1

##### **Ambulance:**

Eleven new roles from the Government Plan 2023.

2 x Paramedic (filled on temporary arrangements)

4 x ECA (2 x filled on temporary arrangements and 2 profiled for recruitment from April 23)

0.43 x Clinical Training Officer (profiled recruitment from April)

1 x Operational Support Officer (profiled recruitment from April)

2 x Specialist Paramedics (profiled recruitment from April)

There are three current vacancies.

1 x Paramedic

1 x Advanced Paramedic Manager under review following the Demand and Capacity Review.

1 x Head of Operations, currently filled through an Act Up opportunity.

Work is underway with HR to recruit to these posts as soon as practically possible.

Job Descriptions are in production for new roles where required and agreed through the D&C review.

##### **Customs and Immigration:**

Customs and Immigration Officer - 3 vacancies

Passport Officer - 1 vacancy

**Prison:**

Intervention Facilitator x 2

Earliest Retirement Date

This was not a simple task due to the movement of some members from the PECRS to the PEPS on 1 January 2019 which meant that they now have two pension benefits which both have different Normal Retiring Ages (NRA) resulting in different Early Retirement Ages (ERA).

The NRA for uniformed members in the PECRS is 55 and in the PEPS it is 60. Uniformed members in the PECRS who were first employed before 1 March 2009 could retire from age 50 and uniformed members in the PEPS can retire from age 55.

Members who moved into the PEPS from the PECRS are called transition members and there are 192 transition members who are uniformed. For some members they are over their ERA in the PECRS but are under their ERA in the PEPS due to the different NRAs.

The overall table shows that there are 401 uniformed members but there are 593 benefits, this is down to the 192 transition members who have a benefit in the PECRS and the PEPS.

**Total pension benefits payable to uniformed members member**

Role	Members	Scheme	Under ERA	Over ERA
Ambulance Officer	42	PECRS	14	3
		PEPS	36	6
Fire and Rescue Service Officer	63	PECRS	28	15
		PEPS	49	3
Police Officer	195	PECRS	97	18
		PEPS	181	7
Prison Officer	101	PECRS	29	18
		PEPS	82	7
<b>Grand Total</b>	<b>401</b>		<b>516</b>	<b>77</b>

<b>Transition Members (members with benefits in PECRS and PEPS)</b>				
Role	Members	Scheme	Under ERA	Over ERA
Ambulance Officer	17	PECRS	14	3
		PEPS	17	
	32	PECRS	28	4

Fire and Rescue Service Officer		PEPS	32	
Police Officer	108	PECRS	97	11
		PEPS	108	
Prison Officer	35	PECRS	29	6
		PEPS	35	
<b>Grand Total</b>	<b>192</b>		<b>360</b>	<b>24</b>

<b>Members with benefits only in PECRS</b>			
<b>Role</b>	<b>Members</b>	<b>Under ERA</b>	<b>Over ERA</b>
Fire and Rescue Service Officer	11		11
Police Officer	7		7
Prison Officer	12		12
<b>Grand Total</b>	<b>30</b>	<b>0</b>	<b>30</b>

<b>Members with benefits only in PEPS</b>			
<b>Role</b>	<b>Members</b>	<b>Under ERA</b>	<b>Over ERA</b>
Ambulance Officer	25	19	6
Fire and Rescue Service Officer	20	17	3
Police Officer	80	73	7
Prison Officer	54	47	7
<b>Grand Total</b>	<b>179</b>	<b>156</b>	<b>23</b>

**2.34 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding the Probity standard to which the States Employment Board requires all public servants to adhere. (WQ.71/2023)**

**Question**

With respect to the [Probity standard](#) to which the States Employment Board requires all public servants to adhere, and the duty to declare any private interests relating to their public duties and to take steps to resolve any such conflicts arising in a way that protects the public interest, will the Chair provide a copy of any specific information given to public servants –

- (a) to enable them to identify a private interest, including any definitions or examples that are provided to them for such purpose;
- (b) to enable them to establish whether a conflict between a private interest and their public duty has arisen;
- (c) that indicates the level of objectivity and risk assessment to be used to establish whether a conflict of interest has occurred or is likely to occur requiring them to take steps to resolve the conflict;
- (d) that details the procedure that a public servant is required to follow to resolve any conflict; and
- (e) that details the training they are required to attend (and, if such training is required, over what period and with what frequency) to ensure they are fully aware of all such information?

### **Answer**

(a, b, c, d)

The conflict-of-interest form states:

A conflict of interest can occur if a panel member has a relationship to a candidate or a vested interest in the recruitment outcome. In addition, a candidate may have interests that conflict with the role under appointment. In either case a conflict of interest which is not declared may have an impact on the integrity of the appointment decision.

The Chair of the panel must ask the panel and all others involved in the appointments process to declare any conflicts of interest in advance of the interview. The Chair should then assess and record the impact of the relationship on the recruitment process and, if a conflict exists, what action is taken to mitigate the potential conflict.

Any indication of a conflict of interest relating to a candidate should be explored before an appointment is offered.

In relation to conflicts of interest, the examples below are not intended to be exhaustive and apply equally to Panel members and candidates: -

- Financial interests or share ownership of the panel member or applicant or close family member that might be in conflict with the scope of the role;
- A present or past business or personal association or relationship, whether of warmth or antipathy, with those affected or likely to be affected;
- An expectation of a future interest (for example, future employment);
- Candidates who are actively sought from within a field of expertise in which the public body works. Such a connection does not preclude an appointment, but it might well be perceived by the public as a conflict of interest and will need to be handled sensitively.
- Membership of societies. In some instances, such membership may be cited as creating an obvious conflict, but it must not be an automatic bar to appointment. It must be established whether there is a genuine conflict and whether it would hamper the individual in carrying out the requirements of the post.



This Code applies to conflicts of interest only where an independent third party might reasonably take the view that there is a real risk that the impartiality of the individual's judgement or course of action might be affected by the conflicting interest.

Such relationships should not automatically preclude involvement in a selection process or appointment, but care should be taken in a situation that might create an actual or perceived conflict of interest.

Accountable Officers (AO's) are responsible for ensuring compliance and recording of gifts, hospitality and conflicts of interest. An annual governance statement is provided by AO's as part of this process.

Employees with outside interests are required within their contracts of employment to seek written permission if there is a potential, perceived or actual conflict of interest.

(e)

Training on the revised Codes of Practice is being developed as mandatory training. Any new joiners will receive updates on the codes of practice as part of the MyWelcome (induction) programme. Training will be refreshed in line with the revision of the Codes.

Given the breadth of roles and the nature of work undertaken across public services, there is no one-size-fits-all to defining conflicts of interest and therefore broad training and awareness is provided to all employees. Specific professions will have professional standards to adhere to in addition to the standards of the SEB.

### **2.35 Deputy R.J. Ward of St. Helier Central of the Minister for Economic Development, Tourism, Sport and Culture regarding Jersey Sport (WQ.72/2023)**

#### **Question**

In relation to the arm's length organisation Jersey Sport, will the Minister provide details of the following –

- (a) the total annual budget;
- (b) the pay structure for sports officers as equivalent to civil service pay bands;
- (c) the annual total expenditure on sports officers; and
- (d) the total expenditure on sports coaches and 'Move More' instructors from the overall budget?

#### **Answer**

- a) The annual budget for Jersey Sport Ltd is £ 2,776,902.
- b) The 3 sports officer positions sit between Grade 5-8, Grade 10 and Grade 8-11. Further detail cannot be provided as this would identify specific salary levels for the 3 roles.
- c) The annual total expenditure on sports officers is £132,672
- d) The total expenditure on sports coaches and 'Move More' instructors from the overall budget is £908,559, this includes the team of coaches who deliver PE in schools.

## 2.36 Deputy R.J. Ward of St. Helier Central of the Chief Minister regarding part ‘CM P6’ of the Chief Minister’s published delivery plan (WQ.73/2023)

### Question

Further to the Chief Minister’s [published delivery plan](#), part ‘CM P6’ of which states that the Government will –

- *“bring forward a lasting solution for the Haut de la Garenne site*
- *amend Commissioner for Children and Young People (Jersey) Law 2019 and appoint a new Children’s Commissioner*
- *prioritise making our safeguarding approach and underpinning relationships increasingly effective, to protect children now and into the future”*,

will the Chief Minister advise what actions, if any, have been taken in relation to these delivery plans and state what the timeline is for actioning each of these areas?

### Answer

#### Haut de la Garenne site

Following the Independent Care Inquiry (2017) recommendation to demolish Haut de la Garenne, the Government conducted a public consultation on the building’s future which ran from the 8<sup>th</sup> February to 22<sup>nd</sup> April 2018<sup>[1]</sup>. The consultation found significant public support for the building to remain, with almost 94% of respondents ‘strongly disagreeing’ or ‘disagreeing’ with the Care Inquiry recommendation.

The Care Inquiry panel also expressed their belief that that the Haut de la Garenne site needed to be ‘redeemed.’ Responses to the public consultation demonstrated support for the current use of the site, with just over 86% of respondents stating that this was a ‘very important’ or ‘important’ factor in informing their views about whether or not the site should be demolished. The site tenant now has a long lease agreement and provides outdoor activities, catering, camping and hostel accommodation within Jersey’s tourism, leisure and hospitality sector.

More broadly, the plan for Avimore site, which is adjacent to Haut de la Garenne, remains its sale when it becomes vacant in March 2023, with the proceeds forming a fund which will be dedicated to improving outcomes for care-experienced Islanders

#### Children’s Commissioner Appointment

Following the resignation of the Children’s Commissioner earlier in 2022, the Chief Minister and President of the Scrutiny Liaison Committee (SLC) set out the interim arrangements in their Report presented to the States (R.102)<sup>[2]</sup> on 26<sup>th</sup> July 2022.

As a result of these interim arrangements, a member of the current Office of the Children’s Commissioner for Jersey was appointed to the role of acting Commissioner. This temporary appointment is consistent with the provision 7 of the Schedule to the Commissioner for Children and Young People (Jersey) Law 2019 (“the Law”)<sup>[3]</sup>.

Officers are now in the final stages of preparing a proposition describing amendments to the Children’s Commissioners (Jersey) Law (2019) which is intended to be lodged with the support of the President of the Scrutiny and Liaison Committee. Following the Assembly debate the recruitment process will commence and it is intended that the Chief Minister would be in a position to recommend to the Assembly a new Children’s Commissioner ahead of the summer recess.

### Safeguarding Approaches

The Government Plan (2023-26)<sup>[4]</sup> set out significant new investment to provide sufficiency for those children who are most vulnerable in our community. The Minister for Children and Education has set out in her recently published Delivery Plans (2023)<sup>[5]</sup> how this investment will be invested, and the Service Performance measures which will use to understand how we have made a difference.

In addition, the Chief Minister approved the terms of reference for the establishment of the Safeguarding Ministerial Group (SMG)<sup>[6]</sup> to ensure key Ministers are appraised of key developments within safeguarding of children and adults at risk, as part of an overall objective for islanders to live safely, minimising and preventing harm, abuse and neglect.

The SMG is established as a sub-group of the Council of Ministers, comprising Ministers whose services most interact with vulnerable Islanders, to provide a collective ministerial forum to hear from the Independent Chair, promote shared ministerial understanding and learning, political coordination, and cross government discussion and oversight

### Footnotes

<sup>[1]</sup> [Public Consultation Haut de la Garenne site public consultation](#)

<sup>[2]</sup> [Children's Commissioner: Notice of Resignation](#): 26 July 2022

<sup>[3]</sup> [Commissioner for Children and Young People \(Jersey\) Law 2019](#)

<sup>[4]</sup> [Government Plan 2023-26](#)

<sup>[5]</sup> [Minister for Children and Education Delivery Plan](#): January 2023

<sup>[6]</sup> [Ministerial Safeguarding Group](#)

### **2.37 Deputy R.J. Ward of St. Helier Central of the Minister for Economic Development, Tourism, Sport, and Culture regarding section 'MEDTSC P7.1' of the Ministerial Delivery Plans relating to the Opera House (WQ.74/2023)**

#### **Question**

Further to section 'MEDTSC P7.1' of the [Ministerial Delivery Plans](#) regarding the Opera House, in which there is a stated aim to "*Develop a new legal operating entity and corporate structure and review operating model*", will the Minister advise –

- (a) which stakeholders are being included in this development and when in Quarter 2 of 2023 will this be completed; and
- (b) whether any new corporate structure will be brought to the States Assembly for its approval and, if not, who will have the final sign-off of the corporate structure?

#### **Answer**

- a) A stakeholder group, to be called, 'Arts Consultation Panel' is to be constituted. This panel will be made up of a number of sector experts from within the Jersey community and will play an advisory role, offering a robust view from the industry and sense-checking any of the conclusions we might come to about future operating models.

We are yet to form this group, and we will shortly be putting an open call out to the sector to ask for people to consider taking a place on the panel and assisting us with shaping the future of the Opera House.

This will be a voluntary panel and will be made up of people who are willing to freely give their time and expertise for the long term good of the sector. Whilst there will be a transparent selection process, anyone will be able to apply to join.

- b) I have asked for an options paper for future operating models to be presented to me in Q3 of 2023. I will await that paper before making any decisions about the future structure and whether or not they need to be brought to the Assembly for approval.

### **2.38 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding a review of the benefits system (WQ.75/2023)**

#### **Question**

Will the Minister update the Assembly on what progress she has made, if any, in her review of the benefits system; and, in particular, what targets, if any, she has identified for the reduction in number and type of households living below the low-income thresholds?

#### **Answer**

The high-level review across benefit areas is underway. The outcome of the review will be a work plan in respect of individual areas to develop in more detail during 2023 and 2024. This review is not designed to set targets in respect of any particular attribute of benefit claimants or the population as a whole.

### **2.39 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding the Affordable Housing Gateway and the Assisted Purchase Pathway (WQ.76/2023)**

#### **Question**

Will the Minister –

- (a) provide a full and up-to-date breakdown by Band and bedroom need of the applications currently on the Affordable Housing Gateway for social rental housing;
- (b) advise what the average waiting time is for each type of application; and
- (c) provide a similar breakdown for the Assisted Purchase Pathway?

#### **Answer**

- (a) This information is published monthly on gov.je: [Affordable Housing Gateway \(gov.je\)](#)

(b) Waiting times depend on the type of properties and whether or not tenants express interest in them. When waiting times were produced years ago, they could not accurately reflect the length of time someone would be waiting. Therefore, waiting lists are no longer produced.

(c) The bedroom need of applicants for the Assisted Purchase Pathway is:

<b>Number of Bedroom Need</b>	<b>Number of Applicants</b>
1 bedroom	926
2 bedrooms	535
3 bedrooms	465
4 bedrooms	110
5 bedrooms	34
Total	2,070

The average waiting time (in months) to purchase a property through the Andium Homebuy scheme for successful buyers, including by property size purchased (e.g. date application registered to property purchase date):

<b>No. of Bedrooms</b>	<b>Average Number of Months</b>
<b>1 Flat</b>	<b>21</b>
<b>2</b>	<b>47</b>
Flat	52
House	59
Maisonette	21
<b>3 House</b>	<b>53</b>
<b>4 House</b>	<b>42</b>

**2.40 Deputy S.Y. Mézec of St. Helier South regarding of the Assistant Chief Minister projects that have existed for the purposes of implementing e-government (WQ.77/2023)**

**Question**

Will the Assistant Minister provide a breakdown for the last 8 years of the projects that have existed for the purposes of implementing e-government, with an explanation as to the direct benefit each has provided to Islanders who interact with Government services and how much they cost (including how much, if anything, has been written off because of failed or halted projects)?

## **Answer**

Written question 6/2019 confirmed the spend on the e-government programme up to 31 December 2018. Since January 2019 an additional £730,000 was spent, which included the delivery of a Digital ID.

The programme delivered the following capabilities:

- A central register of people (individuals) who have had an interaction with Government. This is known as the People Directory
- An “Enterprise Service Bus” which enables connection and integration between IT systems. Internally this is known as the Integration Layer
- An online forms platform, Granicus, to deliver citizen / service user facing functionality to replace paper or PDF forms
- A Digital ID through Yoti that enables individuals to be authenticated and gain access to secure services

All these capabilities are still in place and used on a daily basis.

The online forms platform has 333 forms live as at 31 January 2023. The Yoti Digital ID has over 40,000 registered users and the new JerseyMe Digital ID has more than 2,500 registered users since it was launched in summer 2022.

The People Directory, Integration Layer, Online Forms Platform and Digital ID are the basis upon which several key digital services have been developed, including the Personal Income Tax return and the capabilities used in the COVID-19 response such as border testing, vaccination bookings and vaccination certification (supplemented by new technology for COVID to deliver more interactive services).

Work to deliver digital government is ongoing and a digital leadership group has been put in place to drive formation of a digital strategy.

[\(6\) approved and answered dep morel to cm re spending on egov.pdf](#)

### **2.41 Deputy S.Y. Mézec of St. Helier South of the Chief Minister regarding complaints by civil servants about the conduct of Ministers or Assistant Ministers (WQ.78/2023)**

#### **Question**

Will the Chief Minister state how many complaints, if any, have been made internally by civil servants about the conduct of Ministers or Assistant Ministers, and how any such complaints were resolved?

#### **Answer**

No complaints have been made by civil servants about the conduct of Ministers and Assistant Ministers under the Code of Conduct since the election; and no matters have been passed to the Chief Minister for consideration (or to the best of our knowledge, to the Commissioner for Standards).

**2.42 Deputy L.V. Feltham of St. Helier Central of the Minister for Housing and Communities regarding priorities in relation to their ‘Communities’ portfolio (WQ.79/2023)**

**Question**

Will the Minister advise whether he has defined any priorities in relation to his ‘Communities’ portfolio and, if so, why any such priorities have not been clearly outlined in his delivery plan for 2023; and if no such priorities have been identified, will he advise why not?

**Answer**

Actions to improve Jersey’s housing and our communities are inextricably linked. All Islanders – both as our collective community and individual communities – require housing. The amount, location, cost and quality of our housing all have a very direct relationship to outcomes for the community. As such, I do not see my housing and communities portfolio as being two separate things. Everything I do, and everything I will do in the future, is driven by the need to support and improve communities in Jersey.

Because of this, I consider that my Ministerial Plan and associated Delivery Plan priorities provide very clearly defined actions for delivering improvements for our community.

Beyond my ministerial portfolio, it is also important to highlight that the Council of Ministers specifically exist to serve the needs and best interests of our Island communities, and this underpins the work of all ministers.

In relation to community facilities in Andium Homes’ latest developments, there are currently negotiations with a charity and parish to take over responsibility for a new Community Room at Edinburgh House (La Collette), to be run as a Hub for the Community. Discussions are also ongoing with another volunteer group and parish to take over the new Community Room at Le Clos Mourant to run as a Community Hub.

Andium’s Capital Programme seeks to create placemaking opportunities for the health and wellbeing of tenants and the wider community. Creating attractive places to live and visit is important, and there will be more opportunities for placemaking in new developments. These include a shopper car park at Ann Court; a pocket park opposite the Arts Centre in Providence Street and a new facility for Autism Jersey and town wood as part of our development of the former Ann Street Brewery site, which was approved by the Planning Committee last week.

**2.43 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding Government of Jersey buildings and accessibility (WQ.80/2023)**

**Question**

Will the Chief Minister advise –

- (a) how many, and which, Government of Jersey buildings have had accessibility audits undertaken;
- (b) how many, and which, Government of Jersey buildings are due to have accessibility audits undertaken;
- (c) what recommendations have been made in any audits undertaken; and
- (d) what progress has been made in relation to any such recommendations?

## **Answer**

The following buildings had physical accessibility audits completed in 2020, selected because they were public facing premises:

- 23 Hill Street
- Jersey Library
- Beresford House
- Central Market
- Fish Market
- Bermuda House
- Broad Street
- DVS
- Liberty Wharf
- Magistrates & Probation
- Maritime House
- Morier House
- Opera House
- Registrar Office
- States building

The outcome of the audits showed, however, that the Building Byelaws (Jersey) 1997 law mandates physical access requirements which were generally met unless the listed nature of the buildings determined that the addition of facilities such as ramps were not allowed or not practical. There were some additional omissions, such as hearing loops in the States building, which have now been addressed.

In addition, the focus has changed from a pure physical access approach to a more inclusive consideration of our spaces. The local charity, Liberate, has been involved in considering staff training, colour schemes, noise gradients, and looked at a much broader consideration of accessibility. 57 of our premises, below, have been audited by Liberate with the remainder being scheduled. An example report is appended to this question. The limit to speed of completion is Liberate resourcing and survey capacity as much as funds availability.

## **CYPES**

- Highlands College
- La Sente School
- Victoria College
- Trinity School
- St Lukes School
- Victoria College Prep
- Les Landes School
- Springfield School
- Rouge Bouillon School
- Mont Cantel
- First Tower School
- St Saviours School



- La Moye School
- Grands Vaux School
- Bel Royal Primary School & Nursery
- d'Auvergne Primary School & Nursery
- Grouville Primary School & Nursery
- Jersey College for Girls
- Jersey College for Girls Preparatory School
- Mont Nicolle School & Nursery
- Plat Douet Primary School & Nursey
- d'Hautree House School
- Samares Primary School & Nursery
- St Clements Primary School & Nursery
- St Johns Primary School & Nursery
- St Peters Primary School & Nursery
- Grainville Secondary School
- Haute Vallee Secondary School
- Le Rocquier Secondary School
- Les Quennevais Secondary School
- Mont a L'Abbe Primary School
- Mont a L'Abbe Secondary School
- Phillip Mourant Training Centre
- St Martins Primary School & Nursery
- St Marys Primary School

## **Health**

- CSSD
- Central Stores
- Laundry
- General Hospital
- Crematorium
- Sandybrook

## **Administration buildings**

- 23 Hill Street
- Jersey Library
- Beresford House
- Central Market
- Fish Market
- Bermuda House
- Broad Street
- DVS
- Liberty Wharf
- Magistrates & Probation
- Maritime House
- Morier House
- Opera House

- Registrar Office
- States Building

A list of ongoing improvements has been provided and a short extract from a particular school's 'action list' is given below, as an example. Each establishment has a similar list of improvements.

### **External ramps and steps**

- Add contrasting nosings to the main steps into the playground. Ensure the handrails extend at both ends to the level landing points. Adjust the paving slabs so they finish flush with the riser below.
- Add a central handrail at two heights to the nursery steps into the playground. Ensure the handrails extend at both ends to the level landing points.
- Add contrasting nosings to the nursery steps into the playground. Add handrails on both sides at two heights. Ensure the handrails extend at both ends to the level landing points. Adjust the paving slabs so they finish flush with the riser below
- Add risers to the wooden steps to close them. Add contrasting nosings to the edge of the steps using white paint

### **Foyer and reception desks**

- Add a decal to each pane of the sliding reception windows. Ensure they do not obscure the face of the receptionist from a standing or seated user.
- Add a shelf to the lower-level counter to create a knee recess on the visitor's side that would allow a wheelchair user to sign in.
- Where a receptionist is a wheelchair user or needs more room to manoeuvre due to a mobility impairment, widen the aisle leading to the desk area to at least 80cm.
- Offer some standard height chairs with arms in the foyer.
- Add a handrail at two heights on either side of the steep steps from reception beside the ramp. Ensure the handrails extend at both ends to the level landing points. Add corduroy tactile rubber tiles to the top of the steps to warn of the hazard.

The Disability and Inclusion Team and stakeholders have been involved in the design of the new GoJ HQ to ensure it is broadly accessible. The Team is also involved in other developments, such as the Waterfront, to ensure accessibility is central to the design.

In addition, the Team, more generally, have undertaken a web audit to identify accessibility issues across government webpages. Support has been provided to IT in creating draft accessibility guidelines.



Example Liberate  
report - WQ80.pdf

## 2.44 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding accessibility of Government services (WQ.81.2023)

### Question

Will the Chief Minister advise how consideration of access to, and inclusion in, Government services informed the development of the Ministerial Delivery Plans, and what direction, if any, she has given to Ministers and officers to ensure that Government services are accessible to all those who need them?

### Answer

The [Common Strategic Policy 23-26](#) directs delivery of the government agenda. In developing the CSP, my Council of Ministers identified 'Community' as one of our priorities for change. Specifically, it states at page 17 that:

*"We will create a more inclusive and vibrant community.*

*Inclusivity is at the heart of our vision for Government and for the Island. We have already committed to much more proactive government engagement with the parishes, older and younger people, disabled Islanders, and our diverse communities. We will actively promote equality, diversity, and social inclusion in conjunction with our specific priorities on children, families and our ageing population. We will continue to work towards ensuring that the services and facilities provided by the Government are accessible and that the government departments have access and inclusion plans in place so that all people are treated equitably"*

*We will ensure Jersey continues to nurture a positive and inclusive island identity, which is bolstered through our proud tradition of volunteering. We will support this through enhanced opportunities to volunteer both here and overseas.*

*We will play our part in the international community by continuing to support the work of Jersey Overseas Aid and by welcoming all parts of our diverse population through our cultural diversity centre."*

Our delivery of this priority includes both specific actions as set out in the Delivery Plans and the day-to-day delivery of existing strategies, policies and services.

On a day-to-day basis, the Disability Strategy and Social Inclusion and Diversity policies, which apply across Government, are the responsibility of the Minister for Social Security.

The Disability Strategy and Social Inclusion and Diversity policies set out Government's approach to access to, and inclusion, in Government Services.

The Minister for Social Security is supported by the Local Services Team within Customer and Local Services in implementing the Strategy and policies.

Recent examples of this cross-government work include:

- the commitment by the Government of Jersey for compulsory accessibility training for all staff as well as a comprehensive training programme for all senior leaders in the organisation to improve accessibility of our services. This training will promote inclusive attitudes and practice.
- in terms of physical access, the prioritising of access Audits on Government buildings to make the improvements required where practicable (see WQ.80/2023).

The Minister for Social Security’s priorities include the promotion of the Disability Strategy and Social Inclusion and Diversity policies. The Minister’s Delivery Plan also sets out the following specific actions to deliver on that priority:

ID	MINISTERIAL ACTION	WHAT WILL WE DO IN 2023?	CSP 2023	LEAD DEPT	LEAD SERVICE	TYPE	REF#	BY WHEN
<b>MSS P6 Promote the Disability Strategy and Social Inclusion and Diversity policies:</b>								
MSS P6.1	Continuing to implement the disability strategy on an ongoing basis.	Work with the advisory and stakeholder groups in Q1 to review disability strategic action plan and confirm priorities for 2023. Continue to enhance full participation of all stakeholders by providing alternative appropriate opportunities for individuals and groups with complex needs to engage in decision making processes in Q2. Complete a proposal to resolve challenges in accessing services and support for Deaf & Hard of Hearing community in Q1. Commence a 12-month pilot of community transport scheme in Q2. Complete analysis and recommendations for improving transition, through education into adulthood in Q3.	Community	CLS	Local Services	Business as usual		31/12/2023
MSS P6.2	Considering the accessibility of communications and guidance notes to ensure that government documents are fully accessible to people with a range of disabilities and are easy to understand in 2023.	Develop a new accessible GoJ communication standard by May 2023. Implementation will ensure all new comms meet the revised standards by September 23 and the top 10 web content issues are addressed by December 23.	Community	CLS	Local Services	Pipeline project to be established	GP20-CSP4-3-02	31/12/2023
MSS P6.3	Seeking the views of the public on extending discrimination legislation to include religious belief in 2023.	Work with Statistics Jersey to identify and implement appropriate methodology for gathering the views of the public on extending discrimination legislation to include religious belief, through the Jersey Opinions and Lifestyle Survey, or by other means, by the end of 2023.	Community	CABO	Policy	Business as usual		31/12/2023

In addition, other Ministers have also committed in their Delivery Plans (which set out specific actions to deliver on the CSP Priorities), to taking additional action to improve access to, and inclusion in Government Services:

### Chief Minister

ID	MINISTERIAL ACTION	WHAT WILL WE DO IN 2023?	CSP 2023	LEAD DEPT	LEAD SERVICE	TYPE	REF#	BY WHEN
CM P1.3 100 Day Plan Action 2	Supporting the <a href="#">Engagement and Information Review</a> to ensure the appropriate communication arrangements are in place. An action plan will be developed to improve the range and accessibility of data and information across Government and make a formal and structured process for better inclusion of minority and less heard groups in policy development processes.	We will implement the 37 actions from the review through collaboration across Statistics Jersey, the Communications Directorate, and other parts of the Cabinet Office. Immediate actions were completed within 2022, with more complex actions by June 2023.  We will also work to embed use of the policy inclusion framework developed as a 100-day action.	How we will deliver	Cabinet Office	Stats Jersey / Comms SPPP - Policy	Business as usual		Q2 2023

CM P1.5 100 Day Plan Action 18	Drawing on Jersey's unique heritage, progress the development of a cultural diversity centre to provide advice and information; and encourage Islanders from all backgrounds to come together and celebrate their unique identities, promoting diversity and inclusion in the Island.	The Cultural Network, supported by Jersey Library, was launched in 2022 by the political oversight steering group. The steering group, supported by Cultural Engagement Officers, will produce proposals and a business case for a long-term model for an International Cultural Centre. Progress will be reviewed after 6 and 12 months, alongside public consultation.	Community	Customer and Local Services	Local Services	Business as usual		Q2, Q4 2023
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## Minister for Children and Education

ID	MINISTERIAL ACTION	WHAT WILL WE DO IN 2023?	CSP 2023	LEAD DEPT	LEAD SERVICE	TYPE	REF#	BY WHEN
MCE P1.4	Offering evidence-based approaches that support families and children who need early help and support within an outward looking education and support system.	<p>The Children and Families Hub team will further build early help capacity across the whole system by providing mentoring support to practitioners from partner agencies who are undertaking the lead worker role for the first time.</p> <p>The Children and Families Hub will increase staff capacity to provide for increased numbers of referrals for children with additional needs.</p> <p>The Children and Families Hub will link key Senior Practitioners to clusters of schools to provide consultation on early help work and run a series of road shows in schools and other community venues to offer families drop-in opportunities for advice and signposting.</p> <p>The Jersey Children's First Practice model, used across all agencies to ensure consistent effective practice and support for children and families in Jersey will be refreshed and relaunched in 2023. Online training will be updated to show how Jersey's Children First supports practitioners to meet their responsibilities under the new Children and Young People (Jersey) Law 2022 for promoting the wellbeing and safeguarding the welfare of children and young people.</p> <p><i>Continues onto next page...</i></p>	Children and Families	Children, Young People, Education and Skills	Integrated Services and Commissioning	Business as usual		2024
		<p><i>Continued...</i></p> <p>In Early Years there will be increased capacity to continue and expand the delivery of our current programmes such as Making it Real and Wellcome through the Covid recovery funding. We will increase capacity within the Early Years Inclusion Team to allow us to offer support to more children with additional needs and support to their families and the nursery settings.</p>						
MCE P1.5	Providing new ways of including and supporting learners with particular needs, better supporting children and young people who are multi-lingual learners, further development to the schools' funding formula and further upskilling the teaching workforce through the rollout of continuous professional development programmes.	<p>We will embed the new Multilingual Learner provisions across early years, primary and secondary schools, the Jersey Youth Service and Highlands College.</p> <p>Targeted funding to support learners with a Record of Need, Special Educational Need, are entitled to Jersey Premium or have Low Prior Attainment (LPA) will continue to raise outcomes for children and young people. This will include the expansion of LPA to y1, 2, 3, 7, 8, &amp; 9.</p> <p>Following the publication of the 2023 edition of Funding Formula for Schools further work will be undertaken with Government of Jersey fee charging schools and grant funded schools in relation to inclusion funding.</p>	Children and Families	Children, Young People, Education and Skills	Education	Programme		2024

MCE P1.7	Developing plans for legal reform of the Education Law that will promote inclusion, autonomy of schools, and clear systems of governance and accountability, whilst continuing to promote inclusive communities and support for all children and families to access the highest quality education.	The Minister will consider the policy position in relation to autonomy and governance of schools.  The updated Governance handbook will be rolled out in 2023.  Further work will be undertaken to raise the participation age with a corresponding entitlement for all young people to be in full-time education, or employment with training.	Children and Families	Children, Young People, Education and Skills	Education	Pipeline project to be established		2024
MCE P2.7	Continuing to update the CYPES estate ensuring disability accessibility and safeguarding requirements are addressed.	The Minister will produce a schedule of work for 2023 in Q1 2023 to address both disability and safeguarding requirements across the CYPES estate.	Health and Wellbeing	Children, Young People, Education and Skills	Chief Officer Directorate	Programme		Q1 2023

REF #	PROJECT NAME	LEAD DEPARTMENT	LEAD SERVICE	TYPE	SIZE	CURRENT STAGE	NEXT STAGE	NEXT STAGE DATE	END DATE
PRO29122	Inclusion Review Implementation	Children, Young People, Education and Skills	N/A	Project (in Programme)	Key	Planning & Design	Delivery	30/09/2023	28/04/2025

## Minister for Justice and Home Affairs

ID	MINISTERIAL ACTION	WHAT WILL WE DO IN 2023?	CSP 2023	LEAD DEPT	LEAD SERVICE	TYPE	REF#	BY WHEN
MJHA P1.6	Support officers to take forward the departmental People and Culture, Wellbeing and Diversity, and Equality and Inclusion plans.	<ul style="list-style-type: none"> <li>Commence the implementation phase of JHA's Strategic Workforce Plan</li> <li>Role out JHA's Wellbeing Strategy</li> <li>Implement 'Shoulder to Shoulder', JHA's EDI plan</li> </ul>	How we will deliver	Justice and Home Affairs	JHA Directorate	Business as usual		2024
MJHA P2.3	As part of the Building a Safer Community Strategy development, ensure focus on diversity, equality and inclusion.	<ul style="list-style-type: none"> <li>Ensure that the BASC Strategy Development compliments existing GOJ 'EDI' initiatives</li> </ul>	Community	Justice and Home Affairs	JHA Directorate	Business as usual		2024

### **3. Oral Questions**

#### **The Bailiff:**

We had naively hoped that the sound issues were cured. They were not cured so we will move Deputy Feltham, who is present remotely, to the bottom of the list in terms of asking a question. There is a gentleman using the time-honoured tradition of the thumbs up through the glass door to suggest that it might be all right. Deputy Feltham, can you hear us? Let me check. Deputy Tadier, can you hear us? No, I think the thumbs up was premature. We will then move on to the second question that Deputy Mézec will ask for the Minister for Housing and Communities.

#### **3.1 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding legislation to enshrine a definition of homelessness in law (OQ.35/2023)**

Will the Minister advise whether he intends to bring forward legislation to enshrine the definition for homelessness in law and, if so, will he advise when this will be and whether such legislation will include a duty for public authorities to immediately house someone when they present themselves as homeless?

#### **Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):**

I thank the Deputy for his question. I am pleased that by working with key partners we have been able to agree a working definition of homelessness. It is my intention to bring forward legislation to enshrine the definition in law. We currently fund a number of specialist organisations who provide accommodation for those presenting as homeless as well as for Islanders who need to access a safe house. This is a partnership approach with Government officials and one that we will continue to develop. We will work in partnership with key stakeholders to deliver the Island's homelessness strategy, which has my full support, which does include the definition.

##### **3.1.1 Deputy S.Y. Mézec:**

In the Ministerial delivery plan, P3.3 it says that one of his commitments is to fully implement the commitments made in response to the homelessness strategy in 2023. The homelessness strategy itself says that they will provide a statutory definition. Why in his delivery plan is there no commitment to bring forward a statutory definition in 2023?

#### **Deputy D. Warr:**

Given the length of time it takes for law drafting to take place it is important, first of all, to publish a definition. Right now we are in the process of collecting information around the level of homelessness. I would just like to remind the Assembly what we mean by homelessness today, which is as part of the definition. which is rooflessness without a shelter of any kind, houselessness, living in insecure housing, threatened with exclusion because of insecure tenancies and living in inadequate housing in caravans or illegal campsites. We have already published a definition which is very helpful for all of our states bodies to work to and, as I say, I am absolutely on the side of the Deputy which says we need to put this in legislation. But let us work this up and let us identify the existing issues. I would just quietly highlight one thing which happened a couple of weeks ago. I was approached by the Deputy for Health with an emergency case and that was a case of a gentleman who was sleeping on a floor. Within about 3 hours we were able to establish accommodation for this gentleman in emergency accommodation, so I would say to the Deputy that despite not having something in law at the moment we do have the ability to accommodate people who require emergency accommodation.

### **3.1.2 Deputy R.J. Ward of St. Helier Central:**

I just go back to the original question, the part that says: "... whether such legislation will include a duty for public authorities to immediately house someone when they present themselves as homeless?" I accept the definition, and it is great that we are doing something about someone when they present but would the Minister not agree that by having a statutory duty in legislation it would make the Minister's job easier, it would be a reassurance for people who face homelessness and simply be better for the Island?

### **Deputy D. Warr:**

I thank the Deputy for his question. I absolutely agree that if we can get something into statutory definition is the absolute right process but, as I have already said, I think this is a journey which we are going along and the first instance is let us define the definition of homelessness, which is absolutely vital so we all know what we mean by homelessness, and that is a really good starting point, which is why I brought that out so early on in my Ministerial role. I think that has been really important but, as I say, in terms of statutory definition we obviously require law drafting time. That is going to take time to deliver that. I appreciate these things take time to do that, however we have got a brilliant housing advice service, which was set up in 2021. I would like to remind people that if they are in trouble and are desperate to be housed tonight even, that they should approach our service. This service has seen an incredible amount of visitations. In fact, as of the end of January, I think we were something of the order of 80 per cent to 90 per cent up on inquiries. It is really working, what we are doing at the moment. I appreciate there is this need to bring in legislation but let us bring it in due course of time and get it right.

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

Can I then confirm with the Minister that there will be no statutory legislation this year?

### **Deputy D. Warr:**

I do not see it as one of my total priorities for happening this year. If, with a fair wind, we have an awful lot of other legislative stuff going on, particularly in terms of the Residential Tenancy Law, which is where I want to deliver that by the end of this year. We recognise that there is a lot of pressure on the Law Drafting Committee, and we have to prioritise that space. We would love to do that but, as I say, there are a couple of other priorities I want to get over the line first.

### **3.1.4 Deputy G.P. Southern of St. Helier Central:**

Is the Minister at the stage where he can have targets about the reduction of homelessness or even the elimination of homelessness?

### **Deputy D. Warr:**

I thank the Deputy for his question. The answer to that is at this moment in time, I have said this many times in this Assembly floor, we do not currently have the data. We need to build that data out. We will have data, and it is currently under collection by the end of March, and I am guessing I will be advised of what that data looks like by the first week of April, and when we start to triage that information then we can start thinking about what the potential solutions are like.



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

While the Minister has put plenty of words around the concept I have yet to hear him say we are committed to statutory definition of homelessness. Will he do so now?

### **Deputy D. Warr:**

I just remind the Deputy that we have got a definition here in place with regard to homelessness, which is absolutely key to setting the standard we need to meet for people who are challenged in the housing world. I think that has been absolutely crucial. That set the baseline for us. It has put a marker in the sand and we are going to move on from there. Next phase, let us collect data, let us identify where the gaps are, let us understand what we need to do and then follow it up with legislation.

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

Once again plenty of words but no mention of statutory.

### **3.1.6 Deputy C.S. Alves of St. Helier Central:**

I was heartened to hear of the case that the Minister just quoted there of the judgment that was sitting on the floor. However, does the Minister recognise that although we do have a fantastic housing advice service and that homelessness is not helped by the fact that we have this 2-tier system of registered and entitled, and I am currently dealing with a family of 6, 4 of which who are working, who have been trying to find accommodation since August, do not have entitled status and will end up leaving the Island if they do not find that, and are currently living in really poor accommodation that is about to be condemned.

### **The Bailiff:**

Sorry, I did not quite hear the question.

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

Whether he recognises that homelessness is not helped by the fact that we have a 2-tier system.

### **Deputy D. Warr:**

I thank the Deputy for her question. You raise one issue, which is around homelessness and that is overcrowding.

### **The Bailiff:**

The Deputy raised one issue.

### **Deputy D. Warr:**

The Deputy raised, sorry, one issue. Thank you, Sir. What I would say is this issue is being looked at by the Chief Minister's Department and it is currently under review as to whether the 2-tier housing system is still fit for purpose. What I would say to the Deputy is that we are currently building many hundreds, literally, of homes at this moment in time to try to alleviate those issues which she has expressed.

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

Does the Minister recognise that he may well be building lots of homes but that will not help if these people have not got entitled status? How likely is he to use his Ministerial powers to grant those who are homeless, who do not have entitled status, to be given those entitled statuses if they are not eligible to go through the appeal system?

### **Deputy D. Warr:**

I thought I had already answered the question and that was that the Chief Minister's Department is currently looking into this matter in an urgent way. I am obviously able to make Ministerial decisions in exceptional circumstances and I do that on a weekly basis. However, in terms of non-qualified individuals, this is something which I am very aware of is a high priority and we need to resolve as soon as possible.

### **Deputy A. Howell of St. John, St. Lawrence and Trinity:**

Please may I raise the défaut on Deputy Morel?

### **The Bailiff:**

Yes. That was not your question for the Minister presumably?

### **3.1.8 Deputy S.Y. Mézec:**

The homelessness strategy is very clear, that part of it is to introduce a statutory definition of homelessness and indeed the Minister's responses to questions this morning, he has confirmed that that will not happen in 2023. But his Ministerial delivery plan refers to fully implementing commitments made in response to the homelessness strategy in 2023. Would he therefore agree to have this document amended so it says "partially implementing" rather than "fully implementing" seeing as that is what his plan actually is?

### **Deputy D. Warr:**

Thank you to the Deputy for his point. Absolutely, let us do that.

### **The Bailiff:**

We are moving from thumbs up to fingers crossed. Would you like to ask your question, Deputy Feltham?

### **Deputy L.V. Feltham of St. Helier Central:**

Can you hear me now?

### **The Bailiff:**

Yes, we can hear you. Please ask your question, which is question 1 on the Order Paper.

[10:00]

### **3.2 Deputy L.V. Feltham of the Minister for Social Security regarding the evaluation of existing benefit areas (OQ.30/2023)**

Will the Minister provide an update regarding the high-level evaluation of existing benefit areas, as outlined in action MSS P5.1 of her Ministerial delivery plan?

**Deputy E. Millar of St. John, St. Lawrence and Trinity (The Minister for Social Security):**

I thank the Deputy for her question. I refer Members to the answer to Written Question 75, which asked broadly the same thing. The high-level review across benefit areas is underway. The outcome of the review will be a work plan in respect of individual areas to develop in more detail during 2023 and 2024. I would say, however, that certain elements of that review will be subject of a discussion at my Ministerial meeting later this week, and there are areas in which I would like to see early progress. I am not in a position to provide further details today but expect to be able to do so in the very near future.

#### **3.2.1 Deputy L.V. Feltham:**

I would like to refer the Minister to page 7 of her delivery plan, which states that the action referred to would be undertaken by 28th February 2023. If I am not mistake that is today. I would like to ask the Minister why that action has not been completed as yet?

**Deputy E. Millar:**

With respect, I did not say the action had not been completed. The review itself is very well underway and, as I say, I will be meeting officers this week and we will also be consulting with Ministerial colleagues, and we will provide further details in the near future. While we can do a review, and the review is underway, the actual outcome of that review and progressing and making decisions depend on a number of factors, some of which will require consultation with Ministerial colleagues and it would also be unwise to make any decisions regarding benefits until we have seen actuarial reviews of the funds, which would be due at the end of quarter one. I will say the draft at the end of quarter one and I hope to be able to publish that early in quarter 2, as we discussed at the last sitting. But I can assure the Deputy that work is very much underway. My team are very clear that this is a priority for me and that we will be trying to make changes in developments as soon as we possibly can.

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

Does the Minister have any specific changes to qualification levels for short-term and long-term incapacity in her high-level review?

**Deputy E. Millar:**

The question of incapacity benefits is already subject of a separate and very far-reaching project, which I think we have discussed in the past. Short-term incapacity and long-term incapacity are their own project, if you like, and very detailed work is continuing on those benefits right now.

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

Given that the Minister has just missed a deadline - her own self-imposed deadline - can we expect to see some of the meat on the bone in terms of long-term and short-term incapacity by the end of this month?

**Deputy E. Millar:**

Firstly, I do not agree that I have missed a self-imposed deadline. The deadline was to try to do an initial high-level review of benefits to see where obvious changes need to be made and to then progress those changes over the course of the year. I am sorry if that is not clear from the plan. Again, as I said, the whole question of incapacity is a huge piece of work. We have discussed it previously. That work is ongoing. It will address both short-term incapacity. For example, we are trying to bring in a new structure to incapacity, which does allow people to work if they are able to do so and does not require them to sit at home and not be able to work or volunteer or do anything that might otherwise be beneficial for their health. So the incapacity review is very much underway and on track. But I do not immediately have in front of me what the timeline for that piece of work is.

**Deputy G.P. Southern:**

Will she return to the House with that timeline please? Can we ask that?

**The Bailiff:**

No, that is a supplemental to the supplemental.

**Deputy G.P. Southern:**

It is clarification, Sir.

**The Bailiff:**

You do not get points of clarification in question time either, Deputy Southern, sorry.

**3.2.4 Deputy R.J. Ward:**

Does the high-level evaluation include areas such as overpayments and the repayment of and the level of offset? Genuine question because I do not know how high the level goes.

**Deputy E. Millar:**

The review that I asked the officers to conduct was to look at our benefit landscape as a whole, to see are there known issues, are there known problems, are there known gaps, what works well, what does not work well and what we can change. The question of offset, I think the Deputy means what I have been referring to as disregard, that is very much part of the review. The disregards are something that I have asked to be considered as a priority, particularly in relation to pensions. The question of overpayments is a separate policy matter and does not specifically form part of the review, although I am aware that it is an issue in some quarters.

**3.2.5 Deputy S.Y. Mézec:**

I think that builds on the question that has just been asked. Could the Minister just be clear to the Assembly what direction she has given to those undertaking this review for the kinds of outcomes she would want to achieve by the actions that the review will no doubt recommend to her.

**Deputy E. Millar:**

I do not think I have given direction as to the outcome. What I have said is that I would like to have an understanding of our benefit framework because I know there are multiple benefits. When I looked at the Social Security Law I was staggered by the number of underlying pieces of legislation under the Social Security Law. The review is really to look at our benefit framework as a whole and to see whether it is still fit for purpose or the benefits that are no longer needed potentially, other benefits that can be improved, and I think until we have looked at what the benefits are, and it is trying to look at known issues, known gaps and how we can make improvements but until really ... I am particularly conscious of the need to deal with pensioner benefits but beyond that I do not have a fixed view. It will very much depend on the outcome of the review.

**3.2.6 Deputy S.Y. Mézec:**

I think what the Minister has just described sounds more like an assessment than a review if it is simply to see what the system is like now rather than to review where specific things could be improved. Can she confirm whether or not she has given direction to those undertaking the review, that she has specific aims she would like to achieve following that review, which could be things, for example, like how do we make the system more user friendly, how do we prevent so many overpayments being issued and whether there are particular benefits that need to be made more generous? Have any of those kinds of things been things that she has posed to those undertaking the review, to instruct them to come up with actual points to assist her after that?

**Deputy E. Millar:**

I think I have covered some of that. The purpose of the review or the assessment, and I do not think there is any point in arguing over terminology, we are trying to look at our current benefits to look for gaps, to look for areas where we know there are shortfalls, to look at the areas where people perhaps just fall outside. There may be benefits where we feel we need to enhance, for example, particularly we have had some questions recently about optical care for children in early years. We will look at benefits that are available to children. Optician's benefits, particularly again the Pension Plus benefits. There are a number of pensioners who fall outside Pension Plus. So I particularly would like to look at that. The question of overpayments, the basic policy that someone should not be allowed to keep money to which they are not entitled I think is not unfair. It is reasonable. I agree we are doing a huge amount. It is an operational matter. The department are doing a huge amount to try to increase and improve flows. We are trying - I know it does not suit everybody - but we are trying to encourage those who can to provide information online, and change of circumstances online can be dealt with more quickly, and that we reduce the risk of overpayments arising. One of the main reasons we have overpayment - I am conscious I am probably going over my time - is that we do pay benefits in advance and not in arrears, and that is why we do sometimes have overpayments arising. But the department is very aware of that and we are doing everything we can to try and reduce the level of overpayments and we do manage those as sympathetically as we can.

**3.2.7 Deputy L.V. Feltham:**

Page 7 of the Minister's delivery plan quite clearly says that it was the intention to develop a work plan for the remainder of 2023 based on the outcome of the high-level review by 28th February 2023. The Minister has stated that there is not a work plan in place. Can she give us assurance about when that work plan will be in place and that she will indeed publish it when she has it ready, and can she also detail how can she be assured that she will be in a position to propose the right changes in order to secure funding in the next Government Plan, if it is required by her portfolio?

**Deputy E. Millar:**

If funding is required I would expect we will be able to do that within good time for the Government Plan. Funding depends very much on ... funding for benefits does not necessarily come from Government, it comes through social security contributions. We cannot, as I have already said, make decisions. It would be unrealistic and unwise to make decisions about increasing contributory benefits until we have seen the actuarial reviews, which will take us forward some considerable time. I apologise if the 28th February deadline, if anybody considers that as being missed, that is possibly my own optimism and lack of reality in terms of how much can be done. But I can only assure the House again that this work is very much underway, it is absolutely a priority. My team aware of that, and that we will be progressing as soon as we can.

**3.3 Deputy G.P. Southern of the Minister for Social Security regarding the measurement of relative poverty (OQ.32/2023)**

Further to the response to Written Question 75/2023, will the Minister indicate to Members what measures she would prefer to use to reduce the number and type of households/individuals in relative poverty by (a) increasing pay rates in the minimum/living wage; (b) increases/revision of benefits; (c) a mixture of both; or (d) other mechanisms such as minimum income standards?

**Deputy E. Millar (The Minister for Social Security):**

This question also relates to Written Question 75, which again was largely about the high-level review of benefits, which we have just discussed at some length. The Deputy's list of possible Government action are areas that I already keep under review in terms of the annual review of minimum wage. The House will be aware that we have a considerable piece of work this year of the living wage and, because we keep under review benefits, how we revise or increase them. These are all areas that we do review regularly but they are limited in scope. The Government has much broader ambitions to support families through improving access to affordable housing and developing a robust future economy programme in building up skills within the local workforce to create a prosperous higher wage economy. I do believe that the more we can reduce the cost of housing and improve the wages that people earn through skilled jobs the better. Addressing all of these issues will take time and I will continue to work with my Ministerial colleagues to improve the life chances of all Islanders.

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

I thank the Minister for her answer but she seems to depend rather heavily on the economy recovering and wages going up. Is she not prepared to look at and examine - review, if you like - some of the ways in which she can add to people's income through other mechanisms?

**Deputy E. Millar:**

Again, I think I have touched on that. The minimum wage is routinely increased annually. It will be due for review later on this year. We are looking at the living wage, moving to living wage, and we have already made significant increases to benefits this year. Last year saw 2 increases to income support rates, which fully reflected the rising cost of living over that period, and we will consider further rises in income support rates over the course of the year. Contributory benefits are automatically uprated in line with earnings. Similarly pensions are increased in line with agreed mechanisms. I do not think the Deputy is quite right in saying that I am relying on the economy improving. What I was suggesting, rather than just the economy improving that we develop better jobs, better paid and more skilled jobs so that people earn more. I think most people would rather

earn more than have to go and ask for benefits, and that is really what Government, as a whole, is trying to do, is to maximise disposable income in people's pockets.

[10:15]

### **3.3.2 Deputy M.B. Andrews of St. Helier North:**

The Minister for Social Security mentioned the need to increase human capital and investment essentially. Is one of the ambitions for the Minister for Social Security this term to try and reduce Government redistribution of those who are economically active, and if so how will that be measured?

#### **Deputy E. Millar:**

I am not entirely sure I understand the question because I do not think I was talking about capital spend.

#### **Deputy M.B. Andrews:**

Human capital in relation to skills and investment in people and their skill development to ensure that they have more disposable income. Therefore, is one of the ambitions this term to reduce Government redistribution for those who are economically active and if so, how is that going to be measured?

#### **Deputy E. Millar:**

I do not believe that to be part of the plan at the moment. We would hope that people will continue as wages arise, as they have done. In fact, wages have risen significantly over the last few years generally, which means that income support claimants have reduced. So fewer people are claiming income support because of improvement in employment. I do not think improving job opportunities really rests with Social Security but I know the Minister for Economic Development, Tourism, Sport and Culture and the Government as a whole are very keen, and the Minister for Education, as part of her plan in terms of skills development, and ensuring that we do have quality jobs here, particularly for young people. I think that is a real focus of this Government, making sure that people have jobs that are fulfilling and rewarding.

### **3.3.3 Deputy S.Y. Mézec:**

The Minister made reference to working people using their earnings to sustain themselves, and many of them preferring to do that than to rely on the benefit system. Could the Minister therefore confirm that it is her strategy to reduce those living in relative poverty by supporting financial independence where more and more households are able to sustain their living based on the earnings that they get from their employment.

#### **Deputy E. Millar:**

Yes, I agree that the more people who are able to live independently based on their own earnings the better. That would contribute to a prosperous and much happier society as a whole, the higher the level of earnings of individuals the better in those respects. However, I do think it would be marvellous to think that we would reach a point where everybody was entirely financially independent. I think even in Jersey we may not reach that, so I think the focus for me is more about making sure that those people who do not earn higher wages are supported appropriately. Whether

that is through income support or other forms of benefits that help them to maintain an adequate standard of living.

### **3.3.4 Deputy S.Y. Mézec:**

I am just trying to get to the bottom of what was in Deputy Southern's original question where he referred to options (a), (b), (c) and (d). It sounds like the Minister's opting for option C. Can she just confirm that that is the case and that while supporting those in work to have higher incomes to sustain them outside of poverty that that will also come hand in hand with more generous welfare payments for those who are unable, for whatever reason, to seek income through employment.

### **Deputy E. Millar:**

I would not be honest if I said I had considered it in this format but I think that the list of options that Deputy Southern has set out are all things that we have to consider. We have to look at a satisfactory minimum wage, we are already looking at moving towards a living wage. Benefits do need to be increased as necessary to keep up with changes in inflation and we do need to think about where there are gaps. Children and particularly pensioners, as I have already said. So all of these things I think will become (a), (b), (c) are all relevant. But I do think they are part of a wider package of improving life chances through education training and better more affordable housing.

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

Can the Minister explain to Members why the work done back in 2015 on living wage linked to minimum income standards was abandoned at the time and will she commit herself to restart this work on minimum income standards?

### **Deputy E. Millar:**

I have no idea what happened in 2015 because I had just taken on another role, which was very demanding and I was not following this closely, I am afraid. I can only reiterate that as a result of the amendment we made last year to P.78 we will be looking at a living wage and we will be consulting on that. That work is due to commence very shortly and we will be bringing legislation and more material on that to the States before the end of this year, as we committed in P.78, the amendment.

### **The Bailiff:**

Before moving on, I should thank the Connétable of St. Mary for his contribution to the fine fund earlier on.

### **3.4. Deputy M. Tadier of St. Brelade of the Minister for Home Affairs regarding the legal recognition given to Common Law Marriage (OQ.26/2023)**

Sorry, I cannot be with you in person. Will the Minister advise whether she is aware of any problems caused by a lack of legal recognition in Jersey of what is referred to elsewhere as "common law marriage" and, if so, will she provide any examples of concerns that have been raised with her about this, and advise whether she is minded to recommend any changes in this area?

### **The Bailiff:**

Deputy Jeune, you are answering for the Minister?



**Deputy H. Jeune of St. John, St. Lawrence and Trinity (Assistant Minister for Home Affairs - rapporteur):**

I thank the Deputy for his question. The Deputy has correctly identified that Jersey law does not recognise common law marriage. Cohabiting couples are not afforded rights like those afforded to married couples or those in civil partnership in respect of matters such as property ownership and succession. The Minister for Home Affairs has recently been notified by a constituent of the difficulty this presented them in relation to their entitlement to survivor's benefits under the previous government pensions scheme, the final salary scheme, which does not recognise cohabiting partners. However, the Minister has been advised that this is not an issue with the current pension scheme, the carer average scheme, whereas survivors benefit is payable to a cohabiting partner. It would not be for the Minister for Home Affairs to make any changes in connection with this matter specifically. No other concerns have been raised with the Minister.

**3.4.1 Deputy M. Tadier:**

Can I thank the Assistant Minister for the answer? She is correct that an issue has been raised with all St. Brelade Deputies, and I would hope in fact that even if the Minister cannot action it in a Ministerial capacity she does it as a constituency representative and speak to the department in that way. Does the Assistant Minister recognise that there is an issue with a certain generation of people, some of whom are now finding themselves not only in a very painful situation of dealing with the grief of losing a lifelong partner, someone they consider akin to a wife or a husband, yet they are finding themselves in an unexpected position of finding that provision which the loved one would have wanted to leave for them simply not being there because of a quirk in the law? Would she agree that that is an issue and that it could be looked at not necessarily solely by her own department but by cross-working with other departments?

**Deputy H. Jeune:**

I know that the Minister is aware of this case and aware of the correspondence with the individual involved and is part of the ongoing discussions; I would like the Deputy to be consoled with that. It is 2023 and how people choose to live together is, I am sure, up to them and I am sure everyone in this Assembly feels this way. We, as the Home Affairs Ministerial team, will consider this as part of our forthcoming diversity and inclusion action plan.

**3.4.2 Connétable M.K. Jackson of St. Brelade:**

Really just to reinforce the Deputy's question. Would the Minister agree that the prevailing situation is immoral in this day and age?

**Deputy H. Jeune:**

The Minister and all the Home Affairs Ministerial team of course absolutely emphasise with the particular situation and those who are affected. As I said before, I think it is very important that the team will consider this as part of our forthcoming diversity and inclusion action plan and therefore develop plans accordingly.

**3.4.3 The Connétable of St. Brelade:**

Clearly this is a case of which I am aware but there are other cases which may not have come to the fore because people are not always keen to do that but it clearly is a situation that needs addressing, and I thank the Minister for her response.

**The Bailiff:**

I am sorry, Connétable, that is an improper position to take I am afraid at this point because you should have asked a question.

**The Connétable of St. Brelade:**

Could I ask the Minister to agree that the field would be broadened to other applicants should they arise?

**Deputy H. Jeune:**

I agree that this is an important issue to look at and there are some misunderstandings that exist in this regard and I would really urge individuals to seek advice for their own circumstances from the Citizens Advice Bureau around buying property, pensions or having a child, as well as our Ministerial team will again look into this.

**3.4.4 Deputy M. Tadier:**

I think from what the Minister has said there has already been a recognition historically about what I would call the inequality of the law as it stood, so the law has been changed. It simply is not retrospective. Given the fact that there has already been that recognition, would the Minister and the Assistant Minister consider with other Ministerial colleagues looking into what can be done, not simply in this case, because I do not think it is good policy to make rulings on a case-by-case basis, but to try and make changes so that those who are paying in under an old system can be treated equally with those under the new system perhaps?

**Deputy H. Jeune:**

I agree with the Deputy that this is part of our work that we should look at and we will consider this as part of our action plan because it is important, and we emphasise with those who have realised that this is a problem.

**3.5 Deputy R.J. Ward of the Chief Minister regarding actions to address gender income inequality (OQ.28/2023)**

Following the publication of the median earnings report, will the Chief Minister outline what actions, if any, are being taken by Government to address gender income inequality, which now appears to be at its highest level in recent history?

**Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

As a result of additional investment into Statistics Jersey since the beginning of this Government, it is now possible to use administrative data that is already held by Government to produce this median earnings report. By using such data, Statistics Jersey have been able to publish experimental, all economy gender pay-gap data for Jersey for the very first time from June 2016 to June 2022 with detailed breakdowns by both industry and age. This report indeed shows that the gender pay gap is at 12 per cent, and that is its highest in 2022. Although international comparisons show that it is lower than the O.E.C.D. (Organisation for Economic Co-operation and Development) average and lower than the U.K. (United Kingdom), I do not believe that it is acceptable for us to have a gap of that size or indeed of any size in Jersey. Within the public sector we have been seeking to encourage applications from diverse backgrounds and to support talent at all levels. Recent changes in family friendly employment and benefit legislation which apply across the economy have improved support

to working parents, equally available to all parents irrespective of gender. Many organisations in the private sector are also supplementing those family friendly employment practices with their own practices and policies to address gender inequality at the recruitment and talent development phases. At present, mandatory reporting on gender inequality for such companies is not required but we will keep this under review.

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

Again, I know we have reports, that is why I am asking the question, and we have had reports and we have got data. The question is: there seems to be a cultural embeddedness of this inequality and I would like to know what the Government is doing to address that cultural embeddedness and the opportunity to physically - and that is the wrong word but it is the only one I can think of - reduce that inequality in our economy and in our workforce because there are lots of reports. There are only few actions and I just want to know actions are going to be done.

### **Deputy K.L. Moore:**

I am grateful to the Deputy for raising this question in this forum. It is absolutely the right thing to do.

[10:30]

Of course, across the public sector I think we are countercyclical, if the Deputy is of the view that there is a cultural embeddedness, because all 3 of the key leadership roles in and across the public sector, both the Greffier, the chief executive and of course the Chief Minister are all females in those roles, which is something that we celebrate. Across the whole of the Island we have to firstly recognise that our gender pay gap is lower than the O.E.C.D. average and the U.K., as I said in my initial response. We are all, as a community, seeking to reduce it further because it is something that we want to see lower still. We can always do better. We are addressing the matters that cause it. But just today I think it was interesting to hear that in the United Kingdom the representation of women at board level has now reached in excess of 40 per cent, and that was achieved without having to impose mandatory quotas. I think it is a good example of how, without having to achieve mandatory rules and regulations, good things can be achieved.

### **3.5.2 Deputy S.Y. Mézec:**

The Chief Minister will recall the fantastic time that her and I had together working on the Gender Pay Gap Review Panel in the previous term of office, which examined this very subject and produced an excellent report and recommendations. That report has not yet been given an official response by the Government. Could the Chief Minister indicate when her Government is likely to publish such a response?

### **Deputy K.L. Moore:**

Thank you for the question and I do recall fondly that experience. It was an important piece of work and I think the first response is now out and the second response is being worked on as we speak.

### **3.5.3 Deputy S.Y. Mézec:**

Given that the Chief Minister would have played a role herself in establishing some of the recommendations that were in that body's report for how the gender pay gap can be addressed, could

she treat us to an indication in this Assembly about whether she will be accepting her own recommendations?

**Deputy K.L. Moore:**

I should imagine that would be the case.

**3.5.4 Deputy M.B. Andrews:**

Will the Chief Minister ensure that gender pay reporting is explicitly stated in future publications, starting from 2024 across the Government?

**Deputy K.L. Moore:**

Apologies, I missed the beginning of that question. Could the Deputy repeat it?

**Deputy M.B. Andrews:**

Indeed. Will the Chief Minister ensure that gender pay inequality is published across salary bands for each government department, starting from 2024?

**Deputy K.L. Moore:**

I will indeed endeavour to find out whether that is an achievable request before committing to do so but I see that that is a sensible suggestion and I am grateful to the Deputy.

**3.5.5 Deputy M.R. Scott of St. Brelade:**

The Chief Minister mentioned that the findings were the result of experimental data produced by Statistics Jersey. I just wondered if she could outline the process by which that was produced and how that compares to the way in which data is normally produced by that department.

**Deputy K.L. Moore:**

This was a result of some additional resource that was provided to Statistics Jersey; I think they have offered States Members a technical briefing. I would not wish to enter into that myself because I would leave that to our independent statisticians who have much greater knowledge of their area than I do.

**3.5.6 Deputy R.J. Ward:**

It is obviously pleasing to hear that women are taking the top jobs but let us talk about working-class women who are taking perhaps more than one job, are balancing family and all sorts of other demands: high rents, low rights, low security in the workforce. What is the Government going to do to reduce the inequality among working people, those who are not at the top of the pile when it comes to economic achievements? That is the real sense of achievement that can be made in income inequality and if we do not do that we have not achieved.

**Deputy K.L. Moore:**

Well of course the Deputy is right but we are all balancing many demands whatever our gender and whatever our position in life, and of course there are always things that we can do to enable that. As a Government we are currently looking at the causes of the shortage we have in childcare at the

moment and the high cost of childcare, and that is one route to certainly supporting families and people to become more economically active. It was also interesting to note in the pay gap statistics that in 2020 during COVID and lockdown the gap was narrower than it is currently, or than it was last year, and I think that is certainly an area that we would like to understand better, to understand how the changes to work during that year impacted upon people differently in terms of pay.

**3.6 Connétable K. Shenton-Stone of St. Martin of the Minister for Home Affairs regarding the development and roll-out of the notification of domestic abusers (OQ.24/2023)**

Will the Minister provide an update on the development and rollout of the notifications of domestic abusers as outlined under the Domestic Abuse (Jersey) Law 2022, with reference to what additional work is still ongoing and when this is expected to be completed?

**Deputy L.M.C. Doublet of St. Saviour (Assistant Minister for Home Affairs - rapporteur):**

As the Minister is out of the Island on States business she has asked me to take this question. I thank the Connétable for the question and I think I share her desire to see this law coming into force. Of course, we were both part of the previous Assembly which approved this law and it is a very, very important law for Jersey. This was raised by the Scrutiny Panel at our recent public hearing and they asked the same question. The Minister was very clear on this, that the work from the Home Affairs team at this stage of the process has already been completed and, indeed, the work of the Assembly which approved the law. At this stage we are waiting for the Rules of Court which is a process, so the Criminal Procedure Rules, so those rules are made in accordance with Criminal Procedure Law by the Criminal Procedure Rules Committee. I have been learning about these processes, as I think several of us have been. So this is with the Law Officers' Department currently and once those rules are in place and the courts are in a position to effectively operate the legislation, the Minister will as soon as possible bring in an Appointed Day Act to the Assembly to bring the law into force. I do not think it could be of a higher priority to the Ministerial team and we want to see that law enforced as soon as possible.

**The Bailiff:**

A supplemental, Connétable?

**The Connétable of St. Martin:**

No, thank you. I thank the Assistant Minister for her answer.

**3.7 Deputy M.R. Scott of the Minister for Health and Social Services regarding the employment of consultants and clinicians who had reached retirement age (OQ.34/2023)**

Will the Minister advise how many locally-based consultants and clinicians who have reached retirement age are employed part time across the Island's health service?

**Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):**

I can report on the position in relation to the States health service where there are currently 2 consultants and 4 healthcare assistants over retirement age and working part time and another 2 consultants over retirement working age full time. There are no nurses or allied health professionals that fall within these demographics; however, there are a number of doctors, nurses and healthcare assistants who are over retirement age who are registered with the bank but this employment is not categorised as part-time working.

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

Will the Minister for Health and Social Services be encouraging her department to make more use of the expertise of people of retirement age by offering them or allowing more part-time work?

### **Deputy K. Wilson:**

I think the answer to that is yes and obviously this will be considered as part of our workforce strategy and our development of the workforce plan for the Health and Community Services. But I would also like to raise the importance of also connecting with partners across the whole of the Island's health system, which includes some discussions that we have had also with the independent sector and charitable sector with a view to helping and supporting their recruitment and retention also.

### **3.8 Deputy M.B. Andrews of the Minister for External Relations and Financial Services regarding the negotiation of tax and trade agreements (OQ.22/2023)**

Will the Minister indicate whether she will be seeking to negotiate tax and trade agreements on behalf of the Island with non-polyarchy states across this 4-year term of office, and if so, why?

### **Deputy K.L. Moore (The Chief Minister - rapporteur):**

As stated in the common policy for External Relations, a priority for Jersey's external engagement is the continuing expansion of our treaty network in areas such as investment, tax and trade. By pursuing a wider set of these agreements with some of our largest trading partners and other high-growth economies around the world, Jersey's position as an international partner of choice is enhanced. The prioritisation of the jurisdictions with whom Jersey negotiates these agreements will continue to be informed by a range of inter-connected factors, including the level of maturity of our existing relationships, the likelihood of being able to secure an agreement if negotiating bilaterally and the prioritisation given to the negotiation by the U.K. when negotiating on behalf of Jersey and the Crown Dependencies. It should also be emphasised that as a Crown Dependency, Jersey's negotiation of international agreements is always done in lockstep with U.K. foreign policy.

### **3.8.1 Deputy S.Y. Mézec:**

I am tempted to ask if she could just answer the question. Deputy Andrews' question I think was very specific and the point he is clearly trying to get to with the question is whether the issue of democracy in those states is considered and whether there is a preference for doing business with dictatorships versus democracy. Does that feature at all her in thinking on this matter?

### **Deputy K.L. Moore:**

I would suggest that I did answer the question and I answered it very clearly. There are always a series of factors to take into account in any such decision and of course we do so while following U.K. foreign policy.

### **3.8.2 Deputy S.Y. Mézec:**

So would therefore this be an accurate way to paraphrase the policy which is that this Government is perfectly content and will be seeking to negotiate tax and trade agreements with countries which are dictatorships with poor human rights' records? I think that can be answered yes or no.

**Deputy K.L. Moore:**

I would say that would be a no. But of course we are all on our own development journeys and by engaging with other nations and sharing our values and experience, then we can of course always encourage others along their own journeys. As I said in my initial answer, we engage with other nations based on a variety of factors and they are all of importance.

**3.8.3 Deputy R.J. Ward:**

I will resist the question of whether everyone Googled “polyarchy”. Can I ask the Minister what, if you like, percentage or what proportion is the importance of democracy in a state for us to be entering into a trade agreement? Is it a major factor or is it a simple, small factor that is there?

**Deputy K.L. Moore:**

Democracy generally of course is of great importance to Jersey as a small Island nation and particularly having been occupied ourselves. We hold a democracy and all that goes with it in high esteem. We, of course, as I said earlier, deal with other nations who are in different stages of their development and we do so on a respectful basis and we always seek to share our values in discussions with them.

**3.8.4 Deputy R.J. Ward:**

Is there a jurisdiction that we would not enter a treaty with?

**Deputy K.L. Moore:**

I think as outlined in the initial question, every decision is taken against a balance of many different factors.

**Deputy R.J. Ward:**

What are those, can I just confirm?

**Deputy K.L. Moore:**

It would have to be considered very carefully at the time but I am not aware that there is any state that is out of our remit at the moment. We would of course always follow that U.K. foreign policy and consider that direction.

**3.8.5 Deputy M. Tadier:**

It is interesting that we follow U.K. policy when it suits us but other times we seek to break away. Can I ask the Chief Minister: is she comfortable that domestically the Government is, quite rightly, I think, pursuing a policy against violence against women and girls yet they are actively seeking to do business with countries which have a very questionable record when it comes to violence and repression of women, in general?

[10:45]

Could she tell us perhaps how is it that she shares her values when she goes to these dictatorships that oppress the rights of women and minorities and homosexuals? Does she wear, for example, a

rainbow lapel badge when she goes there? How exactly in tangible ways does she and her Ministers share Jersey's liberal values with what are often autocratic dictatorships, if you excuse the tautology?

**Deputy K.L. Moore:**

I thank the Deputy for the question. When Ministers, all Ministers, engage with politicians and other nations we all have interesting discussions and build relationships. Of course there is always talk about our values because they are good opportunities to build those relationships, an understanding of each other's cultures and values. I think the initial part of the question is very important to answer. Of course we take our commitment to our own internal view towards violence against women and girls extremely seriously, and I am very keen to see that that work continues under the current taskforce leadership and we will continue to engage with other nations in our way.

**3.8.6 Deputy M. Tadier:**

Can the Minister give some tangible examples? She does not have to divulge any specific verbatim conversations but some tangible examples of when she or her Ministers have gone into meetings with other Ministers and shared what she would call as Jersey values? For example, does that include going into a meeting at a trade negotiation and opening it by saying: "We are having a gay pride rally in September" or: "We are starting a piece of work to reduce violence against women in Jersey, what are you doing in your country before we sit down and negotiate?" because I simply do not believe that kind of thing happens.

**The Bailiff:**

Tangible examples, Chief Minister? Was there ...

**Deputy K.L. Moore:**

I have not yet been in one of those circumstances but I am aware that the Minister for External Relations and Financial Services was recently visiting other nations and they showed a great deal of interest in the fact that we have female leadership in Jersey currently. I think that was very warmly welcomed and I received incredibly positive and encouraging feedback, and I look forward to meeting with those leaders of those other nations in due course.

**3.9 Deputy R.J. Ward of the Minister for Health and Social Services regarding the reported shortages of HRT (Hormone Replacement Therapy) (OQ.29/2023)**

Will the Minister advise what concerns, if any, she has in relation to the reported shortages of H.R.T. (Hormone Replacement Therapy) medicines and what action is being proposed to ensure that Jersey maintains sufficient supplies?

**Deputy K. Wilson (The Minister for Health and Social Services):**

Yes, there are some concerns shared by myself and other people who are in need of H.R.T. There are some supply issues which are causing shortages. As the Island obtains medicines from the U.K. supply chain, the Island is subject to the same problems faced in the U.K., and this is not a new problem; this has been quite a longstanding issue. What I can tell the Assembly is that it does vary. We have active supply issues with some preparations, including the tablets and the patches; however, the supply of gels and sprays does appear to be sufficient at present but of course it is a matter that we will keep under review. What I would urge members of the public to do is to note that there are sufficient alternatives and equivalent preparations available and, as such, it is important that patients



do discuss any concerns about their H.R.T. therapy with their G.P. (general practitioner) who will be able to prescribe an alternative, if appropriate.

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

I thank the Minister for her answer. Can I ask whether there are any contingency plans perhaps - and I hate to use the words - but rationing or limiting or planning out access so that there is equity of access for women across the Island on drugs that are quite important to maintain standards in life, really?

### **Deputy K. Wilson:**

As the Deputy will know, the production of medicines is complex and highly regulated and H.R.T. in particular relies on a global supply chain, so these problems can arise in the supply for various reasons. But what we will do is always keep the situation under review to ensure the continuity because I think that is the issue that the Deputy is raising. We are following some of the legislation that was established in the U.K., which was to enable the introduction of what is called “serious shortage protocol”. What this means is that pharmacists can use their professional skill and judgment to decide alongside medical experts whether it is reasonable and appropriate to substitute the patient’s prescribed medication within this active protocol. Clearly the patients must also agree. But of course in Jersey the legislation does not provide for this and if there is a need to change the legislation, this is something that we would consider in this context. At the moment we are keeping the situation under review and we will make sure that we do enough communication and work with the general public to make sure that they talk to their G.P. directly about the supply and the issues.

### **3.10 Deputy S.Y. Mézec of the Minister for Infrastructure regarding urban renewal work at Havre des Pas (OQ.36/2023)**

Following the adoption of the 24th amendment to the Government Plan 2023-2026 which allocated funding for urban renewal work at Havre des Pas, will the Minister advise what he plans to have accomplished towards this aim by the end of the year?

### **Deputy T. Binet of St. Saviour (The Minister for Infrastructure):**

The Deputy will recall that the amendment to the 24th amendment has been adopted by the Assembly, which means that the additional funding for public realm, including Havre des Pas, is to be received as £300,000 in 2024 and £350,000 in both 2025 and 2026, all of which will be included in future Government Plans. Notwithstanding this, I can advise that building upon a successful phase 1: traffic calming work delivered in 2022 for £250,000, further research was undertaken at the end of last year to understand the community’s thoughts and aspirations for phase 2: core of the village public realm strategy. The feedback from both the 2020 Parish consultation and the deeper insights from the 2022 focus group work will be used to develop options for public engagement at the end of this summer. The preferred option will then proceed to detailed design with construction anticipated during 2024.

#### **3.10.1 Deputy S.Y. Mézec:**

The Minister referred to 2 exercises there: one conducted by the Parish itself and one conducted by his department, which he knows will have caused some confusion among some residents at Havre des Pas and the Parish itself who were not aware that this second one was being done and saw it as not necessarily building upon what had already been done by the Parish. Will the Minister indicate what engagement he had with the Parish of St. Helier and community groups before embarking on that second piece of consultation with residents when there was already a Havre des Pas masterplan,

which was a pretty good document that provided surely enough guidance for what could be done next?

**Deputy T. Binet:**

I am not so sure that I agree with the Deputy in that I do not think that people were specifically offended by the second piece of work that was undertaken. I have to say I did not at that stage have a great deal of consultation with the Parish prior to the work at the end of 2022 because I had literally only just arrived in office. So I think it is fair to say that that went ahead pretty much without my full involvement simply because it was a matter that was ongoing.

**3.10.2 Connétable A.S. Crowcroft of St. Helier:**

I am not going to pick the Minister up on his use of the word “deeper” referring to the consultation carried out by a private company for his department after the major consultation undertaken by the Parish. Instead I want to just chase him up on the question I asked at the last time that Havre des Pas was raised, when I drew his attention to the intrepid swimmers who continue to use the pool in the winter months and are barred from entering the changing rooms and toilets. He has promised that his department will look to getting those facilities open all year round, as indeed was requested by the proposition that was unanimously carried by this Assembly. Has he managed to open the facilities yet?

**Deputy T. Binet:**

I should like to apologise to the Constable if there was anything implied in my use of the word “deeper”. I am sure the Parish consultation was very thorough indeed. With regard to the use of the toilets there, I had a meeting last week and I have asked the officers to get on with making sure that that happens as soon as possible.

**3.11 The Connétable of St. Martin of the Minister for Home Affairs regarding the Taskforce on Gender-Based Violence (OQ.25/2023)**

Further to Written Question 163/2022, where the Minister confirmed that the Taskforce on Gender-Based Violence would run until 10th December 2022, will the Minister now confirm when the results of that consultation will be made public, including its recommendations?

**Deputy L.M.C. Doublet (Assistant Minister for Home Affairs - rapporteur):**

I thank the Constable for her question. The taskforce ran the public call for evidence. Initially it was scheduled to end on 10th December last year; we did ask for that to be extended and the taskforce agreed just to enable as many people as possible to take part in that. That was only the first stage so that public survey that went out that anybody could answer was only the first stage of that research, which is quite a wide-ranging piece of work. So the taskforce is also undertaking research with professional support services, with victims and survivors, with children and young people which is a really large part of their work. This is happening over January and February, I think; that part of the research is about to be concluded. That data will be analysed and the analysis should be received by the taskforce at the end of April this year and then the taskforce will meet to discuss those findings and they will start to develop recommendations. Those recommendations, we expect those to be published around July this year.

### **3.12 Deputy M. Tadier of the Chair of the States Employment Board regarding the provision of electric pool cars to Government employees (OQ.27/2023)**

Given the Government's policy on carbon reduction and sustainable transport, will the chair outline what consideration, if any, is being given to providing electric pool cars for government employees who are currently expected to use their own vehicles as part of their working day?

**Deputy K.L. Moore:**

The vice-chair will answer this question.

**Connétable A.N. Jehan of St. John (Vice-Chair, States Employment Board - rapporteur):**

I thank the Deputy for his question. Initial focus has been on our own fleet and so far we have 74 electric vehicles now in that fleet. In time, there may well be a pool of E.V. (electric vehicle) solutions for private cars but this needs to be properly investigated, costed and understood to ensure that we make the best decisions for all vehicle users. Electric bikes have been provided in some departments for some staff to use but clearly they are not suitable for all journeys.

**3.12.1 Deputy M. Tadier:**

Just to clarify, I am not talking about private members of the public who might be States employees owning their own vehicles. I guess I am asking the question what the logical conclusion would be if everybody who worked for the States took up the Government's policy on sustainable transport and active travel? So, for example, the Chief Minister we know is very keen to use an electric bike and travel by bus. If everybody who works for the States did that but then they are expected to travel between workplaces in their own vehicle, how are they going to do that if they do not have a vehicle? Who is going to provide the vehicle for them to travel in if everyone turned up next week to work by bike or by bus?

**The Connétable of St. John:**

I thank the Deputy for his question. I can confirm that I arrived in town by bus myself this morning. We do have pool cars at various locations. Currently they are not all electric but, as we continue to review, we will look at whether we need to increase that. With the development of the new government headquarters due for 2024, which will centralise most office-based employees, we are providing more facilities for people to arrive by bike indeed and will be encouraging more people to cycle.

[11:00]

We will be looking at more electric vehicle charging points within the vicinity of the building and have designed out of the need for onsite parking. So as the need increases we will look to see what we need to provide in terms of electric vehicles.

**The Bailiff:**

We come to question 13 that Deputy Andrews will ask of the Minister for Economic Development, Tourism, Sport and Culture.

**Deputy M.B. Andrews:**

The Minister is not present in the Assembly.

**The Bailiff:**

Is an Assistant Minister standing for the Minister? The Minister did come in earlier and the défaut was raised on him. Usher, can you see if Deputy Morel might join us? It is all right, Usher. Deputy, it is the responsibility of Ministers to be available to answer their questions when called and so it is important that you are there. Very well, please ask your question.

**3.13 Deputy M.B. Andrews of the Minister for Economic Development, Tourism, Sport and Culture regarding the Marine Sector Support Scheme (OQ.23/2023)**

Will the Minister provide an indication of how many fishermen will be supported by the Marine Sector Support Scheme using the allocated budget of £300,000?

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Economic Development, Tourism, Sport and Culture):**

I thank the Deputy for his question. The Marine Support Scheme is intended to provide support for all sea fishing vessels and we believe that is about 40 vessels.

**3.13.1 Deputy M.B. Andrews:**

How is the Minister going to ensure that input costs are measured across the sector to ensure that the £300,000 will be sufficient enough to help all of the vessels?

**Deputy K.F. Morel:**

The new scheme will be modelled on the Rural Support Scheme and it will deliver support via credits converted to grant payments to any qualifying business within the capture fisheries sector. These grant payments will recognise the delivery of public goods and promote professional and sustainable fishing. The scheme is currently under development in close consultation with the Marine Economy Advisory Group, which brings together members of the fishing industry and is due to be launched in May. In that sense it is a pilot scheme for this year but we are designing the scheme with the marine sector together and, as we go through the year, any changes that need to be made to ensure that next year, where we intend to have it within the Government Plan, will mean that the scheme next year will be finetuned to ensure that it is capturing everyone that needs to be captured.

**3.13.2 Deputy S.G. Luce of Grouville and St. Martin:**

I hear the Minister saying the scheme will be lodged in May but will the money be made available in May?

**Deputy K.F. Morel:**

Absolutely. As I understand, that is the case.

**3.13.3 Deputy L.V. Feltham:**

I understand that the scheme is under development but could the Minister provide a defined objective for the scheme and outline what the outcomes he anticipates will be from the scheme?

**Deputy K.F. Morel:**

We know currently that the fleet is suffering from stock shortages, fuel prices, market access costs due to Brexit and so while we are unable to be more definitive at this stage, the design of the scheme is intended to address many of these issues.

**3.13.4 Deputy L.V. Feltham:**

Could the Minister outline what he would define as being a success should the scheme be successful?

**Deputy K.F. Morel:**

As this is going to be a scheme that is ongoing, it is difficult to draw a line and say: “This is a successful scheme” but ultimately the success of the scheme will be measured in the success of the fishing fleet itself, its ongoing ability to work, and hopefully over time it is the intention that we develop it into a much stronger sector than it is today.

**3.14 Deputy L.V. Feltham of the Minister for Infrastructure regarding access to swimming facilities in Town (OQ.31/2023)**

Will the Minister advise what work, if any, has been or will be undertaken to ensure that users of the AquaSplash swimming facilities will continue to have access to a town-based pool throughout the course of the redevelopment of the St. Helier Waterfront?

**Deputy T. Binet:**

I am perfectly happy to answer this question but could I ask whether you or Deputy Feltham would have any objection to it being answered by Deputy Stephenson who has recently been appointed as Assistant Minister with ...

**The Bailiff:**

Well it is a matter for Deputy Feltham. She is entitled to require you to answer it but if she agrees that it be answered by Deputy Stephenson then she can. Which would you prefer, Deputy Feltham?

**Deputy L.V. Feltham:**

I do not mind; whoever can give me the better answer. **[Laughter]**

**The Bailiff:**

It sounds like the Minister is conceding that Deputy Stephenson will answer; therefore, if you would answer the question.

**Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Infrastructure - rapporteur):**

I thank the Deputy and the Minister for the opportunity to answer this question. I feel like it is a bit of a challenge now; challenge is on. As Members will be aware, the Jersey Development Company submitted an outline planning application in December 2021 to regenerate the south-west St. Helier Waterfront into a mixed-use development delivering around 1,000 homes and various sports, leisure, arts and cultural activities, open space, public squares and public parks. Under the plans a new sports facility, including a public swimming pool, is proposed to be developed on the site of the current

AquaSplash. The Jersey Development Company is committed to ensuring that the Island is not left without a public swimming pool in St. Helier; instead it will ensure that replacement facilities are up and running in advance of closing the existing buildings. The current forecast phasing plan earmarks the AquaSplash for redevelopment in 2029 to 2031. This remains subject to a future agreement with the Government as they have a long lease on the premises.

**3.14.1 Deputy L.V. Feltham:**

Will the Assistant Minister give assurance that she will consult with the affected users of the swimming pool facilities throughout this development?

**Deputy L. Stephenson:**

I understand that officers are in ongoing discussions with the Jersey Development Company as part of the process as these plans are put together. I would fully expect that that will include communications with users of the AquaSplash as well.

**3.15 Deputy G.P. Southern of the Minister for Health and Social Services regarding the implementation of the Jersey Ethical Care Charter (OQ.33/2023)**

Further to the response to Written Question 66/2023, will the Minister assure Members that she will engage with all Ministerial stakeholders to try to unblock progress on the implementation, after 5 years, of the Ethical Care Charter as detailed in P.48/2017 and approved, as amended, by this Assembly in July 2017?

**Deputy K. Wilson (The Minister for Health and Social Services):**

I have said in my response to the Written Question 66 that the Government will undertake an exercise to review the outstanding propositions from previous States Assembly decisions and this will be done in liaison with the Privileges and Procedures Committee to determine how best to progress them or return them to the Assembly. Therefore, I will of course, as a Member of the Government, work with Ministerial colleagues and the P.P.C. (Privileges and Procedures Committee) to determine how best to progress the Ethical Care Charter.

**3.15.1 Deputy G.P. Southern:**

I believe that was a commitment to progress through co-operation with Ministers, this particular piece of work, and I welcome it.

**The Bailiff:**

Is that what you meant to say? I will just add a question to keep in accordance with Standing Orders.

**Deputy K. Wilson:**

I will repeat if I can. I will of course, as a Member of the Government, work with my Ministerial colleagues and P.P.C. to determine how best to progress the charter.

## **4. Questions to Ministers without notice - The Minister for Housing and Communities**

### **The Bailiff:**

Very well, that ends questions with notice. We move to questions to Ministers without notice. The first period of questions is for the Minister for Housing and Communities. Please do not turn your light off until I have ... so I have Deputy Mézec, Deputy Coles, Connétable of St. Brelade, Deputy R. Ward, Deputy Feltham and the Connétable of St. Helier. All right, everyone can turn their lights off except Deputy Mézec.

### **4.1 Deputy S.Y. Mézec:**

What does the Minister consider a reasonable monthly rent to be for a basic one-bedroom flat with open-plan living and no parking space in the private sector?

### **Deputy D. Warr (The Minister for Housing and Communities):**

I thank the Deputy for his question. I do not believe there is a figure if you are looking in the market economy; it is what the market will bear. I do not know if there is anything else that I can say to that.

### **4.1.1 Deputy S.Y. Mézec:**

It is disappointing that the Minister for Housing and Communities will not even attempt to put a figure on what he thinks his constituents ought to expect to pay for a bog standard basic flat like that. But I can tell the Minister that more and more now advertised in the private sector are flats exactly like what I have just described being advertised £1,300 a month, £1,315 a month. I have even seen one as high as £1,450 a month, a figure which would put even a couple on the average income well into rental stress, and some of those flats are being built by the Government. What is the Minister for Housing and Communities going to do to ensure that we stop the building of apartments that are putting people into rental stress and instead focusing on building homes that people can afford to live in?

### **Deputy D. Warr:**

I thank the Deputy for his question. Obviously we are very aware that within Government we have Andium Homes where there is a policy of 80 per cent against market rental, so that will help alleviate those struggling with their rental payments. We obviously, on top of that, have people who are on certain levels of income who are on Housing Gateway who will also get support with their housing costs. So I would suggest that right now those who are most vulnerable, who find themselves in the most vulnerable situations in their homes, are well supported by current government policies. We keep coming back to this idea of what is an appropriate rent in the private sector. It is what the landlord can achieve for the quality of build. I was speaking to a landlord over the weekend and they have just put out on to the market 12 one-bedroom flats for which they were very proud to say they had completely let, could have let again, at the levels, the very levels the Deputy mentions, so that is what the market can bear. As I say, for those who are the most vulnerable in our society, we are supporting them through Andium Homes and through the Social Security Department by the various schemes that we have in place.

### **4.2 Deputy T.A. Coles of St. Helier South:**

With more adults living with parents due to increasing costs of housing, does the Minister feel it is appropriate for these adults to be living in rooms which can be considered a single bedroom?

**Deputy D. Warr:**

I would like to have a bit more clarity on what the Deputy means by that because what he seems to be referencing here is a scenario which we would almost define as homelessness. As far as I am concerned, we are building, and Andium Homes have provided some very good data, the appropriate accommodation for the demand that is out there. As far as I am aware, we are not, certainly in the public sector, endeavouring to put people into homes that are smaller than their demand.

**4.2.1 Deputy T.A. Coles:**

I am glad the Minister for Housing and Communities made reference to Andium Homes and the fact that these could be considered homeless because this is exactly what the Ann Street Brewery site is developing: 2-bedroom properties which then consist of a single bedroom. So, my initial supplementary was going to be regarding whether he has considered the impact on mental health to these people, but now he is considering that these apartments are being built to a standard that would provide homelessness, can he address then why this is an appropriate development?

**Deputy D. Warr:**

I do not believe I said they are being built to a standard which is homelessness. I think the Deputy was suggesting that there were more people living in this accommodation than was appropriate for the size of the property. The Deputy well knows that there are minimum standards, as laid out by the Planning Department, and I am being given some statistics here about the Ann Street Brewery site. I am advised by Andium that 147 out of the 249 apartments exceed the minimum requirement. The minimum requirement is set there in law to make sure people do not go below that standard. I am very proud to say that Andium provide the vast majority of their homes above the minimum standard that is required.

**4.3 The Connétable of St. Brelade:**

The general definition of affordable housing is often grey. What is the Minister's personal definition of "affordable"?

**Deputy D. Warr:**

I thank the Connétable for his question there. Affordability definitions are a challenging definition to arrive at, especially in the current climate. We thought we were getting close to one last year until we saw the U.K. budget and inflation rates that basically blew our concept out of the water.

[11:15]

We are currently working with our Economics Unit to try and develop a new definition, as it were, and clearly under the bridging Island Plan we are also endeavouring to build something like 1,500 affordable homes via Andium through rezoned sites. But we are very cognisant of the fact that there is a real issue in trying to meet that gap, to find the answer to that gap.

**4.3.1 The Connétable of St. Brelade:**

Does the Minister consider the 80 per cent rental that tenants are presently obliged to pay Andium is the right level in this economic climate where people are being pressed by increased cost-of-living costs?



**Deputy D. Warr:**

I thank you again for your question. Is it right? It is current government policy so I cannot say it is right or wrong. I think the support for those who struggle to meet that 80 per cent level is then provided by our Social Security services, so those people in the most rental stress do get support through those developments. Again, the other thing I would highlight is, it is a model which is sustainable for our social housing providers who borrow significant sums of money and require a level of rental income that supports that model. As I say, we can play with the model but my worry is that we end up destroying our ability to build more urgently-needed homes for our Island population.

**4.4 Deputy R.J. Ward:**

I had the pleasure of watching the Minister on ITV when he mentioned that one of the reasons homes are getting smaller is because it is going to get more expensive. Can I ask the Minister what is his minimum standard, minimum size for a home for a single person in Jersey?

**Deputy D. Warr:**

I thank the Deputy for his question. I do not think it is about opinions. This is about what has been established in law by the Planning Department and that recognition is that we are constantly trying, in an expensive building environment and constrained space, to make sure that people have adequate levels of space in their homes. I have been advised that since 2009 we have increased by 10 per cent the minimum standard, so clearly there has been an awful lot of work done in this area. Whether you agree that 51 square metres is an appropriate space for a one-bedroom, 2-person accommodation, I am sure has gone out to consultation and been thought about in considerable depth. As I say, I do not want to give an opinion on the matter, this is how it is.

**4.4.1 Deputy R.J. Ward:**

The Minister mentioned before with regard to these smaller places that were being rented with Andium; I will remind the Minister if you are under 40 you are not eligible. What would the Minister say to a 20, 25 year-old, 30 year-old who has done everything right and gone out to university, come back, is working in a job but now cannot afford to rent in Jersey? What are the Minister's words to them? Is it just simply: "Well that is what the free market does to you"?

**Deputy D. Warr:**

I thank the Deputy for his question. The reality is, this is about our Gateway criteria. As you will well know, we have already changed the Gateway criteria as of 1st January on an income basis; however, my next port of call in that respect is around age. So at the moment I believe we are around 45 - I hope I am not going to be corrected on that point - but I would like to see that age limit reduced down to 25. Again, we are monitoring that data on a very regular basis and one of the bits of work that we need to do is to identify the scale of that issue. There is no point in broadening the Gateway out and giving people false hope but I do want to give people hope. As I say, as we continue to build we will for sure get there and accommodate more of those people who are in desperate need of accommodation.

**Deputy R.J. Ward:**

The second part of my question regards people who cannot afford to rent in the Island who are young?

**Deputy D. Warr:**

Apologies for not answering that second part. The reality is we have a scheme which we have yet to work out what to do. This is a £10 million ring-fenced sum of money which we are currently working our way through and will have answers for in the next 6 months. This is about trying to bridge this affordability gap to which the Constable mentioned. That is a piece of work that we are working on actively and are very, very keen to make sure that our young people will at some point find a way of accessing the housing market.

**4.5 Deputy L.V. Feltham:**

In his answer earlier, the Minister recounts a conversation that he recently had with the property developer who talked about the prices were what they could achieve. Is it right that the market forces should lead people into rental ... does the Minister consider that it is right that market forces should lead people, particularly young people, into rental stress?

**Deputy D. Warr:**

I thank the Deputy for her question. It is clearly not right that people should go into rental stress but we are in a situation of simple supply and demand. We have an insufficient supply of housing and we have too much demand; therefore, in the current situation the rental prices are at the levels that they are at the moment. That is the whole point behind us building extensively through our States-owned entities for the people of Jersey. If we continue to build, we offer more choice that I would hope will enable rental costs to come down.

**4.5.1 Deputy L.V. Feltham:**

Has the Minister just not admitted that our housing market is broken and that some level of market intervention is required in order to help people not fall into rental stress and ensure that quality of life is maintained for all people on this Island?

**Deputy D. Warr:**

I thank the Deputy for her question. Everybody keeps pointing at Jersey. This is not an issue which is unique to Jersey; this is a situation in London, in all sorts of cities where there is insufficient accommodation. We are working very, very hard right now to push through that supply of housing. We are probably very familiar with the numbers currently under construction and coming onstream right now. I am trying to look at the exact ... if I can give you some exact numbers. I am sorry, in the time I have got available here I will not be able to give you exact numbers but we have obviously the La Collette flats coming onstream, we have Ann Court coming onstream, we have the Limes being built. We have just seen approval for Ann Street Brewery site, we have got Northern Quarter, we have a huge amount of homes being built or coming under construction. I think that is really, really good for the future of Jersey and will give some stability to those in the future.

**4.6 The Connétable of St. Helier:**

But is it good for the future of St. Helier? The Minister approved enthusiastically the Ann Street Brewery scheme, which it seems to me does not offer sufficient open space for its residents nor sufficient car parking. What is his view of that, please?

**Deputy D. Warr:**

I do not know if you were at the Planning Committee decision last Thursday; I was. I was given an extraordinarily good presentation by the planning adviser. The planning adviser put out very, very clearly all of the issues that they have considered. I think it is an extremely well-thought-out site and I think it is going to be of great benefit to the north part of town, which is recognised historically as being one of the most deprived areas in the Island of Jersey. In terms of car-parking spaces, I think a lot of analysis has been done on that. I think in the past, Andium will tell you, that they have built too many car-parking spaces for the demand in existing sites. So I think the evidence ... I would be asking Andium if they are building sufficient carparks. Clearly the Planning Department thinks so based on the evidence and demand on other Andium sites.

**5. Questions to Ministers without notice - The Minister for International Development**

**The Bailiff:**

I am afraid that brings the period for questions to this Minister without notice to an end. The next question period is the Minister for International Development.

**5.1 Deputy S.G. Luce:**

As we all know, last Friday marked the one-year anniversary of the illegal invasion of Ukraine. Could the Minister update the Assembly on the plight of those people desperately in need?

**Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):**

Russia's illegal invasion of Ukraine on 24th February 2022 escalated 8 years of conflict into a full-scale war. Fighting remains intense in eastern and southern Ukraine. Almost 20,000 people, civilians, have been killed or injured, 6 million have been displaced internally, 8 million have fled as refugees and 17.6 million are in need of humanitarian assistance. Millions are without power and heating, hundreds of medical facilities have been destroyed and the Ukraine's agricultural industry, vital for the world supplies of wheat and grain, as well as the Ukraine's own food security, have been severely disrupted and the fighting continues.

**5.1.1 Deputy S.G. Luce:**

I thank the Minister for her answer but could she update the Assembly on Jersey's response to this crisis?

**Deputy C.F. Labey:**

Jersey has so far raised £3.1 million and distributed it equally from Jersey Overseas Aid, the general public, with the Bailiff's Appeal and Side by Side, and the Government. Jersey has been working with 10 partners on the ground and as well as in Ukraine, we are also working in neighbouring countries of Hungary, Romania, Moldova, Poland and the Slovak Republic. Most recently, Jersey Overseas Aid awarded 2 grants for the Ukraine totalling £400,000 to Crown agents supplying vital medical supplies, incubators, trauma kits and generators and £124,000 to Friends of Ukraine who are funding bomb disposal and de-mining courses for civilians. Also last week on 22nd February, a vote agreed to twin St. Helier with Moldova, a beleaguered port of 450,000 inhabitants in southern Ukraine. I am proud to say that we are one of the highest per capita contributors of humanitarian aid of any country and the Government is committed to standing with the Ukraine.

## **5.2 Deputy M.B. Andrews:**

Can the Minister provide an update on Jersey's response to the earthquake?

### **Deputy C.F. Labey:**

The whole of the States will be aware of the tragic events of Turkey and Syria on 6th February and will want to join me in sending our sincere condolences to all the millions of people affected. **[Approbation]** As Members know, in the early hours of 6th February, an earthquake hit southern Turkey and northern Syria. It was a 7.8 magnitude on the Richter scale. The death toll now stands at nearly 60,000 with more bodies being retrieved on a daily basis. There are 105,000 injured people in Turkey and 10,600 in northern Syria. Over 1.5 million people have been made homeless and are living in freezing conditions in tents, emergency shelters, cars, without sufficient access to food, medicines, warmth or clean water. In Syria, the quake comes after 12 years of brutal civil war where, prior to the earthquake, some 15.3 million people in Syria required humanitarian assistance.

## **5.3 Deputy S.Y. Mézec:**

In recent weeks, the Israeli occupation forces in the West Bank have conducted military raids which are the most deadly that the West Bank has seen since 2005, with the Palestinian health ministry reporting that 80 people have suffered bullet wounds and are being treated across 5 different hospitals in Nablus. Would the Minister update the Assembly about what work she and her department are doing to provide aid to those providing for health relief in the occupied territories?

### **Deputy C.F. Labey:**

At the moment we have 3 different projects that we support in the occupied territories in Gaza. We have continued supporting several of these over the last 5 years, so we have got different projects. I do not have the exact details to hand at the moment but we are supporting Palestinians.

[11:30]

### **5.3.1 Deputy S.Y. Mézec:**

I am grateful to the Minister for the answer and I am very pleased to hear of that. Given what appears to be the worsening situation in the illegally-occupied territories of Palestine and the greater death toll that they appear to be experiencing there, would the Minister give this Assembly her assurance that Jersey will not shy away from continuing to provide aid to those who are innocent bystanders in the violence occurring there and desperately need international support for health treatment?

### **Deputy C.F. Labey:**

Absolutely. As I have said, some of our projects now are in hospitals and we continue to monitor the situation but absolutely.

## **5.4 Deputy M.R. Scott:**

With respect to the assistance the Minister's department is providing to those affected by the catastrophic earthquake in Turkey and Syria, could she please provide details of the nature of assistance being given by her department, including the agencies that will be used?

**Deputy C.F. Labey:**

Jersey is in touch with numerous humanitarian actors on the ground in both countries. Only yesterday I spoke to Richard Blewitt, the executive director of the International Red Cross, who told me that they, along with the Red Crescent Movement, has so far worked to distribute 1.5 million meals per day to affected persons in Turkey. They are distributing 630,000 relief items which includes tents and blankets to affected family members in Syria. They have scaled up cash assistance, reaching an additional 200,000 homes in Turkey and 100,000 households in north Syria, and they are offering child protection support. Jersey has been prompt to provide assistance to those most in need and we have provided £150,000 to the International Red Cross, £200,000 for a special mechanism in northern Syria designed to fund the local humanitarian organisations in that area. Today I am pleased to announce that commissioners have agreed an extra £40,000 to supply essential medicine to both countries.

**5.4.1 Deputy M.R. Scott:**

Could the Minister give us more details of this mechanism to which she has referred in northern Syria?

**Deputy C.F. Labey:**

Yes. It is a fund that has been set up. We have been working with the U.K. and other donors. It was set up last November and in actual fact we were speaking to the fund operators in the U.K. a week before the earthquake struck. We had agreed to fund north-western Syria, where there are a lot of ... there are about 7.1 million people there in opposition-controlled areas of Syria. So we were looking at the area anyway, but the earthquake struck about a week later so, therefore, that funding will go directly for the earthquake support.

**5.5 Deputy C.D. Curtis of St. Helier Central:**

My question is about aid getting through to the contested areas of Syria, which the Minister may have given some information on already. Can the Minister tell us about any more of the efforts of getting through to the contested areas of Syria?

**Deputy C.F. Labey:**

That is a really good question because humanitarian access to the opposition-controlled areas of Syria has long been a key issue and constraint. Of the 15 million people in need of humanitarian assistance, even before the earthquake, as I have said over 7 million were in the non-regime held areas. The needs now are, of course, much greater. Jersey has been attempting to find ways of reaching these communities for some time and, as I have just said when I answered the other Deputy's question, we have been working with the Foreign, Commonwealth and Development Office on the matter whereby we have set up a fund that focuses on these areas, the hard-to-reach areas. I believe that Assad is now allowing more border crossings to open and some more aid is, indeed, getting through, although not quickly enough. But we are obviously following the situation very closely.

**5.6 Deputy R.S. Kovacs of St. Saviour:**

Can the Minister tell us who are the White Helmet organisation in Syria and has Jersey supported them?

**Deputy C.F. Labey:**

The White Helmet is a popular name for the Syria civil defence organisation. It works with about 3,000 volunteers and has excellent access to opposition-controlled areas of north-west Syria and Turkey, which as I have said many aid agencies find hard to reach. It has also served as one of the key and early responders to the earthquake, which is why they have received a lot of coverage on the news of late. It was formed about 10 years ago but established in 2014. It is officially an impartial humanitarian N.G.O. (non-governmental organisation) which receives funding from the U.K., the U.S. (United States) and European Governments. Interestingly, support and training was provided by the Mayday Rescue Foundation, which is a not-for-profit organisation established by the former British army officer James Le Mesurier, who had Guernsey connections. Unfortunately, he died in suspicious circumstances in Istanbul in 2019. Jersey has not funded the White Helmets because we have not yet had a relationship with them. However, we watch their activities with interest and admiration and would be open to exploring a partnership with them in the future.

**5.6.1 Deputy R.S. Kovacs:**

In Syria, in particular, are any other partner organisations receiving Jersey support funds besides the Red Cross and Red Crescent movements?

**Deputy C.F. Labey:**

Yes. As well as the Red Cross we have a fund that has just been set up to concentrate on the hard-to-reach areas in Syria. Also, we have just agreed to send another £40,000 to international health partners, which supply medication and medical supplies.

**The Bailiff:**

There may be time for a very quick question from Deputy Barbara Ward.

**5.7 Deputy B. Ward of St. Clement:**

Can the Minister explain why no public appeal was launched in Jersey for the earthquake?

**Deputy C.F. Labey:**

The decision to launch an official public appeal rests with you, Sir, and is not a decision for the Minister or Jersey Overseas Aid. However, when an appeal is launched, Jersey Overseas Aid co-operates very closely with the Bailiff's Chambers, the Jersey charity Side by Side, and we work together in a way publicising the appeal, collecting money in a tax-efficient way, and for Jersey Overseas Aid's part to distribute it to the best partner organisations using our high standards of due diligence and grant management. I believe the Ukraine appeal was a shining example of the 3 of us working together.

**The Bailiff:**

That brings the period of questions ...

**The Connétable of St. Helier:**

I do not know if it is a point of clarification or a point of order but the ...

**The Bailiff:**

I am not sure you can, but you would like Hansard to be corrected ...

**The Connétable of St. Helier:**

I would, please, Sir.

**The Bailiff:**

... to recognise the fact that twinning was with Mykolaiv and not with the state mentioned by you, Minister, I believe.

**The Connétable of St. Helier:**

Moldova.

**Deputy C.F. Labey:**

Sorry, yes, Mykolaiv.

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

**The Bailiff:**

Very well, we now come to the last period of questions without notice to the Chief Minister.

**6.1 Deputy C.D. Curtis:**

My question is about safeguarding of vulnerable people. We have seen in recent weeks several cases where dangerous people have had access to children and vulnerable adults through their employment by the States of Jersey. As Chief Minister and as the chair of the States Employment Board, can the Deputy confirm that full checks, including on background information, as well as references and a full D.B.S. (Disclosure and Barring Service) check are carried out on all job applicants before they are given a position of trust?

**Deputy K.L. Moore (The Chief Minister):**

Firstly, I should state that it is my understanding that particularly the case that the Deputy mentioned there was no contact with local children as a part of that role. But safeguarding is, of course, of absolute importance to us and that is one of the reasons why this Government has set up the Safeguarding Ministerial Group, which is a very strong group led by the Minister for Home Affairs, who has a great deal of interest in this area. It is something that we take extremely importantly. There is, of course, always work to be done but I think the vice-chair of the States Employment Board has answered the written question setting out our employment practices and procedures in this area.

**6.1.1 Deputy C.D. Curtis:**

There have been several cases across departments recently and my question is: can the Deputy confirm that even a simple internet search is done on applicants who will have access to children and vulnerable adults to ensure that they can be trusted?

**Deputy K.L. Moore:**

I am sure that our colleagues in People Services do all of the appropriate checks when employing people in this area.

**6.2 Deputy T.A. Coles:**

Does the Chief Minister agree with her Better Way colleague the Minister for Housing and Communities that because people cannot afford to own their own home that they must compromise with reduced size?

**Deputy K.L. Moore:**

I have not heard the Minister for Housing and Communities say those words exactly, but as a Government we are very much committed to increasing the levels of owner occupation in the Island. It is something that I think we all believe in and it is something that we are working on increasing supply in that area and also in the area of social housing. I think that the words that I have heard from the Minister for Housing and Communities are how impressed he has been by the quality of accommodation that Andium are currently building to.

**6.2.1 Deputy T.A. Coles:**

The quote came from an interview that Deputy Ward did with ITV and it says: “We know that the cost of housing and buying a home is out of the realm of most people so we have to appreciate, therefore, that sizes have to come down a bit. That is the compromise we have.” Does the Chief Minister value the fact that proper proportioned living accommodation is essential to people’s well-being and mental health well-being?

**Deputy K.L. Moore:**

I think with regards the quote, context is always important and having heard that quote I think perhaps the Deputy’s context might have been slightly different. However, we do have, of course, minimum standards and that is a great improvement on building standards of I think only 10 years ago. Of course, that is aligned to people’s well-being. It is very interesting to see the survey results that have come out this week and the connection that that makes to social housing and people’s general well-being. I know that Andium are absolutely committed to supporting all of their tenants and they have gone through an amazing programme of improvement, bringing all of their properties up to decent home standards, and that is absolutely what we expect. We look forward to them delivering on the rest of their building project and continuing to maintain high standards for all of their tenants.

**6.3 Deputy L.V. Feltham:**

The Public Accounts Committee was rather surprised and concerned to hear at its public hearing on 1st February with the chief executive officer that she did not yet have key performance indicators in place for her role.

[11:45]

I subsequently wrote to the Chief Minister on 8th February on that matter and have yet to receive a response. Could the Chief Minister outline whether the chief executive officer now has key performance indicators in place and also let me know when she intends to respond to my letter?



**Deputy K.L. Moore:**

Thank you, Deputy, and I must first apologise if I have failed to respond to a letter. I do not recall receiving it and I will look for it and endeavour to do so. With regard the key performance indicators, this is a matter of importance to me and to the chief executive and I have been working with the vice-chair of the States Employment Board upon that process. We are in the final phases of agreeing those and look forward to seeing them agreed and then measured and met in the future.

**6.3.1 Deputy L.V. Feltham:**

Considering that the chief executive officer has now been in place for over a year, does the Chief Minister agree with me that it does not show that it has been taken as a matter of urgency in consideration that the K.P.I.s (key performance indicators) are not yet in place?

**Deputy K.L. Moore:**

Well, of course, we have only been in Government since the middle of July and so we have not had the full benefit of a whole year of working with the chief executive. So I cannot speak for the previous Government. I can speak for mine and we take key performance indicators extremely seriously and, indeed, performance management across the whole of the public sector is a matter of focus for us at the moment. Because we think, yes, it all starts at the top but that should also be seen throughout the whole organisation. I think it is a demonstration of the importance with which we regard this area that we have taken the time to ensure that we get it right.

**6.4 The Connétable of St. Helier:**

While I endorse the Chief Minister's recent comments about how well Andium are doing for the Island in providing housing, is it not a matter of concern to her that when the Ann Street Brewery application for 250 units nearly was approved I gather that the map that was shown indicated the extension of the Millennium Town Park providing open space for those residents? Does she endorse the fact that these residents in these flats are going to have inadequate open space to use in the future?

**Deputy K.L. Moore:**

I thank the Constable for his question, and as a member of the Future Places Ministerial Group I am sure he is quite familiar with the importance with which we place access to green space for St. Helier residents. It is a matter that is under discussion at every single one of our meetings and I do believe that Andium will be coming to talk to us at our next meeting with regard their plans for that site and the green spaces that it will allow, and the connection also for active travel routes through that site and in and around the rest of town, which we are really looking forward to delivering.

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

The same application approved 0.25 parking spaces per unit. Have we not arrived now at a situation where the only people who can enjoy car ownership as distinct from car use, because of course we want them all to bicycle in from their houses, but the only people who can enjoy the benefits of car ownership, weekend trips or visits to the Continent, for example, are those who live outside town in Parishes like the Chief Minister's own?

**Deputy K.L. Moore:**

Well, I certainly prefer a bicycle to a car for my journeys to town and I hope that many more people will enjoy active travel as we progress through this term of Government. I was really pleased to hear

the very positive feedback on the bus service in my recent engagement with members of the public on that subject. In the 21st century I think our approach to ownership is somewhat different, and as we progress through the century I think that we will see fewer people wanting to own their own cars. It is simply a matter not only of the space that they take up ... and I would much prefer, as the Constable knows, the streets of St. Helier to be bedecked with trees and spaces for people to enjoy some fresh air than cars taking up on-street parking spaces. So this is a work in progress, but I do not see a direct correlation with the number of parking spaces available in a development per unit as a retrograde step. I think perhaps it is an indicator of the future.

#### **6.5 Deputy M.B. Andrews:**

Can the Chief Minister explain why numerous capital projects have either been cancelled or delayed and why this is contrary to the Fiscal Policy Panel's advice for such projects to go ahead?

#### **Deputy K.L. Moore:**

I think there are a number of capital projects ongoing, and given the change of Government I think it is ... and the public demanded a change in perspective, and capital projects is one area where there was a distinct amount of frustration voiced by the public. We have seen a hospital project that was overblown, over-costly, over-budget, and did not, in fact, deliver on all of the elements that the public wanted to see within it, such as rehabilitation, such as a hydrotherapy pool, such as step-down care. So I give no apologies for taking some time to reassess some of the ill-thought-through projects of the previous Government and to find a better way forward for Islanders and the future of the Island.

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

Earlier the Chief Minister said that in recent cases highlighted by Deputy Catherine Curtis there was no access to children. Can the Chief Minister reassure that in the cases in C.Y.P.E.S. (Children, Young People, Education and Skills) that have recently come to the public domain what safety net there was in terms of access to children, given that it involved a lead adviser for inspection and a senior adviser in C.Y.P.E.S.?

#### **Deputy K.L. Moore:**

I think it is always uncomfortable territory when identifying a particular individual case, but I have been reassured that there was no engagement with children. I think that is probably all that we can say. I reiterate my words about safeguarding and the great importance that we place upon it.

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

I would ask the Chief Minister to perhaps go away and think about that statement in terms of no contact with children in the answer to that question, given that the person was a lead adviser involved in inspections. That is all I can say on that at the moment but I would ask would she consider going away and considering that answer?

#### **Deputy K.L. Moore:**

I will provide a response to the Deputy.

#### **6.7 Deputy S.Y. Mézec:**

In answer to an earlier question, the Chief Minister said that hers was a Government that wished to support people into home ownership. Could she explain how she thinks somebody would go about

becoming a homeowner when they are renting a one-bedroom open plan living apartment with no parking for £1,400 a month and their Minister for Housing and Communities simply says: “Oh, well, that is market forces, nothing we can do about it”?

**Deputy K.L. Moore:**

I have been delighted to see the plans that the chief executive has brought forward along with the Minister for Housing and Communities to strengthen our housing unit. That is going to be a key part of the Cabinet Office and its work moving forward so that we can bring forward the appropriate policies that will help to deliver greater home ownership to Islanders and will tackle the thorny issue of that £10 million that was set aside oh so many years ago now and has as yet been unused. We are really keen to see that money put to good use and I am absolutely certain that, like a former Corporate Services panel did in the past, we will be able to bring forward policy suggestions to the Assembly that will truly make a difference to people who find themselves in those circumstances.

**6.7.1 Deputy S.Y. Mézec:**

I think my question was quite clearly about the fact that there are new one-bedroom properties being built at significantly above rental stress levels, not just being built by the private sector but by the public sector. I do not think that some shifting around of civil servants will provide much consolation now to people who are facing rental stress in those situations. So will the Chief Minister explain what action she anticipates her Government taking to directly tackle the issue of extortionate rents, which as we have seen in the recent Statistics Jersey report are one of the contributing factors for why private renters report twice as bad health outcomes as those who are owner occupiers?

**Deputy K.L. Moore:**

Market forces are market forces, but I made my comments because I do believe that we will be bringing forward policy measures that will support people, Islanders, to access home ownership, such as, if I have to spell it out, the suggested loan deposit scheme, for example, that the previous Corporate Services panel suggested to the former Assembly. Policies such as that will make a real difference to people by unlocking the funds that have been made available for that very purpose.

## STATEMENTS ON MATTERS OF OFFICIAL RESPONSIBILITY

### **The Bailiff:**

Very well, that brings the period of questions to the Chief Minister to an end. There is nothing under J, so we move to K, Statements on Matters of Official Responsibility. The first statement is to be made by the Minister for Infrastructure, who will make a statement regarding an update on the new healthcare facilities.

### **7. The Minister for Infrastructure regarding an update on the New Healthcare Facilities project**

#### **Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:**

Sir, may we have a copy of the statement?

### **The Bailiff:**

The statement is being circulated at the moment and ... is it being done electronically? It is being sent by email.

#### **7.1 Deputy T. Binet (The Minister for Infrastructure):**

It will come as no surprise to Members of the Assembly that the Council of Ministers remain committed to delivering good quality healthcare facilities as soon as it possibly can. Following the Our Hospital review, we are committed to starting construction within the term of this Government and it is safe to say that our intentions have not changed. This morning I want to take the opportunity to provide the Assembly and members of the public with an update on our programme of works, the details of which are contained in the report presented today. For the avoidance of doubt, I can confirm that the facilities will meet the requirements for good hospital healthcare, but by following a multi-site solution it will also manage the overarching economic risk posed by building on one site. This approach will see us replacing our central facilities while committing less capital at any given point. As Members will know, a significant amount of money has already been spent but, as stated previously, we are already utilising much of the intellectual capital invested in previous schemes, all of which should help to minimise further spending and help accelerate delivery. The project is now being led by a small team of our own people, the leader of which is a highly competent individual with 6 years' experience as the deputy to that role. On a personal level, I have great confidence in this person and her equally professional colleagues. Together, they are constructing a wider team of professional service providers, many of whom have proven their worth by virtue of the work that they have undertaken on the Our Hospital project. We are currently working with Scrutiny to broaden the quality of governance on the Political Oversight Group by recruiting an independent non-executive director to provide additional relevant project delivery experience. I would like to assure Members that this will not be an expensive appointment. It will be somewhere in the region of £12,000 a year. Following a recent presentation, many Members of the Assembly will be aware of the proposed timelines for 2023, which will see the completion of a feasibility study created from the bones of the Our Hospital project and fleshed out by further consultation with clinicians, medical staff and healthcare workers. This will result in a clear plan identifying the most appropriate utilisation of the key sites involved. We are aiming to share this with the Assembly sometime in May. Going forward, our project team will continue to work with the Minister for Health and Social Services and her team to ensure that all clinicians, care workers, administrative and other support staff have an opportunity to express their views. We also intend to revive the citizens panel and give them a significantly broader brief so that the opinions of the public may be better represented than

hitherto. In the next few weeks we are hoping to transfer ownership of the land at Kensington Place from Andium and following receipt of a planning permit late last week commence demolition of the unused dilapidated buildings at Overdale. Work at the former Les Quennevais School continues to run on time, which should result in completion early in July. As Members will know, this will facilitate the transfer of most of the services currently delivered at Overdale and, subject to confirmation, the facilities will be retained for use in the longer term. This will reduce the area required on the 2 main sites and result in a corresponding reduction in capital outlay. I am also pleased to confirm that following consultation with the Minister for Health and Social Services and the Parish of St. Brelade, the facility will be known as the Enid Quenault Health and Well-being Centre in recognition of the extraordinary achievements of the former Connétable. **[Approbation]**

[12:00]

While Les Quennevais is a complete refurbishment, I should just take this opportunity to confirm that there is no intention to refurbish any of the buildings at Overdale or Gloucester Street for medical services. These will be new build, save perhaps for the possibility of converting the Parade Gardens block for staff accommodation, but this is an initial stage consideration to be looked at going forward. Later in the year the Council of Ministers will bring a financial plan to this Assembly as part of the Government Plan 2024-27. At that point it will be for the Assembly to decide how we proceed and whether we can lodge a planning application for phase 1. Finally, in terms of future communication I want Members to know that I am committed to ensuring that everyone concerned will get clear and easily understandable information at every stage. I am happy to take any questions.

**The Bailiff:**

There is now a period of 15 minutes of questions to the Minister. The first on the list is Deputy Tadier.

**7.1.1 Deputy M. Tadier:**

At the bottom of page 1 that has been circulated in the Minister's statement he says that he and the project team will continue to work with the Minister for Health and Social Services to deliver this project. Can I ask whether as a Minister he has full confidence in the Minister for Health and Social Services?

**Deputy T. Binet:**

Yes, I am happy to say that we have liaised professionally and as appropriate throughout the course of the last 8 months.

**Deputy M. Tadier:**

That is an interesting answer but it does not answer my question, which was not what I asked, so this should not be a supplementary, this should be my first question.

**The Bailiff:**

I think as I listened to it ...

**Deputy M. Tadier:**

Does the Minister have confidence, full confidence ...

**The Bailiff:**

Deputy, the Minister responded by saying “yes” and then went on to add that he had consulted, so I think the response to your question did he have confidence was a quite clear “yes” at the beginning. I do not think he failed to answer the question, but if you would like to ask a supplementary ...

**Deputy M. Tadier:**

Thank you. I missed the “yes”, sorry. Can I ask a supplementary, Sir?

**The Bailiff:**

Of course you can, yes.

**7.1.2 Deputy M. Tadier:**

In terms of our confidence in the whole project I notice in the fourth paragraph what I would call a modest use of an adjective saying that we will meet the requirements of good modern hospital care. Now, I am sure when the hospital project has been referred to in the past it used words like “excellent” and “world leading” and “world class”, et cetera. Are we now seeing a downgrading of the expectation that we can expect from this new hospital project being delivered over multi-purpose sites?

**Deputy T. Binet:**

A straightforward answer to that: no.

**7.1.3 Deputy L.J. Farnham:**

I have lost my spot now. It is such an interesting report. At a ... please bear with me, Sir.

**The Bailiff:**

Do you want me to ... I will take someone else. There is a limited time for questions. I will take someone else and then I will ask you after ...

**Deputy L.J. Farnham:**

I have found it now. I do apologise. The report says that completion of the second phase will enable the services continuing to be delivered from the current Jersey General Hospital site to a new build Kensington Place facility. At the presentation given to the States Members last week, Deputy Binet assured Members present that there were no plans whatsoever to do anything with the current hospital site and that would be freed up for alternative use. However, the report goes on to state that: “Subject to the outputs of feasibility studies which are currently being worked on, there may be a need to completely redevelop or provide some facilities on the current General Hospital site.” What has changed in the last week?

**Deputy T. Binet:**

I am a little confused. I thought I was reasonably clear last week and I still maintain that I was. We have 2 sites, 2 main sites, Overdale and Kensington Place. As I have mentioned a little earlier this morning, there is a possibility of converting the 1980s block into accommodation and there is a possibility, depending on how the various adjacencies work out, that we might develop something in

the very longer term for further consolidation on part of the area where the Gwyneth Huelin Wing sits at the moment. No plans to do anything with the Victorian building or the remainder of that site, some of which we are hoping to return ... well, much of which could well be returned to gardens. I think I was reasonably clear last week and I hope I am being clear this morning.

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

Residents of Westmount Road, users of People's Park, users of the Jersey Bowling Club and people who care about Jersey's heritage are all grateful to the Minister for lifting the sword of Damocles that has hung over that part of St. Helier in recent years and which has caused considerable stress to the Parish and not a little cost. But when will the Minister actually lift that sword completely? He said sometime in May. Can he give us a date when the people I have mentioned can truly feel that that has been lifted off their heads?

#### **Deputy T. Binet:**

I think the best I can offer is as soon as possible. I am acutely aware of the stress that these people have undergone and I am very keen to alleviate that as soon as I can. But it would be wrong of me to give you a precise date. We now have a planning permit and we need to negotiate our way through using that planning permit to develop whatever we need on the site and we do not want to prejudice that situation. But I certainly have spoken to some of the people, certainly the bowls club, and given them some reassurance, which I believe the Constable is aware of.

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

I note at the top of the second page of the statement there is a reference to forming a citizens assembly and so in a moment of déjà vu - because I think I asked the last Government this question - will they be using a process of sortition to form the citizens assembly?

#### **Deputy T. Binet:**

I have to show my ignorance. I do not really know what the process of sortition really refers to, but I did mention earlier this morning that we would be reviving the citizens panel. Because on the last Our Hospital project, when I spoke to them before Christmas they referred to themselves as considering that they had been treated as useful idiots, and I intend to give them, if possible, a much broader remit so that they can represent the views of the public. It may be that there will possibly be some changes in the composition because it is not necessarily that all of the people that are involved will want to continue to participate, but there is every intention of having a consultative body to take into consideration the views of the public.

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

For the Minister's information, sortition is a form of stratified sampling of population so you get a truly reflective panel of those members of our society. Can I ask the Minister whether the citizens panel will remain the same and how will he choose members of that panel? Because to quote again ... no, I will not. But if we are not careful in what we choose we will get the outcome simply that we want and that is what devalues citizens assemblies.

#### **Deputy T. Binet:**

I am afraid I cannot be overly comprehensive in terms of my response. It is our intention to revive the citizens panel. We have not got to that stage and it is something that we are working on at present,

so I would be very happy to come back to Deputy Ward with full details on that process as soon as it has been established.

**7.1.7 Deputy S.Y. Mézec:**

In the plans which are outlined in the new healthcare facilities document which he sent to us yesterday, for how much longer does the Minister anticipate that hospital services will be provided in the current General Hospital facilities than was originally anticipated if the Our Hospital project had gone along?

**Deputy T. Binet:**

Well, I think the first thing I need to do is point out that the Our Hospital project would probably only just be getting under way now because the planning permit has only just arrived and we have been working at speed to get the planning obligations resolved. I think it is safe to say that the Our Hospital project would not have been delivered against the timetable that was originally stipulated so it is very difficult for me to make a direct comparison. It is going to be further complicated by virtue of the fact that if we do a 2-site solution one of those sites will be in operation before the other. It is always difficult when one is drawn to give precise dates but I will try, so long as I am not necessarily quoted next time this comes up. I would hope that the first stage can be delivered within 12 months of what would have been the completion time of the original hospital and, depending on what that would have been, maybe sooner, and certainly within 2 years the second main site should be delivered thereafter.

**7.1.8 Deputy S.Y. Mézec:**

That was as clear as mud. I am trying to get from the Minister an indication of what extra cost taxpayers will have to bear to continue to fund the maintenance of hospital facilities which are out of date and fast approaching a point where they are not fit for purpose. I presume that will come with a hefty price tag. The Minister knows how much surely.

**Deputy T. Binet:**

I am a little bit confused by the question. First the Deputy refers to my answer as being as clear as mud and moves on to a completely different question. Could I ask whether the Deputy wants further clarification on the question that he originally asked or shall I move on to the second question?

**The Bailiff:**

I think the question is: how much longer will it take and read across to that how much longer will facilities be provided by existing facilities?

**Deputy T. Binet:**

I shall seek to rearticulate my answer insofar as the existing scheme would only just be commencing so it would have been delivered considerably later than originally planned. It is my personal view that it would have taken longer than was originally intended because of the complications with the scheme but, as I have said, whatever time period that would be, it will be within a year of that and 2 years after for the remaining section, phase 2. In terms of the cost, I think there has been a schedule of costs issued and parts of the hospital will have to run for one year longer than anticipated and other parts for possibly up to 3. I think the arithmetic there is reasonably straightforward.



### **7.1.9 The Connétable of St. Brelade:**

Referring back to the proposals to create a citizens panel, and with the greatest of respect to those who gave their time in the last iteration, if I can call it that, would the Minister not agree that the States Assembly as elected Members are the conduit through which the general public should voice their concerns? We are here to do exactly that. Likewise in the various Parishes which may be involved with the development of the various facilities, should the consultations not take place at Parish level, particularly St. Helier, through their various bodies and particularly their roads committee, who will have something to say? Would he agree that the last citizens panel costs were quite significant? Is it something that he considers really necessary?

### **Deputy T. Binet:**

In the first instance I have no criticism of what the Constable is suggesting. I think it is quite orderly that we consult with everybody, including the Parishes and everybody else. Yes, of course, this Assembly is a sounding board or representation of the public but, if I may say so, I am not sure that this Assembly quite did that job on the last occasion or I would suggest we would probably be under way building some form of hospital. So I do not think we can just leave it to the Members of the Assembly. I think it is always wise to talk to members of the public. In terms of the costs, I am happy to come back when we have made a firm decision on how we intend to consult with the wider public.

### **7.1.10 Deputy M.R. Scott:**

Following on the questions about the citizens panel, there was some criticism with the competition of the last one and the manner in which meetings were held, one that members of the public who had expressed any view on the hospital before had been excluded. The other had been the lack of transparency insofar as no minutes had been published, and one notes that, indeed, the Chief Minister has mentioned transparency as one of her objectives. I wonder whether the Minister anticipates any changes in this respect.

### **Deputy T. Binet:**

Yes, that could well be that there will be changes. As I have said, the idea of reviving the citizens panel only came up within the last couple of weeks and we are in the process of looking at exactly how we are going to go about that. I am very happy to come back to the Assembly with further news once we have more to deliver.

### **7.1.11 Deputy L.J. Farnham:**

The report states, just for Members' interest, that an optimistic timescale for the completion of phase 2 is 8 years, which would take us to 2031. I also note the title of this project has been changed from the Our Hospital project to the New Healthcare Facilities Programme. The Minister refers to a 2-site scheme. The report refers to a multi-site scheme. Indeed, there are likely to be at least 5 locations, according to the report and comments made by the Minister: Overdale, Kensington Place, Enid Quenault centre, Quennevais new mental health facility, and potentially some refurbishment or redevelopment of Gloucester Street. Are we actually going to have a General Hospital building? That is my question to the Minister. Which one of those multi-site healthcare facilities is going to be our General Hospital?

[12:15]

**Deputy T. Binet:**

I think it is safe to say that we operate albeit on not quite the same scale but we have sort of a 2-site option at the moment. We have most of what takes place on Gloucester Street but there is a certain amount of patient care that takes place at Overdale already. So I would assume that it will be something on that model, what has been referred to as both a hot and cold site.

**Deputy L.J. Farnham:**

Sir, may I have a supplementary?

**The Bailiff:**

Yes, there is time for a very quick supplementary.

**7.1.12 Deputy L.J. Farnham:**

I do accept that we do have the General Hospital which is the focal point of our health provision. Does the Minister know which one of those buildings is likely to be our key building, our new General Hospital, or are we not going to have a General Hospital? I do not think there is any problem, we just need an indication, please. If he does not know, he should just say so.

**Deputy T. Binet:**

I am happy to say so. I do not know and that is simply because that is the work that we are undertaking at the moment, as the Deputy well knows. He attended the meeting last week and that was made very clear. I can further add that it is likely that emergency operations and operations generally are likely to take place ... that will be more centred on one site and recuperation and rehabilitation more centred on another. But as to where those exact adjacencies are at the moment, that is the work that is in progress.

**The Bailiff:**

Very well, that ends the 15 minutes of questions ...

**Deputy R.J. Ward:**

Sir, may I ask, given it is such an important topic and I have another question, whether we can extend the time ...

**The Bailiff:**

Yes, you are entitled to ...

**Deputy R.J. Ward:**

... just for 10 minutes or something?

**The Bailiff:**

Well, the Standing Orders provide that it can be extended for up to another 15 minutes, so does any Member wish to propose an extension? You propose for 10 minutes?

**Deputy S.Y. Mézec:**

Let us raise it to 15, Sir; go on.

**The Bailiff:**

All right. The proposition is for 15. Is that seconded? **[Seconded]** Does any Member wish to speak on whether we extend the period? Those in favour kindly show. Those against? **[Laughter]** I think it is probably not worth asking for the appel, in which case we will extend by a further 15 minutes. Next to ask is Deputy Rob Ward.

**7.1.13 Deputy R.J. Ward:**

Is that the first reflection of transparency in this project? I hope not. Can I ask the Minister to be unequivocal in saying that there will be no additional works on the road up to Overdale and around People's Park in this project?

**Deputy T. Binet:**

I think that would be unwise. I am happy to say that there will not be any major works but there may have to be some minor works and it would be wrong of me to suggest that nothing will happen.

**7.1.14 Deputy R.J. Ward:**

Given the statement from the Constable of St. Helier, would he be correct in saying that all of those sites are being protected and that there will be no threat to any of the heritage sites, the park, the stone on the way up given the bend in the road, et cetera? Can the Minister assure at least of that?

**Deputy T. Binet:**

I think I can give a reasonable assurance at this stage. It is highly likely that none of that will be touched; highly likely.

**7.1.15 The Connétable of St. Clement:**

At the meeting we had, the presentation we had, last week I was very firm in saying that unless I had a direct like-for-like cost analysis of the multi-site hospital against the Our Future Hospital site, which is currently on the statute books, I would not be voting for any part of it. Does the Minister think that that is reasonable to give that information to the States Assembly before we make any major capital decisions on either site in the future?

**Deputy T. Binet:**

This is another extremely difficult question. Yes, I think we should make available as much financial information as we possibly can but I do not think that that should be to the extent to which we delay beyond the point at which our current hospital is capable of coping with our healthcare needs. So, yes, we are looking at putting some financial information together and we will have more information as to what the extent of that will be later in the year.

**7.1.16 The Connétable of St. Clement:**

Does the Minister agree that this motion to build a multi-hospital site ... while you were given the objective to look into both aspects, both the Our Hospital and the multi-site, do you agree that your course has delayed the production of a hospital of any sort by a couple of years or more?

**Deputy T. Binet:**

That is quite possible but I also think it has possibly taken away the possibility of putting the Island into possible financial trouble.

**7.1.17 Deputy G.P. Southern:**

Could the Minister guarantee for Members that in continuing to use the General Hospital base he will not be putting either patients or staff at risk?

**Deputy T. Binet:**

To the extent that that is humanly possible, the answer is yes.

**7.1.18 Deputy G.P. Southern:**

Yes. Would he, therefore, inform Members how much for maintenance he will need to spend in the coming period?

**Deputy T. Binet:**

There is a schedule of maintenance that I think has been widely available for some time, but as it happens I have a meeting with the head of maintenance during the course of next week. I shall ask for an updated schedule of maintenance costs and I am happy to present that to the next Assembly.

**7.1.19 Deputy L.V. Feltham:**

I would like to get some further understanding about prioritisation and decision-making and how it is being made by Ministers. Could I ask the Minister how he is prioritising works that need to be done and if clinical need and risk is at the forefront of that decision making?

**Deputy T. Binet:**

Taking the last point first, yes, that is absolutely right. It will be up to the clinicians and the senior people in the hospital service to make those decisions. They are decisions that have not been made. They are in the process of being made.

**7.1.20 Deputy L.V. Feltham:**

Could I ask the Minister, then, what steps he would take if the Minister for Health and Social Services brought to his attention any concerns that she had about clinical need and risk?

**Deputy T. Binet:**

Well, they would have to be addressed forthwith with all of the appropriate ... it depends on what the concern would happen to be. It would have to be addressed by all the people that would be concerned in that area. Yes, they would be addressed.

**7.1.21 Deputy T.A. Coles:**

Deputy Ward asked both of my original questions on the sword of Damocles that was dangled by the Constable of St. Helier so I have to address: has the Minister got a personal preference as to where the acute ward would be housed?

**Deputy T. Binet:**

No, it is not my job to have personal preferences.

**7.1.22 Deputy T.A. Coles:**

Does the Minister at least acknowledge that maybe there should be operating theatres based at all sites in a case of disaster recovery?

**Deputy T. Binet:**

That may well be the case, but we will know that when we find out the results of the consultations that are currently taking place.

**7.1.23 Deputy L.J. Farnham:**

I voted against - first time ever - the Government Plan because it approved the further £51.5 million of expenditure on this project. That is an additional £51.5 million, of which £28.5 million, according to this report, is to be spent, a further £28.5 million, on the development of a revised scheme. I can only assume that is the expert consultants, architects, designers, et cetera, that will be required for feasibility studies. Out of that £28.5 million that has been earmarked, does the Minister know how much has been spent so far to date?

**Deputy T. Binet:**

The simple answer to that again, I am afraid, is no.

**7.1.24 Deputy L.J. Farnham:**

If the Minister does not know, does he know of anybody that does know perhaps?

**Deputy T. Binet:**

I would like to point out to the Deputy that the team that are working on this are extremely busy and I do not really think we have the capacity to have a day-by-day account of the spending on a minute-by-minute basis. That seems to be what the Deputy is asking for. So no, I do not come to this Assembly with an up-to-the-minute account of how much money has been spent at this point.

**7.1.25 Deputy M.R. Le Hegarat of St. Helier North:**

Much was made in the past about the idea of one site because of the consultants' view. What consultation has been made with senior staff and those that provide healthcare to the fact that we could end up with potentially 4 or 5 sites?

**Deputy T. Binet:**

We seem to be getting a number of questions that are very similar in nature. As I have said, there is a very broad consultation process taking place involving all areas of the clinical and healthcare staff and their findings will be made known towards the end of May.

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

My question was what concerns have been raised by consultants. There must have been some feedback from consultants in relation to now a multi-site hospital as opposed to one site.

**Deputy T. Binet:**

I do not carry with me a list of concerns but if the Deputy would like me to get a list of concerns I am happy to do that.

**7.1.27 Deputy M. Tadier:**

The Minister may be aware that constituency representatives in St. Brelade have been getting no small amount of correspondence from immediate residents of the old Les Quennevais School site about ongoing problems and maybe a lack of consultation, various ones regarding traffic, trucks not abiding by the signs and using entrances that they had agreed not to. Would the Minister agree to have a meeting with residents who are affected at Communicare fairly soon if it is organised by one or more of the constituency representatives?

**Deputy T. Binet:**

Yes, I am perfectly happy to do that and I have to say that that has been one of our intentions in any event.

**7.1.28 Deputy M. Tadier:**

Just more specifically on one of the issues, there was signage put up I think on the Les Quennevais roadside telling the contractors not to drive their trucks through from the Les Quennevais side but to use the Route Orange entrance, which apparently is not always being observed. Would he take this up directly with the contractors because it is making it very difficult for some of our constituents?

**Deputy T. Binet:**

It seems that we are getting into some very ... not minor specifics but specifics, and I would just remind the Deputy that he has my email address and he is very welcome, as he does from time to time, to send me emails with his concerns. I think he knows that they will be dealt with.

**7.1.29 The Connétable of St. Clement:**

Would the Minister agree that I should be right in pointing out to the Assembly that logistically and financially the running of a 4 to 5-site hospital health service going forward is infinitely more expensive in the future than running a brand new one-site hospital? That is my question.

**Deputy T. Binet:**

I think I would have to take issue with the word “infinitely” more expensive. We do provide healthcare services at the moment on a number of different sites and, as I will seek to explain at some

point in the future when we come out with our report, there can be some advantages in doing that. I do not think it is necessarily a huge negative.

**7.1.30 Deputy L.J. Farnham:**

I commend the Minister for taking these questions. These are difficult questions but I think they demonstrate the concern of the Assembly for the details. This Government has cancelled projects, I believe, without proper consideration of the ramifications, and I do not think the Deputy will know the answer to this question but I am going to ask. How will inter-site transfer in a multi-site hospital of deteriorating patients be managed? Effective modern staffing is based upon the safe management of patients across hot and cold so that patients are kept safe at all times. We have heard that there are good economic reasons for delaying the project, although if we turn back the clock we could have borrowed at historic lows to achieve this hospital. So, what considerations are being given to patient safety?

**Deputy T. Binet:**

I am sorry to have to tell the Deputy but it is not true that we could have borrowed at historic lows. The project was not sufficiently advanced for that borrowing to be undertaken, as far as I understand. He certainly did not ensure that money was borrowed during the time that he was in charge of the project.

[12:30]

As to the question about transferring deteriorating patients, I am not so sure that that is something that doctors and clinicians would be inclined to do. I do not think there would be any intention of transferring patients who are deteriorating. I would think that that would be highly unwise, so I do not envisage that situation arising.

**7.1.31 Deputy L.J. Farnham:**

One has to assume that multi-sites will require complex rostering, so I presume the answer is this is in the work that is being done now. Will this complex rostering be fully considered and priced out as soon as possible? I am trying to ascertain or ask the Minister what happens once the feasibility studies are complete and the costs and the logistics are not looking good. What happens next? There are 2 parts to the question: was complex rostering considered and ...

**The Bailiff:**

Well, you have 10 seconds in which to answer it, Minister, so ...

**Deputy T. Binet:**

**[Laughter]** I have to confess I have gone completely blank. Could I just invite the Deputy to repeat that question, which seemed to be rather rambling and I just wonder if it ...

**Deputy L.J. Farnham:**

I will table a written question.

**The Bailiff:**

The Deputy has said he will table a written question.

**Deputy T. Binet:**

Thank you, Sir. I think that might be ...

**The Bailiff:**

We have now run out of time that is available for questions to this Minister on this subject without the ability of Standing Orders to extend it.

**8. The Minister for Treasury and Resources regarding a complaint relating to the calculation of pension entitlements from the Public Employees' Pension Fund**

**The Bailiff:**

We now come on to the next statement, which is a statement by the Minister for Treasury and Resources. It seems appropriate that the Minister make the statement at this point and then the Assembly will decide whether it wishes to stand over for after lunch or carry on to deal with the matter then. Do you wish to deliver the statement now, Minister?

**8.1 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for Treasury and Resources):**

Indeed, if I may, Sir. It seems sensible for us just to continue with questions afterwards. I am making this statement to the Assembly to address the Complaints Board's findings relating to a complaint made by Mr. Newman against the Treasury and to confirm that there has been a positive resolution to this case. The Complaints Board have given considerable time and effort in hearing Mr. Newman's complaint regarding the calculation of pension entitlements from the Public Employees' Pension Fund and I thank them for considering the complaint. The complaint and the Complaints Board initial findings predated my term as Minister. Following the publication of the second findings report in August of last year, I needed to take the time to review the previous findings and understand the case before seeking a resolution. The Public Employees' Pension Fund Committee of Management are the decision-making body for the payment of pensions from the fund and this created an additional complexity in that I do not have the powers to require the Committee of Management to implement the findings of the Complaints Board. I have been working with the chair of the committee to reach an appropriate outcome. I have also met the working group of committee members involved in reviewing the case. While it has taken longer than expected to get to a resolution I felt it important to wait until a positive resolution had been achieved before making this statement. On 20th January 2023 the Complaints Panel took evidence from Mr. Newman's line manager which was the first time he had had the opportunity to give evidence. On 6th February 2023 the Public Employees Pension Fund Committee of Management upheld Mr. Newman's complaint. In light of Mr. Galvin's public statement to the panel, the conclusions of the panel and the unique circumstances at that time, it was of course also important to focus on what was just for Mr. Newman. The committee's upholding of the complaint enables the administrator to make payment to Mr. Newman. It is acknowledged that the complaint originated from unique circumstances in 2018 surrounding the completion of the actuarial valuation that impacted on transfer values which had impacts for some members, the smooth running of the scheme and the Committee of Management and administrator. However, it cannot be concluded that current scheme administration is any way inadequate from the unique circumstances that occurred almost 5 years ago. Since 2018 pension administration processes have been reviewed and tightened. All requests for transfer value of quotations must now be submitted by an e-form and this requirement has been in place for a number of years. No verbal request for quotations are accepted which has been the case in the past. The Committee of Management have also reviewed and amended the process for implementation of transfer factors following an actuarial valuation.



Close working between the administrator scheme actuary and the committee has improved the process for the timely implementation of transfer factor changes. In 2022 the Committee of Management commissioned an independent review of the P.E.P.T.'s (Public Employees Pension Fund) pension administration by a specialist U.K. pension administration consultancy, Muse Advisory. The review highlighted that the pension administration team are diligent, capable, knowledgeable and genuinely care about giving the best to the members of the scheme. The scheme administration was compared against industry leading practice. The report recommended the agreement of a shared vision between the committee and the administrator and this has subsequently been agreed. The report also highlighted that system data and process efficiencies could be achieved by upgrading the pension administration system to the latest version. The committee have agreed a budget so that work can commence on a system upgrade in 2023. I am requesting Muse Advisory to undertake a follow up independent review of pension administration to provide assurance on the progress of implementing recommendations. I have noted concerns raised by the Complaints Board regarding the independent oversight of the internal appeals process. I have discussed with the chair of the committee the current internal complaints procedures for the public services pension scheme and I have received assurances from the chair of the Committee of Management that the internal complaints process will be amended to include a requirement for an independent expert to be employed to review a complaint and make recommendation prior to the committee's decision at the final stage. I believe that members of both public and private sector pension schemes in Jersey should have an independent stage of appeal for pension complaints. The Government has also issued a legislative consultation for proposals that would introduce a pension ombudsman framework for pension-related complaints with the Financial Services Ombudsman being able to make directions for an award to be made to a complainant. I confirm that this case has been resolved, pension administrative processes tightened, and improvements to the pension complaints processes are being progressed.

**The Bailiff:**

Thank you very much, Minister. There is a period of 15 minutes available for questions to the Minister. Does anyone wish to ask any questions? Very well, then there are no questions for the Minister and the next stage is to move on to Public Business. We are within 6 minutes of the adjournment and we ... you propose the adjournment?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The adjournment is proposed. The Assembly stands adjourned until 2.15 p.m.

[12:38]

**LUNCHEON ADJOURNMENT**

[14:15]

## **PUBLIC BUSINESS**

### **9. Reduction of Lodging Period**

#### **The Bailiff:**

We now move on to Public Business. Before we start Public Business proper a decision needs to be made about whether the minimum lodging period can be reduced in connection with what will otherwise be the first matter on the Order Paper. Deputy Bailhache, do you therefore wish to make a proposition under Standing Order 26(7) that the lodging period be reduced to allow your proposition P.7 to be debated at this sitting?

#### **9.1 Deputy P.M. Bailhache of St. Clement:**

Yes, Sir. It is customary to debate a proposition of no confidence as soon as possible and I ask the States to allow that to take place.

#### **The Bailiff:**

Is that proposition seconded? [**Seconded**] Does any Member wish to speak on that proposition? Those in favour of adopting the proposition to reduce the lodging period kindly show. Those against? Very well, the lodging period has been reduced.

### **10. Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel (P.7/2023)**

#### **The Bailiff:**

Then the first item of Public Business is Vote of No Confidence: Chair of the Health and Social Security Scrutiny Panel, P.7, lodged by Deputy Bailhache. If I can advise Members that under Standing Orders Deputy Southern, as the subject of the proposition, will have the right to speak a second time during the debate immediately before the proposer, Deputy Bailhache, sums up. That means that when Deputy Southern speaks for the second time there will be no other speeches except that of Deputy Bailhache. I have also ruled that Ministers for Health and Social Services and for Social Security will not be able to vote on the proposition. They are able to speak but not vote. Standing Order 120 provides that Ministers cannot participate directly in the appointment in the chair of their Scrutiny Panel and accordingly they cannot nominate candidates, nor can they vote in any corresponding election. It seemed to me to be entirely, therefore, appropriate as a decision on this vote will be in effect a decision on who may remain or not remain as chair of the Scrutiny Panel, then it would be inappropriate for those 2 Ministers to vote. That is consistent with Standing Order 120 and, as I say, they can speak during the debate but may not vote. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion that they have no confidence in the chair of the Health and Social Security Scrutiny Panel.

#### **10.1 Deputy P.M. Bailhache:**

As I stated in my report, it is a great pity that the Health and Social Security Scrutiny Panel has come to something of an impasse where there is, in my view, no good reason for 2 members of the panel to resign, but the chair says that he is unwilling to work with them and, therefore, there is this blockage. It is doubly a pity in my view because we are a panel composed of Members with different

political views which in a Scrutiny Panel is a great strength. However, we are where we are and I am afraid it is now for Members to decide whether to back this motion or to reject it. The impasse has been explained in my report. Deputy Southern and I seem to be divided by what we each perceive to be the proper way in which scrutiny should be engaged. Let me say first of all where I am sure we agree. We both accept the guidelines laid down in the code of conduct for elected Members and the code of practice for engagement between Scrutiny Panels and the Public Accounts Committee. None of that is in issue. There is no place in Scrutiny for rudeness or aggression or the use of vulgar or inappropriate language. The scrutineer is the critical friend and between friends rudeness and aggression should be out of bounds. However, there are occasions when firm questioning is perfectly in order. This is Scrutiny and being scrutinised is not always wholly pleasurable. I know that from my own experience as a Minister of External Relations. Misleading or evasive statements need to be challenged and tested and one cannot do that by always being honey sweet. I would have expected that all those propositions would be accepted by Members of the Assembly, whether on the Ministerial or on the Scrutiny side. The next question is whether Deputies Ward or Howell have fallen short in any way. All my professional life I have been involved in the work of the courts, whether as an advocate or as a judge. The examination and cross-examination of witnesses is essentially what happens in Scrutiny. Occasionally one might have an informal exchange of views before a Scrutiny Panel which would be out of place in a court, but generally speaking the processes are quite similar. It is the function of the judge, as it is the function of the chair of a Scrutiny Panel, to ensure that witnesses are treated fairly. Members of a Scrutiny Panel are generally not professional advocates and cannot be expected to behave like them. A chair must allow, in my view, some slack in term of exchanges which are not strictly questions, particularly for new Members. I do not think that there were any occasions when the 2 Deputies seriously overstepped the mark but, in any event, it is the function of the chair to moderate discussion. If he was unable to do that it is difficult to have confidence in him as a chair. This is a debate about the chair of the Scrutiny Panel but it is impossible not to refer to the letter of complaint written by the Minister for Health and Social Services because it is that which has led us to where we are. I am grateful to the Minister that she has not raised any objection to the circulation of the letter and I am glad that Members have had the opportunity to read it. I think that the letter was misguided. It was factually wrong in its allegations against Deputy Ward, although it does not expressly mention the word "bullying" it is tantamount to an accusation of bullying against the Deputies. That is not a nice accusation. Deputy Southern does indeed mention that word in his written response circulated to Members. The trouble with such accusations is that they can be used as a weapon; a means of stifling or inhibiting criticism or dissent. Bullying involves the abuse of power against someone in a weaker position. Senior officials in the Health Department appearing before a Scrutiny Panel are not in a weaker position than members of the panel. They have not been bullied. In any questioning indeed they hold most of the cards. It is an absurd accusation. I am afraid that the Minister has overreacted. If there were concerns they could have been dealt with in a different way, not least by a frank discussion with the 2 Deputies involved. However, this is not a debate about the Minister; it is a debate about Deputy Southern and whether Members have confidence in him as chair of the Scrutiny Panel. On receipt of the letter Deputy Southern's immediate reaction was to tell Deputies Ward and Howell to stay away from the Scrutiny Panel meetings planned for the following week and to ask for the Deputies' resignations. Why did he not call them in for an open exchange of views? Why not try to solve the problem rather than being antagonistic and making things worse? If Deputy Southern had troubled to speak to Deputy Ward regarding the complaint against her he would have discovered the truth and he would indeed have been able to defend her against the criticisms of the Minister. But even after I told him the facts he was unwilling to do so. I am not going to rebut every one of Deputy Southern's comments in his written response but it is way off the mark. He makes much of the public hearing on 1st December. Over the weekend I carefully reread the transcript of the hearing which I in fact missed because I was proposing a candidate as a Jurat. Deputy Southern started it with a dig at his panel members: "I hope this meeting can be conducted as a conversation rather than an interrogation." But I must say that in

general it seemed to me to be a good-tempered and valuable exchange of views with the Minister. The Minister was able to convey to the panel some very useful information. There were occasionally mildly spiky moments but they came, if I may say so, as much from the Minister as they did from Deputies Ward and Howell. This is a debate about the chair of the Scrutiny Panel and the way in which he reacted to the letter but it is also a discussion about Scrutiny itself. We are all, as Members, bound by mutual obligations to respect each other's views, even if we do not agree with them. Politics, as we all know, is a disputatious business. There are rules for expressing those disagreements and for engaging with officials. But we need to be careful that we do not inhibit the free speech, which is an essential element of our democracy. A letter which threatens to refer Members to the Commissioner for Standards if they do not change their behaviour is highly unusual. Even if it was not intended to do so it was clearly going to inhibit the way in which questioning was conducted.

[14:30]

It was also inappropriate against the background of the open secret that the Health Department is not in a good place. I say that not as a criticism of anyone but as an objective fact. Waiting lists for surgery are far too long. Consultants' appointments are delayed. There is a serious problem with staffing. Patients with mental health problems are in the General Hospital when they should be somewhere else; and a lot more. Any Scrutiny Panel - but especially this one - must be able to test and challenge officials without fear of being reported to the Commissioner for Standards. It is the job of politicians. I do not think that the Minister's overprotectiveness of her officials is a helpful stance. Both Deputies Ward and Howell are hugely qualified by their experience to sit on this panel. Their knowledge may occasionally be uncomfortable for officials and even for the Minister but that is not a reason for seeking to throw them off the panel. It is very surprising that Deputy Southern should have revealed himself as an enemy of free speech in this way. If the boot had been on the other foot we would rightly have heard squeals of outrage from Deputy Southern and his colleagues in the Reform Party. I am sorry to say that Deputy Southern has shown himself unfit to act as the chair of the Health and Social Security Scrutiny Panel and I move the proposition.

#### **The Bailiff:**

Is the proposition seconded? **[Seconded]** Do you wish to speak now, Deputy Southern? You will have a second chance of course.

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

Yes, Sir. I start by saying what a horrid day. But in order to put a smile on my face I look at my record. It starts in 2003 when I was nominated by Terry Le Main, then Senator Terry Le Main, to be on the Home Affairs Panel because there was nobody from St. Helier on that particular panel. It then followed that my next duty in 2004 was to be chairman of a Scrutiny Panel when we were just inventing Scrutiny - re-inventing - where I took that year 3 reports: responding to drug use, Jersey tourism, relocation and lease of new office accommodation and a migration policy monitoring and regulation. We have been there again since. But as I was looking through my experience - and it is a long experience - I came across Jersey Telecom privatisation in January 2008. I was in charge of that review and there were a couple of really excellent advisers we got from off field and we did a first; we got an Italian professor from Milan who had witnessed the privatisation of the Italian telecoms and had wonderful information to give us. What a first that was. Equally today is a first. It is the first time I in my life as a human being or as a Member of this States has ever, I have never been accused of being an enemy of free speech. That is, to my mind, just straightforwardly insulting and I object to that most deeply. Those of you who know me, and many of you do, would I am sure give voice to exactly the opposite. I am a champion of free speech, I am a champion of Scrutiny

done in the right way and I have been doing it in the right way for the past 20 years. The accusation that I have been unfair to 2 of my ex-members of my panel, Deputies Howell and Ward, was not taken lightly; it was taken after serious and prolonged thought. My decision was ... please, I can hear the whispers.

**The Bailiff:**

I think it is quite important in a matter such as this that the Deputy should be able to speak without any suggestion of interruption in any way.

**Deputy G.P. Southern:**

Thank you, Sir. I had serious reservations before the letter of complaint arrived about the behaviour of these 2 Members. But like Deputy Bailhache, when the makeup of the Health and Social Security Scrutiny Panel was decided at the start of this session I too considered my panels to be well-balanced. Deputy Bailhache, having had many years of experience in the way the States works, although very little, next to no experience of Scrutiny because he had never been a scrutineer. I was hopeful that we could form an effective team and I even offered a further place to Deputy Howell with all her experience of the Island's health system, along with her concerns, and we shared this theme of the concerns about the Health Insurance Fund. Experience tells me, I think, that those 2 Members have failed to comply fully with the Elected Members Code of Conduct. Article 5: "Elected Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States. Elected Members should at all times treat other Members of the States, officers, and members of the public with respect and courtesy and without malice." I do not believe that has been adhered to all the way through the last 3 months and I will show you the evidence that makes me feel that. I concurred with the direction to Article 8: "Members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so." I will make reference to that later on. My concerns centre on the essential need to form good working relations between Ministers, officers and members of Scrutiny Panels in order to enable good and efficient scrutiny to take place and to increase, thereby, the transparency of the process. As anyone who has experience of Scrutiny will attest, the creation of the critical friend is an absolutely vital part of the process. If Ministers and their officers cannot be sure that they would be treated with respect and in confidence when in the scrutiny process then the scrutiny process will collapse. I believe that that has happened in the case of this panel. As I sometimes put it, Ministers who come to give evidence to my hearings are made to work hard, not to make tea and buns. Establishing the correct balance between criticism and friendship and the trust that goes with it is essential to get the most out of the process. I believe the trust between the panel and the Minister has irrevocably broken down and could not be restored while the 2 Deputies remained in place. Having said that, I spoke to both of them about possible future training and said certainly in both cases I would welcome them back in 6 months, 9 months down. I understand there is more training to be taking place by the Greffe and I think that might be a way forward; but not for the moment because of that breakdown. A letter of complaint against a member of a panel is a serious one. In my 23 years in the States mainly dealing with Scrutiny I have never heard of one. Let us have a look at some of the evidence that makes me feel that my actions were correct. On 9th August 2022 at a team training session there was a complaint from the training company about Deputy Ward's disruptive and combative behaviour. The trainer concerned ended up in tears. The Greffier subsequently had words with Deputy Ward, pointing out the need to pay attention to Article 5 of the Code of Conduct for Elected Members. That is one experience. The product was: woman in tears. On 1st December 2022 at a private meeting with Ministers and officers regarding an amendment to the Government Plan 2023 to 2026 about the H.I.F. (Health Insurance Fund) - I was responding to the concerns about

the H.I.F. - both Deputy Ward and Deputy Howell became disruptive and loudly spoke over one another. They were in effect shouting at the Minister. I was forced to step in - and Deputy Bailhache could say this is wrong of me in some way or that I was out of control - I was forced to step in somewhat in the manner of a wrestling referee in order to bring back order to the meeting. I literally had to stand there, one Deputy, second Deputy, stood there, there was the Minister, they were shouting at her. "Please stop." I said. "Please stop now. Please stop." That sort of behaviour, shouting at the Minister, is no way to give anyone who witnessed it any confidence that they will be treated with respect when coming into the panel, and that is what I think the ultimate breakdown is associated with. I note that Deputy Bailhache was not present on 1st December for this session and I am not surprised that he and I have different versions of what happened because I was standing there and he was not present. He never came across that. On 19th of January 2023 at a panel meeting I raised the issue of the code of conduct and the appropriate manner in which Members should behave during meetings or hearings. I indicated forcefully that such behaviour is unacceptable to me and was not to be repeated. I do not believe I could have been much stronger than that in order to get the right sort of behaviour out of the Members. On 2nd February, following this ticking off, if you like, in another private briefing on waiting lists with the Minister, the director general and H.C.S. (Health and Community Services) officers, the Minister and the director general were unhappy with the way that Deputy Howell communicated with them, saying her behaviour was inappropriate and full of accusations. The director general chose to leave the meeting which ended with an extremely icy atmosphere.

[14:45]

I consider these incidents combined to be egregious breaches to the code of conduct which are damaging to the reputation of my Scrutiny leadership and, worse still, to the reputation of the States. What really surprises and shocks me, however, is that these behaviours are repeated time and time again. The simple rules required to conduct good scrutiny are few and far between. The scrutiny process should concern itself with evidence and not with anecdote or political beliefs, so do not take the answers into the meeting, listen to the question and listen to what the Minister or their officers are saying. Listen first and foremost. I keep reminding my Scrutiny Panels that your key element is 2 ears, one mouth. Listen. Ask questions; do not make statements. There is nothing a Minister or his officer can do with a statement that: "This is the way to do things." What is the point of this meeting then? Try, although it is difficult and this is the one I personally find hardest, try not to interrupt. Silences often get filled by the officer rather than you and that is when you start to learn things which maybe were not intended to be said. None of those happening time and time again. Examination on the quarterly hearing on 1st December, that very day, reveals numerous political statements and reveal little of the Minister's thinking but speak volumes about the panel members' thoughts. We have got all sorts of statements here, statements often, not questions. A statement: "Many staff are leaving because they have just had enough." That may or may not be true but what use is that to the department? I do not think it is any use. At one stage I said to my side: "Can I remind Members to ask questions and not make statements?" For example: "I do think that we need to support our G.P.s more than we are doing at the moment. We need to get G.P.s over here. In the past there was greater pay; have you thought about that?" That is 3 statements and a question at the end. "What is a concern", this is again from a Scrutiny member, not from the Minister or the officer, "is wanting more management posts. I just wanted to flag that up." Again, statements after statements. The question, I say, and the Minister says: "That is opinion, I think." So the question becomes: "How many interim managers are in place or in the pipeline? Patient safety, one initiative resulted in a lot of problems." To which the Minister was forced to respond: "Can we pick that up after the Scrutiny?" Again another bit of speculation, not fact. Another one: "There have been plenty of patient discharges without the knowledge of the consultant." The Minister said: "Deputy, this is a view or an opinion. Please give me the evidence." Then finally: "H.C.S. 24; do you think it is

safe?" Again: "What do you mean? It is a response service." To which the Deputy says: "I just think there are real problems with some of it. I just wonder how objective you have been when you have looked at this." So a question about how objective you are or not; a statement again of supposed fact but one which undermines the evidence of the Minister. It should not be happening. If we move on to one of the major issues, it is the reference to the appointment of Hugo Mascie-Taylor as chair of the new H.C.S. board and the manner in which the appointment came about. "I encouraged him" said the Minister, meaning Hugh Mascie-Taylor, "also to consider whether or not he would be interested in it" meaning the chairmanship. That statement was made in a private meeting. We then had a public meeting immediately following that and Deputy Ward said the following words, slightly different: "Nonetheless, could the fact on your own admission that you did encourage the Professor into applying for the post, that that may have skewed the independence of your position in making the final decision?" That statement came with a little fist bump. What it meant to my thinking was: "There is a little victory. I have got her to say what I want her to say." The implication of this question is that the Minister is somehow conflicted and ought not to have taken part in the final decision. The use of the words "on your admission" implies some guilt where none exists. I am of the opinion that these factors are ... we will leave that there. The letter of complaint from the Minister for Health and Social Services also makes reference to anecdotal information that Deputy Ward is relaying information received in her role as a member of the States Employment Board to others. I can neither confirm or deny that but I do note her question asked in January in the States of the Minister for Health and Social Services as follows: "May I ask the Minister for Health and Social Services if she could update the Assembly in regards to the accommodation and associated expense costs for the recently appointed chair of the Health Board and to confirm the proposal to rent a 3-bedroom house, I believe, at over £3,000 a month, its refurbishment and other expenses." Now, I do not know where those figures have come from but I suspect they may well have come from the Employment Board. If so it would be a major breach of the rights of the individual employee of the States, in fact I was surprised that the Bailiff permitted the detail contained in this no notice question identifying the employment conditions of a named employee, as it does. Returning to Deputy Howell, she must recognise that without evidence then all she possesses is anecdote and rumour and that talking over witnesses can feel accusatory and may be interpreted as borderline bullying, I will stay with the word. It certainly appears confrontational to many. On the occasion referred to before, again held in private, the statement made was simply this bald fact: "You are not talking to your consultants." No hint of a question. "You, Director, are not talking to your consultants." That contains blame. Even "are you" afterwards softens it just a little. Make it into a question. Are you talking to your consultants? When did you last meet them? What were their concerns? They are open questions that nobody is going to get upset by. "You are not talking to your consultants" is completely the opposite. It contains the elements of blame. It is the wrong way to approach the way you are doing Scrutiny. That is going to make people shut down and try not to co-operate. What Members of panels must recognise is that Scrutiny does not make policy. It is there to amend or improve policy based on evidence. Nor is it there to be a sounding board for preformed political dogma and that is what has happened under my leadership, by all means, but time and time again. Very difficult to stamp on that; I have tried. The consequence of this as I see it is that when my Scrutiny Panel comes to discuss the poor behaviour and culture within H.C.S., the bullying that we know does go on - and we will almost certainly have to do so - my panel will not have a leg to stand on. If we have already got a reputation for ignoring evidence and pursuing preformed opinions then that must be stopped. I know from experience that scrutiny can be conducted in a way that is respectful and dignified. I know because traditionally that is the way I approach it. I totally agree with the Minister for Health and Social Services that as States Members we must act to model best behaviour, and that is why I have taken the actions that I have in the context I have. I urge Members not to vote for a motion of no confidence in my own chairmanship.

### **10.1.2 Deputy I. Gardiner of St. Helier North:**

I decided to speak early in the debate because I would like to hear all members of the panel for the points that I will address. I found myself in a very peculiar position, I have to be honest. It is not a secret that me and Deputy Southern have not found it easy to work together. I mean, sometimes we probably hardly can agree what time of day, but at the same time that means that he is scrutinising my work, our work as a Government with passion. At the time it is difficult and it is difficult to admit but his scrutiny improved the decisions we make in this Assembly and I have full respect for Deputy Southern as a Member and as a scrutineer despite our different views on various matters. I also know Deputy Barbara Ward has a very sharp mind and eye for details. We had several conversations and Deputy Barbara Ward helped me with outside-of-the-box ideas, sometimes maybe strange ideas, but when you think about it and listen you say: "There is something, we can do things together." I know that Deputy Barbara Ward wants to work with collaboration. Deputy Howell is very passionate to improve the healthcare system and personally as the chair of the Public Accounts Committee in the previous Assembly I have had several engagements and found her suggestions very helpful. Both Deputies - as Deputy Bailhache mentioned - are hugely qualified to be members of the panel. Deputy Porée scrutinises me as the Minister for Children and Education and I always feel challenged and to be respectful at the same time, and it is an option to have this balance.

[15:00]

Deputy Philip Bailhache is incredibly experienced and his excellent skillset brings lots to Scrutiny. Both of the speakers mentioned that this panel was extremely well-balanced from right, left, middle, difference of the opinion. I would like to ask all members of the Scrutiny Panel when they speak what can be learned from this experience, what can be done and how they can work together. There are lots of things that Deputy Southern mentioned which I 100 per cent agree; it is about statement and not questions, it is about anecdotal/not anecdotal. We are talking about new Members. We have all been there. I have been there. As the chair the Public Accounts Committee we had 3 trainings plus prep for the public hearing. How much training have these new Members done? It is a process. It is a journey. Working as part of any team is challenging. The easiest way is to work with Members that think like us. The most difficult way is to work with Members that think 180 degrees different from us. Where does the best scrutiny come from: when we have a diverse team that thinks differently and in a respectful way listening and sharing their opinion. This is the best scrutiny for me to do. My challenge back to the panel; how can you connect and find a way forward building on each other's strengths? If it needs to go to the Commissioner of Standards it can go to the Commissioner of Standards and the Commissioner of Standards can make a decision. Going back to my experience before being a States Member, there are 3 questions when we work on mediation or working together as a team, every member can ask what have I done that adds to this situation, and second question what can I do differently and what I need from other members of the panel to perform my work as effectively as possible. It is very difficult and very detailed work, personal work, with maybe a professional independent facilitator. I do not believe that a vote of no confidence is a guarantee to improvement. Working as a diverse team it is a warranty for the improvement. I am not sure how I am going to vote because I am really going to listen for all members of this panel, as the 2 Members that spoke can speak again. I know the power of good scrutiny. We want to have good scrutiny; we need to have good scrutiny. I will listen to the debate and make a decision on my vote later.

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

My speech is going to be fairly similar to my colleague here so I will try to just stick to new points. A new perspective that I would like to introduce to this debate which is extremely uncomfortable, and I can see that all Members are finding this really uncomfortable and my preference would have



been for this to be resolved before it reached the Assembly [**Approbation**] and I will come back to that. But I wanted just to reflect briefly on behaviour that is being described. Of course this is all hearsay because I do not think many of us were in the room when some of these behaviours occurred. The 2 panel members in question have been described as disruptive. I just wanted to reflect on this because women are often judged more harshly on their behaviour and an assertive communication style from a woman is often interpreted as aggression; this is borne out in research. I read something recently that said: “Is she being rude or have you been socially conditioned into believing that women should be warm, positive and friendly at all times and are uncomfortable when they do not adhere to that behaviour?” Research has shown that women in the workplace are penalised when they display assertive leadership traits, traits which are conversely encouraged in male colleagues and tone policing is quite common for women in leadership positions. I advise Members to bear that in mind when they are assessing the facts of the situation as they are presented to us. But the main point that I would like to make is that ... 2 points and the first one is that we are talking about a group of people who, I think, are mostly new Members but also some very experienced Members. That is an interesting mix to me because I do feel, as myself as one of the more experienced Members of the Assembly, that we should have learnt, among the more experienced Members, to help others and to help the new Members in dealing with these types of disputes. Because of course we all fall out sometimes and many of us will fall out. Those of us who are friends and allies now we will fall out later, we will make up, we will work together, it happens and it is really healthy. The Deputy sitting next to me, I think we work well together because we frequently disagree and we have learned and we have taught each other ways to work together. I think the work that we produce is of a better quality because we disagree. I think that learning to disagree is a skill that has to be learnt and it is often a skill that has to be taught. I would encourage the more experienced Members to be generous in their time. Whereas myself when I was a new Member I was sat next to more experienced Members in the Chamber and I could ask their advice at times. When I was thrown into Scrutiny as a chair, as a brand new Member I chaired a Scrutiny Panel, I had more experienced members on that panel who advised me and mentored me, and I was very lucky to have had that. The Greffe at the time as well gave a lot of support with that. I think more experienced Members but also the Greffe, I would request this on reflection, is given to the training and support, not just formal training but I think the informal and pastoral supports that is given to States Members. I think we have made a lot of progress on there, especially following the Diversity Forum’s focus on this. But I really do think that States Members need more pastoral support and more support with those kind of soft skills and helping us to solve some of these disputes and mediating between us. I would be grateful if reflection could be made in that respect because of course there are so many fantastic skills within the Greffe there to help us with these things. To new Members, ask for help as well because sometimes you do not get the help unless you go and say: “I need some support with this.” Because I have usually found that when I have asked the Greffe for help it has been there and they are very supportive. I just wanted to end, I recall as a new Member, brand new, newly elected and I think I was 30 years old, I was quite young and I was sat in a training event surrounded by lots of experienced States Members and some outgoing States Members. Senator Francis Le Gresley was one of those outgoing Members and he is a person of considerable gravitas and experience of course as a States Member, so I really listened to what he had to say. He said the most important message he could give us was that we should disagree with each other in the Chamber but that outside of the Chamber there should be an enduring level of respect for each other. I have carried that advice with me throughout my time as a States Member. I have not been perfect and I do not think any of us are. I have tried to act accordingly. I do wonder if the Deputy who is bringing this today could be encouraged to withdraw it and to seek that support from the Greffe in terms of mediation. Because I am sure there must be support there to solve this outside the Assembly. I would rather not have to vote on this at all. I would rather it was withdrawn because I do not think this is the place to have this discussion.

#### 10.1.4 Deputy R.J. Ward:

Being called Deputy Ward today, it is not me involved this time, just saying. I was going to be asked to be referred to as the Deputy Real Slim Shady but perhaps I should not do that. I say that because this is such an unpleasant experience that I think I am doing what too many people would do at times when they feel awkward and they do not want to be somewhere and you just say silly things to try and break the ice a little. That is the way I feel as I stand up today to talk about this. I thought what do I say? I took the practical approach and said, what would I want to do if I was to be treating a member of staff and what rights do members of staff have when they engage with us as States Members? I hope - and I hope I would be told if not the case - that when I deal with the officers that I deal with I do so politely and I do so with respect and I try and do so with an element of care in what I do. If not, there should be a vehicle to say that I have not done that. This is a very straightforward position, the right of people at work to be treated with dignity and respect. On the States website there is a dignity and respect at work policy for public employees. It was developed by the S.E.B. (States Employment Board) and I will say I have read it, I have been through it. It is a very good policy. It is a good policy but it has to be implemented. I know that we are classified as self-employed, so I would say: "Are you a States employee?" That is irrelevant, we are dealing with States employees at every level, even those that we buy in to do work for us. The notion that anyone who comes to be a trainer and leaves in any particular situation, it just rings an alarm bell in my mind. I think that is what started me looking at the dignity and respect policy. How are we going to apply this? There are some statements in the policy that deal with where we are currently and I have written them down here, I have cut and pasted them: "Everyone has the right to be treated with dignity and respect as they go about their work." That is not a simple statement, it is a very powerful one. If that is what the States Employment Board are saying we should be treating people, members of the States Employment Board should be certainly doing that and certainly engaging when it does not happen: "Everyone has the right to work in an environment which is free from any form of bullying and harassment. Everyone has the right to work for an employer who finds behaviour of this nature wholly unacceptable." What Deputy Southern has done is identified behaviour that has been sent to him and says: "That is unacceptable and I will deal with it." This is not just Deputy Southern doing scrutiny, this is abiding by a policy that we have for States and public employees; that is very, very important: "We will listen to and take every concern raised seriously." I am afraid that in the opening speech to this I do not feel that some things were taken seriously and that concerns me from a member of the States Employment Board: "Wherever possible we will resolve concerns informally." I think the Deputy has tried to do that away from this Assembly: "Where an investigation is necessary it will be fair, independent and confidential." It appears that that is not happening. It is not happening because this has been brought to a public domain. This has now become a vote of no confidence in an individual who has tried to deal with the situation, applying a policy that exists. Later it says: "Whether you experience unacceptable behaviour or treatment or you witness this towards a colleague, we all have a duty to speak up and report it." There is no surprise then if the Minister, any Minister, any Member of this Assembly, writes a letter when they see it. It is duty-bound in the respect and dignity policy. We have had this situation with the H.R. Lounge and I can remember many years ago in a previous situation giving evidence to the research that went into the H.R. Lounge report on behalf of a trade union to talk about what has been going wrong. There was huge hope when that came out, that we will deal with these situations of bullying. But where are we today, when somebody has taken their duty seriously to speak up when they saw behaviour that was inappropriate? The person who has tried to act on that is now in front of this 49-person jury as a vote of no confidence. Indeed the code for the chief executive officer, chief officers and the head of administration, they might be called something different now, I did not check this morning but I am just going to put that one in: "You are responsible for ensuring line managers and employers within your department carry out their responsibilities, as set out in this policy. This includes the notification and recording of any breaches and upholding the spirit of the code of this policy and its procedure

generally.” Duty-bound to act on poor behaviour. When a Minister makes a complaint they are fulfilling a role. That exists in the higher echelons of our public service, yes, and there is a duty to address this behaviour, therefore, in this Assembly.

[15:15]

This is exactly what the chair of the panel did when receiving a complaint or witnessing behaviours that are simply unacceptable. As a consequence of that, the Deputy now faces a vote of no confidence. I just want to say that again for emphasis and to be clear, we have a respect and dignity policy published by the States Employment Board, developed by the States Employment Board, on the website for all of our public service workers so they can feel protected. Then as soon as somebody acts on that it is brought to the public domain and the chair of a panel that has tried to address it now faces a vote of no confidence. I would ask this: what message is this sending to public employees out there who may be facing behaviours that they do not want to see? What is the message being sent out there? What is the message being sent by the States Employment Board in this Assembly and Members who may think: “Well this has nothing to do with me, I will abstain”? This is to do with us. We have to have a policy that protects our staff or we do not. They may be difficult decisions, they may be difficult actions and they may be difficult things to confront but unless we do that the policies that we have to protect our public employees are worthless. That is where we were some years ago, nobody had any trust in the policies that we have. But we are sitting here using States time for a vote of no confidence that will achieve nothing and it just puts somebody with 23 years of experience through having to stand up and justify their work for the last 23 years. That is the type of thing that stops public sector employees, particularly those with experience, standing up and speaking up for themselves. It is dangerous, it is ineffective and it is wrong. I am extremely disappointed to see a member of the Council of Ministers sign this vote of no confidence. If there is an issue in the background between Ministers, do you know what, use the policy and sort it out informally between yourselves? It does no good for our governance, it does no good for our Government. Sorry, it does a great deal for me because later on I can pick it out and make great hay in this Assembly but I am sure that that is not what is intended. Those things need to be sorted out elsewhere. To use somebody else as a vehicle for those issues - if that is what is happening and I do not know, I simply do not want to know, to be quite frank - is fundamentally wrong. I was going to say, somebody said it already, I would ask the Deputy, the proposer of this proposition, to withdraw this proposition because it is for the wrong reasons. It sends the wrong message and I appeal to Members of this Assembly to really think what message this is sending. This is what occurred to me; if I were staffing the speak-up line, what advice would I give to people who have raised these issues today? I would be wanting to say, yes, you must raise these issues, it is too important to be left. If you feel that in your workplace you experience behaviour that was unacceptable, you have to speak up and we will support you. Then they may come back and say we saw that happen in the States Assembly and the person who did something about it, he had a vote of no confidence made against him, lost their job perhaps and that is where we are with this. This is the position we put ourselves in. I wanted to speak early. I do not want to make any personal comment. I do not want to talk about whether we have freedoms; no, I think that is a terrible thing to say. I do not want to talk about party politics. I do not want to talk about even the process of scrutiny because we are all learning as we go along. Some of us took opportunities with a university qualification to try and improve our work. I know Deputy Gardiner and I and Deputy Alves did and others. I say to Members really think carefully about what we are doing here. Abstaining is tacit approval in my opinion and makes it very, very difficult for us to go forward and tell public sector workers you are safe, you can speak up and it will be dealt with appropriately because this, for one thing, is not appropriate.

### **10.1.5 Connétable K.C. Lewis of St. Saviour:**

I will be very brief. It goes without saying that everyone should be treated with dignity and respect, be it States Members or officers. Deputy Bailhache has brought this proposition as a vote of no confidence in Deputy Southern and I will not repeat things that have already been said. I am not going to get into the he said/she said business. But looking at it from the other end of the telescope, it has put all States Members in a very awkward situation. We have to choose between colleagues, which is extremely unpleasant. But looking at the other end of the telescope, Deputy Southern has 4 members assisting him on the panel, 3 of which can no longer work with him. Where do we go from here? Is there a way back from this? Probably not. But decisions have to be made and it is a very unpleasant way that we have to do it. As I say, I really 100 per cent believe in due respect for all concerned but I think we are in a very, very awkward situation now. I am not quite sure, to be perfectly honest, which way I am going to vote on this. But I do genuinely believe this should have been sorted out way down the road and it is too late now. **[Approbation]** The die is cast and we have to make a decision. I would not dream of advising Deputy Southern what to do but if I was chairing a panel and 3 or 4 members could not work with me, I would resign from my post with no stain on character whatsoever and wish everybody luck to carry on. I will leave it there.

### **10.1.6 Deputy M.R. Le Hegarat:**

I am an evidence-gatherer and ensure I have all the relevant facts before I can make any decision. It is clear that unless you were present in these meetings, which were not public, that you are not and never going to have the true facts and have a clear steer of what did or did not go on because everyone's views and opinions will be very different. I am though clear on one thing and I will, as a States Member, not tolerate any misbehaviour by my fellow colleagues, which will mean that States officers are put in an awkward position or Members of the Assembly alike. I have publicly challenged people and in private in relation to their behaviour and make it quite clear I will continue to do so. I have to say that I concur with the statements of Deputy Ward when he says that is exactly what our job is. In July 2022 there was an election for the chair of all Scrutiny Panels. Deputy Southern put himself forward for that role, no other Members did so at that time and, therefore, he was elected. Unless someone can show me that there are reasons why that that should now change, then I will not change my mind and I will leave it with him. I did Scrutiny last time on the Health Panel and we were exceptionally lucky that we had a very diverse group of individuals, all politically different but we worked exceptionally well together. That was Deputy Alves, Deputy Pamplin, Deputy Pointon and myself and we had people co-opted, Deputy Southern and Deputy Doublet alike. All of those reports and all of that work that we did came out with positive outcomes but not only for Scrutiny it was positive outcomes for the Health Department as well. Because what we did try and what we did achieve was good scrutiny and that meant that our recommendations, bar the odd few things, were accepted. We had a good working relationship. They trusted us all the way through. They told us information, that it was kept secure. I was quite impressed that when we finished at the end of the term we were approached and we were thanked for our scrutiny work and for the fact that we worked alongside and together. Because we are a team and that is how we should be working. We are a team within this Assembly and we are expected to work as a team in relation to all States departments, whether you like the way that they are working at present or not. You need to scrutinise and deal with matters in a positive and professional manner. Because otherwise the people of Jersey will not get what they deserve.

### **10.1.7 Deputy B. Ward:**

If I may set out a response to the Assembly. I met with the chair of Health Scrutiny on Thursday, 9th February in the Members' computer room when I came to collect the 3rd February letter that was written by the Minister for Health and Social Services. I briefly read that letter, focusing on the

content that related to myself only and not the other persons contained therein. I did explain very briefly to the points contained and stated that some of the information appears to be recollected mistakenly, especially around the first point, which referred to the 2 meetings on 1st December, a private meeting with the Health Board chair, Professor Mascie-Taylor, and the public Health and Social Services Scrutiny meeting. In item 1, just to clarify to Members, that when the panel met with the Health Board chair it was a warm and at times jovial, open and transparent meeting. During that hour-long discussion with the chair, it was asked if he had been invited to apply for the position of the Health Board, which he said, no, he was not invited but that he was encouraged to apply. A reasonable follow-up question was then asked: "Are you able to say who encouraged you?" The response from the Professor was: "By the Minister for Health and Social Services." This was at a private meeting and the panel was directed, quite rightly, by our Scrutiny chair that conversations remain private, or so I thought. Because an hour later at the public Health and Social Security meeting it was the Minister who shared the information from the private meeting and stated she had encouraged the Professor. This was recorded and I quote from 1st December, page 18 and the Minister's response: "As I have already outlined previously, the process was conducted by officers in terms of recruitment. At the final stage, both myself and the Assistant Chief Officer made a decision as to who was the most eligible candidate from that process. But what I am advised is that the recruitment process involved going out to recruitment companies to source eligible people. As you have heard, because Professor Mascie-Taylor was here, I encouraged him also to consider whether or not he would be interested. That was as far as my interest went. Officers then took that forward in terms of sourcing a number of people." I feel it is clear from the transcript of the public meeting that it was the Minister who first revealed that she had encouraged the Professor to apply and not myself. In item 2 of the letter, I am unable to comment on anecdotal alluding to hearsay and gossip. However, at the end of a private agenda-planning Scrutiny meeting, I cannot remember the date, attended by the panel members and officers only, both Deputy Bailhache and myself had inadvertently alluded to an item, and I cannot remember what the item was about, where the officers very quickly reminded us we could not raise anything from other panels. We apologised and thanked the officers for their good guidance. Item 3, I am confused about this last paragraph: "Questions asked at meetings, public or private, are agreed in advance by the chair and the panel members." The panel team are allocated the topics and variety of questions by the chair. The chair and the panel in a number of meetings have raised, for example, staffing employment issues, due to the staffing vacancies that Health have and continue to experience. In fact the chair on 1st December on pages 3 and 4 of the recording opened the session by asking the Minister questions pertaining to staffing issues in Health recruitment, retention, vacancy issues. Going back to the meeting with the chair on 9th February, the chair of Scrutiny, in the Members' computer room, the chair decided, in my view arbitrarily, without exploring the facts in full first and then discuss with the panel members, that he did not want me to attend any Health Scrutiny Panel meetings the following week; that is the 14th to 17th February. The chair expressed there is a trust issue with me and I asked, was I being banned. The chair responded that they were my words.

[15:30]

The chair reiterated he did not want me to attend the 4 up-and-coming meetings and I expressed that I needed time to explore the letter, take advice, as this was all new to me and would get back to the chair. As agreed, on 12th February I wrote to the chair and agreed, albeit reluctantly, not to attend the identified meetings, as requested by the chair of Health Scrutiny, my reason being as I would not wish to cause any confrontation or embarrassment to the chair, the panel members or the officers and in the hope it would provide time for the chair to look at 1st December Scrutiny transcript recording. From my email message to the chair I hoped that the Scrutiny recording of 1st December meeting would have been checked and that a meeting of the panel members would have been called to discuss the 3rd February letter and its contents. This action appeared not to have taken place, as the next

communication was a letter on 15th February from the chair requesting I resign. I look to a chairperson to demonstrate a modicum of independence, unbiased thought and conduct due diligence and support. Clearly this has not happened, resulting, sadly, in a breakdown in confidence and trust. I am sorry that we are here today discussing this but feel it highlights that there are many lessons to be learnt on all sides. Please, may I ask the Assembly to support this vote of no confidence in the chair of the Health and Social Security Panel, as there is very important work that needs to be addressed? Thank you and to the Assembly for this opportunity to speak to this proposition.

#### **10.1.8 Deputy B. Porée of St. Helier South:**

I do not often volunteer to speak in Assembly, as you all know, but I feel that today my contribution to this debate is important. As a member of the Health and Social Security Scrutiny Panel, I have been present in most panel meetings, all of the public hearings and all of the private briefings that have taken place since for the formation of this panel. I am also the vice-chair on the Children, Education and Home Affairs Panel. Although I am a relatively new Member to the Assembly, the fact that I sit in 2 Scrutiny Panels, bear in mind that each of the panels carries 2 Ministers, it gives me a wider experience as a scrutineer and allows me to compare the difference in panel functionings and relationship developments, not only relationship between panel members but also relationships with our stakeholders and Ministers. As a panel member, I understand that the Scrutiny role is of great importance and it allows for the close examination and investigation of government policies, action and spending. It is a good way for the Assembly to hold Ministers to account on their decision-making. The aim of the scrutineer is to achieve the best outcome possible when allowing for improvements in government policies, legislations and public services, while making sure that the changes are fit for purpose and reflect the community we serve. As a member of the Health and Social Security Scrutiny Panel, I would like to make clear that my work relationship with all of the 4 members is friendly but is also respectful. I am not here to finger-point or name-shame but the panel's journey so far has not been easy or straightforward. It is fair to say that issues debated by some panel members with Ministers during panel meetings have been tense at times with lines of questionings that were not conducive to creating good professional relationships. It has been stressful also for other members' presence and upsetting to officers and professionals' presence. Deputy Ward and Deputy Howell are passionate - and that goes without saying - about their political work and they do have the best interest of their constituents at heart, like most of us. But I hope that it is fair to say that the passion at times has got in the way to being focused and objective scrutineers. Knowingly or not at times it felt that some members abused the privilege of the Scrutiny setting to drive their own political agenda, resulting in changes, in questioning directions and tense dialogues. The panel chair, after tension-driven meetings, would often reinforce the importance of how to ask Scrutiny-based questions, how to positively engage with Ministers in order to be good professional relationships and to develop high standards of transparency during the scrutiny process. Deputy Southern, in my view, has been a very accommodating chair that allows us members to express our own opinions and to contribute and add to panel meetings, discussions. We will be asked today to vote against or in favour of the motion of no confidence brought in by Deputy Bailhache against the chair. Deputy Southern has not triggered this line of events. In fact he has been put in an impossible position when a formal letter of complaint was presented to him by the Minister for Health and Social Services. When you vote today do not vote on the personal preference of the involved politicians, instead put yourselves in the shoes of the chair, okay. How would you feel if while attempting to maintain the integrity of the panel and discipline those accused of poor conduct, you instead end up accusing of being unfair and asked to resign by your vice-chair? For that reason I will be voting against the vote of no confidence and urge other Members to do the same.

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

Firstly, I would like to applaud Deputy Doublet for her eloquent and thought-provoking speech. I share her sentiments and I feel that the most ideal speech I could make this afternoon is to repeat Deputy Doublet's speech. However, having reviewed the information and evidence made available to the lead-up to this debate, I feel I cannot reject this proposition. There are clear and difficult questions to be asked about how the letter from the Minister has resulted in this debate. It is deeply concerning that we have come to such a vote less than one year into this Assembly. I also believe that bringing this proposition to the Assembly carries its own risks. It has thrown this dispute out into the open and asked for the Assembly to formally adjudicate in a way that will not allow us to successfully resolve the issues within this proposition. Rather we may emerge from this debate more divided than when we came in. Although I will probably be voting to abstain, I will be doing this on the grounds that I do not believe that this dispute can be settled from a vote of no confidence. Indeed, it currently appears to be emphasising the divides in this Assembly, something we should be trying to avoid. Abstaining does not mean that I support Deputy Southern's position in this proposition. Deputies Bailhache, Barbara Ward and Howell are right to express concern and I am not confident that the Minister's letter presents grounds that justify Deputy Southern's actions. This is a matter of mutual co-operation that needs to be resolved and I do not feel confident that we can achieve this in a debate that is structured as it is, particularly given that this appears to be the first vote of no confidence in a Scrutiny Panel chair in over a decade. There is no clear precedent or approach to resolve this type of dispute. We need proper accountability and if the Minister had concerns with the method of scrutiny being applied, then the Minister should have raised these concerns beyond a private letter, which having checked Hansard it could easily be argued that the letter is not accurate. Part of the letter is also anecdotal. Deputy Southern, the chair of the Scrutiny Panel, has just said in his speech that we need hard evidence, not anecdote. Hence, the anecdotal evidence in the letter penned by the Minister for Health and Social Services should really be ignored. It is absolutely imperative that we have a functioning and fully equipped Health and Social Security Scrutiny Panel who can hold the Minister to account and ensure that proper scrutiny is applied. We cannot lose sight of the critical role that this Scrutiny Panel needs to play. This decision to abstain, which I have reached through much soul-searching, also reflects my belief that regardless of the outcome of this proposition we will need to resume working together and maintain healthy operable relationships. If States Members cannot do this then resignations may follow. I should express concerns regarding the future success of the Health and Social Security Panel if Deputy Southern remains in the post and is unable to repair his working relationship with the current membership, particularly at such a critical juncture in this Island's health services. As chair of P.P.C. (Privileges and Procedures Committee), I feel compelled to remind the Assembly that there are a number of members and groups that they can approach if they have concerns around the conduct of Members and the sharing of information. Likewise the chair could have approached P.P.C. to inform us of his decision to suspend Deputies Barbara Ward and Howell and that he had not only recommended that they resign but had told them to resign. Perhaps we could have found a solution that would have restored trust in both sides and sadly this never happened. Turning to the statements made about the conduct of Deputies Howell and Barbara Ward, I think it is still relevant to note that these Members are still relatively new to the Assembly and that it does take time for some Members to settle into public lines of questioning. Likewise, those of us who have been in the Assembly for more than a single term will likely recall heated public hearings and private briefings where, fortunately, the personal disputes were settled among the panels. We, as an Assembly, should not ignore the previous episodes where the conduct between members of the Scrutiny and Members of Government has been much less than ideal. This is not the first time where concerns of animosity have emerged between Scrutiny and a Minister. However, as I have already stated, these have been regularly resolved either through private

discussion or other less public-facing means. The Minister has a right to express her concern if she feels it justified and the Minister must have expected that those mentioned in her letter would have a right to defend themselves. Having reviewed the public hearing's transcript, I concur with the report of the proposition that the Minister was primarily responsible for raising the issue around the appointment of the chair of the Health and Care Board during the hearing. If there is a concern in the recruitment process then we have other Scrutiny Panels available to look into this. Given that Deputy Bailhache is himself a member of both the States Employment Board and the Health and Social Security Scrutiny Panel, it would be my expectation that if Deputy Barbara Ward had been relaying confidential information to the panel, then Deputy Bailhache would have taken action and raised concerns with the panel and failing this brought up concerns with S.E.B. itself. Indeed, they could have raised concerns with myself as chair of P.P.C. or with the president of the S.L.C. (Scrutiny Liaison Committee). The Commissioner for Standards is also available. None of these avenues appear to have been explored, although I do commend the panel's committee and panel's officer for ensuring that members of Scrutiny are being kept in check regarding the confidentiality of information. As far as I am aware, Deputy Bailhache and the other members of the S.E.B. appear to be satisfied with Deputy Barbara Ward's conduct. She has not been asked to resign from the S.E.B. or has any other actions taken against her by the board, something that I would have expected if she had been breaching confidentiality. In relation to drawing the panel away from its purpose I must note, having served on Scrutiny throughout my first 4 years in this Assembly, that this is a concern that I am familiar with. It is always a risk and for that I can only encourage the panel to seek ways to clearly establish its scope or seek advice from other chairs or members to work through this issue. Regarding the statements against Deputy Howell, I find it difficult to resolve the allegations made by the Minister with the recollection provided by Deputy Bailhache. If there was something more to this, then I would welcome the Minister to provide clarity, although from what I have read and heard so far it does not appear to align with the terms that the Minister used in her letter.

[15:45]

To close, I would like to remind Members that we have just successfully recruited the first pan-Island Commissioner for Standards, Dr. Melissa McCullough, following the end of Paul Kernaghan C.B.E.'s (Commander of the British Empire) term of office, which is, incidentally, today. Mr. Kernaghan had been very good at upholding the high ethical standards that we should all hold ourselves to in public life and I am extremely confident that Dr. McCullough will continue to do so when she begins her role in March. If Members have deep concerns or require advice or guidance about Members' conduct and upholding standards, then Dr. McCullough will be available to help resolve these and address these issues. As I have said before, this is the first vote of no confidence in a Scrutiny Panel chair in years. I do not want this debate to set a precedent in resolving issues of trust between Members. We need to find more productive methods. We have 3 more years together in this Assembly, we need to build better working relationships with each other than this if we want to deliver for the Island. In the meantime, I would urge Deputy Southern and other Members to seek to restore their working relationships and rebuild trust.

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

Sir, if I may, I would like to seek some clarification from the last speaker.

**The Bailiff:**

You are entitled to ask for a point of clarification if the last speaker is prepared to give way for a point of clarification.



**The Connétable of St. Martin:**

Yes, Sir.

**The Connétable of St. Lawrence:**

What I would like to ask is I believe that the chairman of P.P.C. used the word “suspend”. I think I heard her say that Deputy Southern had chosen to suspend.

**The Connétable of St. Martin:**

No, I did not.

**The Connétable of St. Lawrence:**

I will not hold a conversation with the ...

**The Bailiff:**

No, please, if you would direct through the Chair.

**The Connétable of St. Lawrence:**

Yes, Sir.

**The Bailiff:**

I know it is quite difficult with the angles you are at at the moment but ...

**The Connétable of St. Martin:**

Sorry, Sir, I have not used the word “suspend” in my speech.

**The Bailiff:**

Right, so the word “suspend” was not used in the Connétable of St. Martin’s speech, Connétable.

**The Connétable of St. Martin:**

No.

**The Connétable of St. Lawrence:**

Thank you, Sir.

**The Connétable of St. Martin:**

Thank you.

**10.1.10 The Connétable of St. Clement:**

I believe the Constable of St. Martin and her computer have said more succinctly and better remarks than I can. However, one thing is certain, I believe personally this is less about Scrutiny and behaviour and more about - I have forgotten the phrase now - personality clashes, driven by political

agendas. One fact, and one fact stares me in the face only, and that is the fact that this Scrutiny Panel is broken. I believe that the Minister has entitlement to have a Scrutiny Panel she can work with and not against. I do recommend that the Scrutiny Panel itself is reformed. It is totally broken. I have nothing to say in argument to the Scrutiny chairman's running of the panel. He is a hugely experienced scrutineer and chairman but I do not have any facts. The fact is I do not have any facts. I was not a fly on the wall. I do not know how people have behaved and, therefore, I have no compunction but to abstain from the matter.

#### **10.1.11 Deputy A. Howell:**

If I have inadvertently caused offence or distress to anyone by my questioning, I apologise to all Members of the States and to officers; that was never my intention. My only intention has been to ask questions on behalf of Islanders so that we can all receive answers, if we are to help solve the current serious challenges within our healthcare system that have been highlighted in at least 4 reports. Then as a Scrutiny Panel it is our democratic duty to hold to account the Minister for Health and Social Services, her chief executive officer and those in management roles within Health so that positive change can be brought about and the focus can return to excellent patient care with our front line staff being cherished to undertake their roles. I wish to make it clear that I have always acted in a professional manner towards the public services responsible for health and community and have always treated the Minister and her officers with respect and comply to the best of my ability with the Code of Conduct for Elected Members and the code of conduct for engagement between Scrutiny Panels and Public Accounts Committee. I do not know how it is being conceived that I was displaying vitriol or disrespect. But I am sorry that my questions are not always questions because I have failed to add "have you" to the end of a sentence and this is a genuine mistake, and I am not trained as an advocate. Sometimes I find it hard to find the correct wording on the spur of the moment. But I do not recognise that as bullying and I can also confirm that I have never shouted at any time while in the States. The role of Scrutiny is to ask testing and sometimes difficult questions and act as critical friends to improve government policy in the interests of the public. That is what I and my colleagues wish to continue to do. It would seem unusual that as a result of the Minister's letter the chair of our panel requested us to resign, rather than offering further guidance and support, and I did ask that we could work together. Unfortunately, I now ask Members to please support this vote of no confidence in the chair of our Scrutiny Panel so that we can get on with the urgent business of scrutiny.

#### **10.1.12 Deputy M.R. Scott:**

This has been a really kind of hard debate to be witnessing and all I can really ask myself to do is consider what is in the public interest. Insofar as I have learnt anything about leadership, I really think, because I absolutely hate being in a position where I am asked to act as judge and jury in circumstances which really are not ideal, but it is not about blame, it is about contribution. In this, in terms of chairs of Scrutiny Panels, there is a certain theme that comes through which is the understanding of the rules. One rule that really has not been mentioned or in fact one code that has not been mentioned that is incredibly relevant to Scrutiny proceedings is that: "The chair has to establish preferred working practices and has to work closely with colleagues to establish clear working practices to help the panel function professionally, efficiently and effectively and in keeping with the approved framework of the Scrutiny proceedings code of practice." It is our duty as chairs, we have to work with our panel members to ensure that they deliver in a public interest. I am not even saying it is easy, sometimes it is very, very trying and sometimes it really does try your patience. Because if you come from a professional background and others have not and we are talking about a Member who has had years in the States Assembly but perhaps knows better, perhaps not, but that itself can involve a kind of clash of cultures. But then teamwork requires you to overcome that as

much as you can. Coming back to the understanding of the rules, I was a little alarmed to hear the chair of the H.S.S. (Health and Social Security) Panel refer to ex-members. You cannot get rid of your members like that; they are not ex-members. To refer to the code of conduct when dealing with the behaviour of his members, that really is a matter to refer to the Commissioner for Standards. As I say, when it comes to working practices that is the job of our chairs. We have to set this out clearly and if I have not done so, my panel, if anybody has not done a panel, then it is something that we have to do and we really have to drum that in. This is why we are doing this, this is why we have to do this. This is what is in the rules. Please, please comply or else I will pull you up on that. I have been a bit discomfited even in this debate to hear a public servant mentioned by name, by the way, because I thought that was against paragraph 6 of the code of conduct for States Members but there you go. Clear working practices, there is some reference to the word “admission” as though that is a really bad thing; well when it comes to evidence “admission” is quite a common word. We are talking about Members ... I mean nobody is perfect here but we have got Members who perhaps have not come from a background with a true understanding of what needs to be done in Scrutiny, that need a certain amount of patience, a certain amount of coaching. It is quite possible, I mean I have heard a lot of talk about how you should treat States employees, well I do not hear about them being summarily dismissed without a fair hearing. I do not hear about them not having the opportunity to have a nice talking with. There is an actual question: we are talking about senior civil servants, were they oversensitive? I do not know; this is the state that we are in. The one I do know, we have had Deputy Doublet and I think she has made a fair point about that women can be judged in terms of like just being a bit mouthy. Deputy Le Hegarat, she is saying it is unreasonable to refuse to work with people. Has she ever done that? I do not know. But maybe to straightaway be saying: “I am not going to work with you” is not so good. I do not quite understand the whole context, the coaching that went on in this. What I do know though is there is another rule in the code of conduct about what you should do as a chair if you do have a bit of a problem, if there is a complaint under the code of conduct that governs for Scrutiny Panel proceedings. Basically it suggests - and this was referred to in the Minister for Health and Social Security’s letter - that it is taken to the Scrutiny Liaison Committee. I do not know how this happened. I do not know how this got here. I do not know how we got to the position where the chair asked people to step down before the Scrutiny Liaison Committee even was aware of this. It is in the rules. Why are we suddenly punishing people for breaching the rules if we are breaching them ourselves? I will invite the chair to answer these questions because I am listening. At the moment I do believe that there are some questions that remain unanswered.

**The Connétable of St. Martin:**

Sir, sorry, can I just apologise to the Assembly and to the Constable of St. Lawrence, I did use the word “suspend”; I just checked my speech? I am so sorry.

**The Bailiff:**

That is a proper correction in short order of the ...

**The Connétable of St. Lawrence:**

Sir, my question has passed anyway.

**The Bailiff:**

All right. Thank you very much. You are listed as next to speak if you wish to, Connétable of St. Lawrence.

**The Connétable of St. Lawrence:**

Thank you. I was not aware that I had indicated.

**The Bailiff:**

I was not sure if you were indicating a desire to intervene or to speak. If you have not a desire I shall ...

**The Connétable of St. Lawrence:**

I was going to reserve my right to speak, Sir, had I had the question answered and if I can still reserve that right, please.

**The Bailiff:**

Yes, if I have written your name down incorrectly at this point that is fine.

**10.1.13 Connétable D. Johnson of St. Mary:**

Even if I am second choice. **[Laughter]** I am echoing the thoughts of all of us here that we should not be here discussing this today **[Approbation]** and it is a source of great disappointment to me that we are but we are. In his own statement Deputy Southern quite rightly sets out the requirements in conducting meetings, et cetera. I think none here will disagree with that. I think by their own admission or by the admission of Deputy Howell, if I can refer to it, she accepts she might have gone astray on one occasion and has apologised for that. Picking up on Deputy Scott's points, there is a procedure for dealing with these things. I was at one time a member of a Scrutiny Panel where a Minister or Assistant Minister made a complaint against the chair to what was then the Liaison Committee, who tried to bounce it back to the panel. The panel concerned spent ages trying to calm it down, et cetera, so it just fell away. But a complaint has been made by the Minister, she is entitled to do it. If P.P.C. do not feel able to field it, it can go to the Commissioner for Standards. That position was made simply to avoid the Assembly as a whole having to judge on these matters. As the Constable of St. Saviour said, we are not in the position or should be in the position where we have to believe the he said/she said argument; that is not our role. I am not sure where that leaves me. The fact is that there were other avenues open to pursue a complaint.

[16:00]

The complaint still stands, as I understand it. It also appears to me - and to a larger point made by, I think, Deputy Doublet and maybe others - would the proposer of this proposition withdraw it? My understanding is that the proposition is made simply because the present chair refused to continue to work with the members. If that is the case, as Deputy Bailhache said, we are in a blocked position. If the present chair were to indicate he was prepared on reflection, at least until the Commissioner for Standards has given a ruling; that would be a way forward I think but that is not where we are, as I understand it. We do have a simple vote to make and if we vote against the proposition we are immediately, effectively, losing the 2 health-qualified Members of the Assembly, which is a loss to Scrutiny. We have been put in an impossible situation and I simply do wonder whether the present chair could not find himself to agree to continue to work with the existing panel, at least until a more independent hearing has taken place and then to revert if necessary.

**Deputy T. Binet:**

I wonder if I can ask if Deputy Southern would be prepared to comment on that last suggestion.

### **The Bailiff:**

I am afraid not, Deputy. Deputy Southern has a right to speak at some point in the future immediately before Deputy Bailhache sums up. But I am afraid we cannot have interjections, other than along the way.

### **10.1.14 Deputy T. Binet:**

Understood, thank you. In the absence of that comment and there are a couple of points to make before I come to my prepared speech. One is that Members will have noted that this morning I was asked a very direct question, I think it was by Deputy Tadier, about confidence. I believe I answered that accurately. With that said every now and again, no matter how collaborative one is - and I believe myself to be collaborative - certain issues arise that I feel have to be challenged and this is one of those very unfortunate occasions where I am afraid that I feel obliged to do that. Before I go through the prepared speech I would just like to invite Members to ask themselves a question, I wonder how many times it is in the 40-plus years that both Deputy Ward and Deputy Howell have worked in the health service, how many times it is that they have been accused of vitriolic behaviour or bullying? I venture to suggest that it will be very few. Anyway, moving to the prepared speech. As a signatory to this proposition I feel obliged to explain the reasons for my involvement to Members of the Assembly. This presents me with a slightly awkward situation because to all intents and purposes, and as everyone will be well aware, it involves me in challenging the outcome of a direct request for action made by a fellow Minister. However, as difficult and as uncomfortable as that may be, I feel I have an obligation to do exactly that. On the face of it the issue to be decided today is whether Deputy Southern should continue to enjoy the support of this Assembly in his role as chair of the Health and Social Security Scrutiny Panel. In order to do that, we must surely have to take account of the entire process that gave rise to this proposition. As I see it, it was triggered by the Minister for Health and Social Services' letter to Deputy Southern asking him to address her complaints as he deemed appropriate. On receipt of that letter, it seems to me that, as chairman of the Scrutiny Panel, Deputy Southern was required to do several things. Firstly, to examine the complaints and ask himself whether he considered the claims to be accurate and valid and, if so, to decide upon an appropriate course of action. It is my contention that he exercised poor judgment in both areas and here is why. Taking those things in order and on the basis of the evidence provided, certainly relevant to this proposition, it would appear that the Minister for Health and Social Services complaints about Deputy Barbara Ward were generally unfounded and/or based, in her own words, "on anecdotal evidence". This is an important point. With regard to the complaint about Deputy Howell, I am sure it would not be disputed by anyone, including Deputy Howell, that one or more of her comments were delivered as statements and, in one instance, the description "accusation" could possibly be applied but this, especially for a relatively new statesman, is a minor transgression and certainly not requiring her removal from office. The next question for the chairman should have been one of proportionality. Even if they had been accurate, the Minister for Health and Social Services complaints should have resulted in no more than some type of formal sanction perhaps in the form of guidance, a verbal warning or even a written warning depending on what may or may not have taken place previously. As a stickler for due process when it suits his purposes, this is something that ought to have come naturally to Deputy Southern. In this instance, however, it appears to have been overlooked. Sadly, taking 2 steps back from the centre of this dispute, I cannot help feeling that we have been drawn unwittingly into a game of shoot the messenger. It may well be the case that Deputy Southern should not remain chairman of the Health and Social Security Scrutiny Panel and given the lack of judgment demonstrated, I am very much of the opinion that he should not. However, if the Minister for Health and Social Services did not intend the Scrutiny chairman to seek the removal of Deputies Howell and Barbara Ward, I cannot help asking myself why it is that, to the best of my knowledge, she did not seek to intervene in the early stages of this controversy to inform Deputy

Southern that the dismissal of these 2 individuals was not what she had in mind, unless of course it was. That is something upon which we can only speculate and not a matter directly related to today's vote other than the extent to which it relates to Deputy Southern's judgment, or lack of it, in connection with the initial complaint. In closing, I could not help noticing that in the final paragraph of the information he sent to Assembly Members last Friday, Deputy Southern states the following and I think he quoted it himself: "I know from experience that Scrutiny can be conducted in a way that is respectful and dignified. I totally agree with the Minister for Health and Social Services that, as States Members, we must act to model best behaviour." Well, I am sure that is something upon which we can all be agreed. I would just add that when making these or other lofty statements, it is especially incumbent upon those who request them that they first become models of their own preaching. Finally, I am reliably informed that some Members are finding this matter awkward and, as a consequence, are contemplating abstention. If that is correct and the dispute comes to a vote, could I humbly request those involved consider their position carefully and make a firm decision one way or the other?

#### **10.1.15 The Connétable of St. Brelade:**

I would like to take a fairly high-level position on this based on my experience over several years in Scrutiny in various guises. I first started in 2005 after being elected and found myself on the Economic Development Scrutiny Panel chaired by Deputy Southern. We produced several reports. Deputy Southern was, in my experience, a good chair. On that panel was the then Deputy Martin, the then Senator Breckon and Deputy Lewis. Once again, we were a mixed bag, if you could call it that, but it was an interesting period. I would say in retrospect - and it is always easy to do that - that there was not much harmony between the chairman at that time and the Minister for Economic Development, Tourism, Sport and Culture of the day, and I am sure the chairman would agree to that, but still we produced several reports and the Minister was suitably challenged. That followed in the next term when I found myself elected as Minister for Transport and Technical Services and the Scrutiny Panel applying to that department was chaired by the then Deputy Philip Rondel. I viewed that Scrutiny Panel as what some might have termed a "committee" in the old sense or in the pre-Ministerial days sense and I do believe it worked. There were some members on that panel who made a significant contribution to the work of my department of the day and one of those I can allude to was the Deputy of St. Mary at the time who was not afraid to challenge, and some of us here would have experienced his 3-hour challenge in a rescindment motion to the Energy from Waste Department. Subsequent to that, he made a great contribution to the work of the department. In my third term as Scrutiny Panel chair once again, I think we had a successful panel and many of the members on that panel are here today and, yes, there were some feisty members, there were some challenging debates and I am sure sometimes the Ministers or officers would have rather not have been there but the result was I think in better decision-making and a better outcome from the point of view of the public. We all have different styles of chairmanship. Some will be more confrontational. Possibly mine is not. I would say I feel I have always got more out of Ministers and officers possibly by being non-confrontational, and that is my style. Others will differ. Likewise Ministers, when they are elected to the role, need to be abreast of their briefs and I think that those who are not abreast of their briefs will struggle because they will find themselves challenged by people who probably know more about their brief than they do, and that is sometimes when Ministers do struggle and rely heavily on the support of their officers. If this proposition were to succeed, the inference to me and the consequence is that the Minister will clearly need to consider her position. I think there have been mistakes made on the Minister's side as well as the Scrutiny Panel chairman's side. I would refer to the chair of P.P.C.'s comments, and I think there is mileage in the P.P.C. looking at this process whichever way the vote goes, and I would refer P.P.C. to the Parishes who have a complaints process. The Connétable of St. Lawrence reminded me of this only yesterday or the day before. We have quite a thorough complaints process, which I know ends up with the

Commissioner for Standards, but there is a process there for those to follow should they so wish. One could say that Ministers need to be quite thick-skinned and broad-backed on this; should they just man up and have to deal with these situations? I suspect, when getting elected to be a Minister, you need to be aware of what might be coming your way. It is difficult to decide which way my vote will fall on this occasion but I think there are lessons to be learnt whichever way it goes and I will await further speeches.

#### **10.1.16 Deputy M.B. Andrews:**

Now this has been very concerning for me. I understand that Scrutiny needs to be collaborative and also you have to have a good relationship with the Minister, and I believe that some Members have a very strained relationship with the Minister. Therefore, I would probably consider longer term the relationship with the Scrutiny Panel and the Minister is untenable, unfortunately, and I am not too sure if that relationship can be fixed. I have been aware of this probably for the last couple of weeks where there has been, evidentially, tension building. I think what is really making it rather complex when I am assessing the situation is we have 2 very credible Members in Deputy Andy Howell and Deputy Barbara Ward who have an extensive background in health, and who I think are there to advise fellow panel members and to provide, I guess, a level of specialisation because that of course is their background. Of course, we need to have that level of experience across all of the Scrutiny Panels and I do not think we do with some of the panels that we have currently. I also understand that, with Deputy Geoff Southern, he is a chair and he has to be responsible for making sure that everybody is abiding to procedures, and I think that can be quite difficult. Even being a new Member myself, it is quite overwhelming especially being a member on 3 different Scrutiny Panels. Sometimes I needed to be prompted, especially within the first month or 2 when I was elected to the Scrutiny Panels.

[16:15]

I think maybe, from my perspective, it is quite difficult to really understand what is happening when there are private briefings because, again, I do not know intricately the details of what has been going on and what we do see is 2 sides who, again, are against one another. I think, as many Members have voiced their concerns about proceeding with this vote of no confidence, it is probably not wise. I think the panel, ideally, should be in a position where all 5 panel members speak to one another around the table and I think now, as an Assembly, we have to really try to encourage and reinforce them to do just that. I know there potentially might be some reservations with the chair and the 2 panel members who have had complaints filed against them. I do hope also Deputy Bailhache would be obliging in maybe consolidating this position because I think that would probably be best in the long run because if we continue as we are I am afraid Scrutiny will be in a very bad place. I think there have been a number of tensions. I do not think this is the only panel, if we are going to be honest about that, where issues have been made aware of and I think probably become more pervasive across the Assembly. It is really important, especially when we are looking at the Health Panel, that there is robust Scrutiny and I think we have seen that the panel are very capable in that respect because I think they pulled off probably one of the best ever amendments that I have seen during the Government Plan. It was thanks to Deputy Barbara Ward and Deputy Andy Howell who I believe probably delivered 2 of the best speeches in that debate but they showed, as a panel, that Deputy Geoff Southern was willing to listen to 2 of his panel members who also have an extensive background in health and who made him think about things differently. He was willing to work with both of them and all of them were collegiate at that point and look at what happened. I believe a vote outcome was about 29 against 14, so they are very capable and we know that. I engaged Deputy Barbara Ward and Deputy Geoff Southern probably about 2½ weeks ago because I was interested in joining the panel at some point in time, even if it was for one review. The reason being is because I

realised I would be working alongside a former Bailiff with Deputy Sir Philip Bailhache and Deputy Geoff Southern who has of course been a member of Scrutiny for 23 years and the excellent Deputy Barbara Ward and Deputy Andy Howell alongside Deputy Beatriz Porée. I think it is a very diverse and strong panel when we look at it in terms of quality. The other thing that really is quite concerning - and I have to be quite frank about this - is the potential tensions that we could be seeing among the Council of Ministers. Of course, as we saw, Deputy Tom Binet was a proposer with this proposition and I think there probably are some Members who are quite apprehensive about this because it is quite early on in the term, only 8 or 9 months in, and we have a vote of no confidence to deal with. I believe it should be withdrawn. I am saying that, as one of the younger Members of the Assembly, I do not think this is a lost cause. However, we all have to be willing to accept that this is not the school playground, we have to be adults about this and we have to sit around the table because I do not really want to be seeing one of the best panels that we have be decimated, broken up and have to be reconstituted. One of the reasons why I was willing to join the panel is because it was probably the panel where I was going to learn the most and because it was an area where I consider it to be a weakness in terms of my knowledge of health and social security. I was able to work alongside 5 individuals where I can learn from them. They are all older than me and also I believe they have a good background and a good level of knowledge. We are here today to speak about potentially seeing Deputy Geoff Southern be removed from his position as chair and the concern I have here is if that does take place, the tensions between the Minister for Health and Social Services and the 3 remaining members are not going to be providing good and constructive Scrutiny. I think what we really need to be seeing is a better connectivity between the Executive, the Council of Ministers and Scrutiny Panels and the individuals on the Scrutiny Panels. I have to say I have been in a position on a panel where, yes, we have had our differences and it has probably been partly down to all of us being new to the Assembly for instance, but the one thing that we did is we all sat down as a panel and we spoke through our differences. That is a much better process and it is something that all panels should be capable of doing. It is no good having a panel of 5 members and having a discussion between only 2 members because 3 members have been omitted from that important discussion where you could have a better outcome potentially. I know I am probably going on a bit but the point of the matter is this does not have to happen and I think we can all see that this is the nuclear option. Even today when I walked into the building, usually there are 8 or 9 Members in the Members' coffee room and there were only about 3 of us because everybody did not want to come in. Nobody wants to be voting yes or no and that is why we are seeing plenty of our colleagues thinking about abstaining because we do not have all the information available to us and, yes, we are probably looking at everybody involved. I do not think anybody can say they are 100 per cent correct in all the decisions they have taken, and there is probably some level of blame with every single Member to some extent but let us acknowledge here we have a very good panel. We have good individual members and I happen to respect all 5 of the panel members and also the Minister for Health and Social Services. I have a good relationship with everybody and that is how it should be. I am being asked to take a decision and by taking a decision somebody is probably going to turn around and think: "Well, I think of you in a different way now, Deputy Andrews" and that is fair enough. I really think from the time I finish my speech, we need to be seeing some level of communication happen even if it is via Messenger or via emails to say: "Come on, let us just call it a day. We need to withdraw this proposition." We need to go through the States Greffe, we need to arrange several meetings and it is probably going to be a more prolonged process. However, I want to keep a panel in place that is a good panel and very constructive, I think, to some extent. Yes, there potentially have been some things that have been said, and that is probably down to inexperience, but I hope that Members can learn from the mistakes they have made. I have certainly made mistakes in Scrutiny and one of the problems, I guess, I have had is I have not had the experience around me. I have only had fellow colleagues who are newbies to politics like myself and it is only by me contacting, say, former politicians and asking questions and them giving me feedback that I am really able to learn, and that is an ongoing process. I probably have about 3 or 4 politicians who were formerly in the legislature last term who I keep in regular



contact with and they guide me because that is the way it should be. Otherwise, I would probably be quite lost, and also I am an independent Member and it is probably even more difficult in that respect. So I think I have probably done quite a lot of talking now but I really do hope that there is now a line of communication between the 5 members. I think it needs to happen and also with the Chief Minister as well, we need to ensure as the head of this legislature, that even she might need to be involved and also the lead of S.L.C. because the public should not be seeing personalised politics be so conspicuous. Unfortunately, that is exactly what is happening. We should be really getting on with other States business and, instead, we are wasting our time and we could be discussing potentially my trainee minimum wage. **[Approbation]** I would much prefer that. Let us increase it. Let us do it. Come on, everybody. I will probably leave it at that but thank you for allowing me the time to speak.

#### **10.1.17 Deputy T.A. Coles:**

I will try not to filibuster too much because I would rather not have the debate for my amendment to the Climate Council start until tomorrow morning but if it starts this evening, I am okay with that. So this debate has been very, very interesting. I am hearing all sorts of different points backwards and forwards and I am not going to stand here as a member of Reform and support another member of Reform because there are other things in play here. I believe that this vote of no confidence in the chair has come prematurely. As Deputy Andrews commented, it is the nuclear option. There has been so much more that could have been done before. I am not 100 per cent sure what P.P.C. provides in the way of mediation but surely there should be some sort of mediation that takes place and conversations could be had between all panel members. We talk about the Commissioner for Standards who are, obviously, going through a small transition at the moment but this reference to the Commissioner for Standards could still be made and it could be made by anybody. It could be made by a Deputy who has been accused, the accuser or the Minister who is making the point. There are so many options that we have come to but here we are now being asked as Members of an Assembly who were not present in these meetings to base our assumption on someone's leadership of a panel based solely on what is considered somewhat anecdotal with a little bit of recorded information but still with a number of grey areas. I feel that is very unfair to a lot of Members who are in this room who do not know other members of the panel. Yes, I have worked with Deputy Howell on the Planning Committee. I have had one or 2 meetings with Geoff Southern in my time. I have never had a professional meeting with Deputy Ward or Deputy Bailhache so I cannot comment on how they perform in certain environments. So I would be pleased to see this vote of no confidence withdrawn rather than forcing Members to vote on it because it feels almost like we are being asked to choose sides in a battle that does not exist. This is Scrutiny. This is supposed to be about helping develop policy and move things forward rather than: "Well, he is not doing what I want" and: "She is not doing it like I would like it to be done" and I just feel this is the wrong way to go. Reference to the Commissioner for Standards, in my mind, should have come way before this. It is not telling teacher. We are professionals. If we are not sure about something, we should seek guidance. As Deputy Andrews mentioned, I am very fortunate to be a member of Reform and I am standing here because I have other members who have been here before me to help guide me though some of the issues that I am having. The Greffe did produce some training for us when we started and it is a very steep learning curve very quickly, and some parts of it are very difficult to really wrap your head around what is appropriate for what area. We have so many different mechanisms in which we can question Ministers and departments based on either written questions, oral questions and questions without notice. Do all of these things belong in a Scrutiny Panel? Is that where a grey area has come out? Are these questions perfectly valid from these Members but just in a different place at a different time? So I really do struggle with people being asked to vote one way or another on it, and with reference to Deputy Binet questioning people for abstaining, I support anybody who chooses to abstain in this matter because if you were not there, how can you know if you have not read all the

transcripts and not watched the videos? We are all busy individuals. The Constables alone, with their Parish work, makes them incredibly busy. Deputy Andrews is a member of 3 Scrutiny Panels. If anybody wants to read the details we get provided on a planning bus week, that is a lot of work to read. The background papers for the P.A.C. is a lot of work that we all involved in. How we can, we all ensure that we can take the time to perfectly and accurately process all the information that has been presented to us and make an informed decision today that somebody has acted against Standing Orders or anything that makes a vote of no confidence relevant? So I welcome any Member that chooses to abstain from this vote but I would prefer it if the proposer would consider withdrawing this because, let us face it, we have wasted a lot of our time this afternoon already but thank you.

**The Bailiff:**

Before we move on, could I just make the point and it is not singling you out, Deputy, because you are not the only person who has done it? On more than one occasion in the speeches, Deputy Southern has been referred to by his first name conjoined with his surname. It is not appropriate. We only refer to the first names if there are people with the same surnames sitting in the Assembly. That is on a very rare occasion so, otherwise, it is simply Deputy Southern. Thank you very much.

[16:30]

**Deputy C.F. Labey:**

I would like to ask for Standing Order 85 to be invoked. I think enough time has been passed. Key Members have spoken. I feel this is a totally unedifying debate. There will be no winners and as many Members have said, the Scrutiny Panel, the Scrutiny Liaison Committee or possibly the Commissioner for Standards needs to sort it out but it needs to be sorted out somewhere else other than the States Assembly. **[Approbation]**

**The Bailiff:**

So you are proposing to move to the next item pursuant to Standing Order 85?

**Deputy C.F. Labey:**

Indeed.

**The Bailiff:**

My obligations are to be satisfied that there is no prejudice to the infringement of the rights of a minority. A substantial number of Members have already spoken so I do not therefore think there is any question of it being an infringement of the rights of a minority. The only observation I would make is that if this is passed, there is nothing to prevent the proposition being relisted again and the matter continuing. It does not bring it to an end. It simply brings it to an end today. What could happen in the intervening period of course is not for me to say but I should explain that that is a consequence and that Members should understand that. Aside from that, Standing Orders requires I put the matter immediately to the vote without debate and, accordingly, the proposition to be put to the vote I assume is seconded. **[Seconded]**

**Deputy M. Tadier:**

Sir, can I ask you a point of procedure or order?

**The Bailiff:**

Yes, you can, Deputy Tadier.

**Deputy M. Tadier:**

I cannot type it, I am afraid, so quickly. How many people, if any, are waiting to speak?

**The Bailiff:**

I have 2 listed to speak in addition to which of course Deputy Southern will have another speech and of course Deputy Bailhache will have a speech. There may be others who wish to speak who have not indicated a desire to do so.

**Deputy M. Tadier:**

Thank you.

**Deputy E. Millar:**

Sorry, Sir, can I just ask a question? What are we going to do? Just terminate the debate but leave the proposition open?

**The Bailiff:**

Yes. The matter ceases to be debated today. There is no vote taken on it. There is no decision made about it. It simply falls into a limbo until somebody wishes to have it relisted for debate but it has not gone away. It is simply not being dealt with today.

**Deputy G.P. Southern:**

If I may, Sir, is that it just does not go away?

**The Bailiff:**

It does not go away. Effectively, I can say Standing Order 86, for example. When a debate on a proposition resumes following (c), a decision by the States to move to the next item, the proposer may move a proposition afresh, it would require a request to relist it. In other words, it would be open to the proposer or anyone else to I think wish to have it relisted but if that does not happen, it will in effect fall away but that is a different question. It does not cease to exist as a proposition. It continues in a kind of limbo until somebody - sorry to be flippant - pokes it with a stick, as it were or does not do something else.

**Deputy G.P. Southern:**

I do not think that helps me at all, Sir.

**Deputy B. Ward:**

Yes, Sir, it is just a point of clarification. What happens to the panel because we have work to get done? Are we still banned?

**The Bailiff:**

I am sorry, Deputy, it is not an improper question, it is an improper question for this occasion.

**Deputy B. Ward:**

Okay.

**The Bailiff:**

The simple position is that, technically, nothing has happened so there is still a position where Deputy Southern has not had a vote of no confidence voted against him. The position is exactly the same as it was as Members walked into the room and it is for Members to decide whether that is an acceptable state of affairs by voting on this proposition over which I have no discretion. I have to allow it.

**Deputy B. Ward:**

So the panel still stands?

**The Bailiff:**

I cannot answer you any further than that. There will be no change in the short position.

**Deputy M.R. Scott:**

I know we need to vote on this but am I right in thinking that it is also possible to bring a proposition to move to a vote?

**The Bailiff:**

Not now because there is this proposition before the Assembly, which has been proposed and seconded. Whether there are other procedural items that can be dealt with instead, but not at the moment, we have to deal with this particular proposition. Very well, the vote is on whether or not the Assembly should move to the next item, which means that the debate on this item is terminated, and we then move on to the next item of Public Business. I have given all the guidance I can to Members as to the potential consequence of that vote. This is a matter that should be dealt with by the Appel and not on a stand and I therefore invite any Members not in the Assembly to return to the Chamber.

**Deputy L.J. Farnham:**

I am just checking, I presume that the Minister scrutinised by the panel cannot vote in this, or can they?

**The Bailiff:**

The effect is to determine Deputy Southern would stay for the time-being at least and therefore the Ministers involved should not vote on this. I ask the Greffier to open the voting. The vote is on whether the Assembly moves to the next item. A vote pour, the Assembly will move to the next item. A vote contre will not be in favour of that.

**Deputy R. Binet of Grouville and St. Martin:**

Sir, can I vote or not?

**The Bailiff:**

Why would you not be able to vote?

**Deputy R. Binet:**

I wondered whether Assistant Ministers could vote or not.

**The Bailiff:**

Assistant Ministers are not disqualified under Standing Order 20, so you are able to vote. Very well. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. There are 22 votes pour, 22 votes contre, one abstention, accordingly the proposition is defeated. The debate continues.

<b>Pour: 22</b>	<b>Contre: 22</b>	<b>Abstain: 1</b>
Connétable of St. Brelade	Connétable of St. Helier	Deputy M.R. Ferey
Connétable of Trinity	Connétable of St. Lawrence	
Connétable of St. Peter	Connétable of St. Clement	
Connétable of St. Martin	Deputy G.P. Southern	
Connétable of St. John	Deputy M. Tadier	
Connétable of Grouville	Deputy K.F. Morel	
Connétable of St. Ouen	Deputy R.J. Ward	
Connétable of St. Mary	Deputy C.S. Alves	
Connétable of St. Saviour	Deputy L.J. Farnham	
Deputy C.F. Labey	Deputy S.Y. Mézec	
Deputy S.G. Luce	Deputy Sir P.M. Bailhache	
Deputy L.M.C. Doublet	Deputy T.A. Coles	
Deputy M.R. Le Hegarat	Deputy B.B.de S.V.M. Porée	
Deputy S.M. Ahier	Deputy M.R. Scott	
Deputy I. Gardiner	Deputy C.D. Curtis	
Deputy I.J. Gorst	Deputy L.V. Feltham	

Deputy K.L. Moore	Deputy A. Howell	
Deputy D.J. Warr	Deputy T.J.A. Binet	
Deputy J. Renouf	Deputy R.S. Kovacs	
Deputy R.E. Binet	Deputy B. Ward	
Deputy H.L. Jeune	Deputy L.K.F. Stephenson	
Deputy A.F. Curtis	Deputy M.B. Andrews	

**The Bailiff:**

The debate is resumed. Deputy Labey, do you wish to speak?

**10.1.18 Deputy C.F. Labey:**

No, I think I said it all. I do not think we should be having this debate in this forum. I had wished that the Scrutiny Panel and the Liaison Panel could go away and sort it out as adults. But obviously that is not the case, so I have very little to add, thank you.

**10.1.19 Deputy L.J. Farnham:**

It had crossed my mind to also propose that we move to the next item. Of course not remembering that it did not finish the debate, it just left it in limbo, which is probably not fair on any of those involved. Probably not in the best interests of the Assembly or the important work that Scrutiny and the Health Department have to do. So I simply say that I think it falls to this Assembly to lead by example for the Island on how we treat each other and our colleagues. This Assembly and the Government, Chief Minister, previous Governments, have always, especially more recently, been advocates of best behavioural practice, anti-bullying, always encouraging victims of such practices to come forward. I am not by any means saying that there has been bullying or malpractice because one of the challenges here is the available evidence. This proposition by Deputy Bailhache is premature, as other Members have said, because of that reason. I think Deputy Labey of Grouville said this perhaps should have been something for the new Commissioner of Standards to have a look at and take an independent view and carry out their own inquiries. But if this Assembly cannot lead by example then that is unacceptable. We can disagree, we can be assertive with our strongly-held views and convictions, but we must win our debates, we must win our arguments based on facts, by presenting a strong case, persuasive argument supported by research and facts. I have noticed that we do, in this day of social media, and all sorts of electronic communications and media, sometimes fall victim to opinion and subjective views and conjecture. We need to lead by example. A lot has been said. I hope we can come to a satisfactory conclusion today and we can all move on.

**Deputy K.F. Morel:**

It was not to speak, it was rather to propose Standing Order 84, if that may be possible.

**The Bailiff:**

You are giving 30 minutes' notice of your intention in 30 minutes' time to put the matter to the vote?

**Deputy K.F. Morel:**

That is correct.

**The Bailiff:**

Very well. You are entitled to give notice at this stage. It has been more than an hour since the debate opened. As I say, you can give notice and we will have to see where we are, but it could well be that we are finished before 30 minutes is up, who knows.

**10.1.20 Deputy I.J. Gorst:**

It seems to me that the intention of Deputy Labey in proposing Standing Order 85 was to allow for the conversations to take place, which many Members have said that they would wish to have take place, prior to making a decision. Members are not afraid to make a decision. It is just quite difficult to make a decision on the evidence before us. For my part, the reason it is difficult is there are 2 competing priorities at play. One is arising from the letter that the chair of the Scrutiny Panel received around the behaviour of panel members and we have heard that argument and we have heard the very good contributions from the 2 panel members involved in that complaint in that relation and how we, as an Assembly, should ensure that there are policies and procedures in place to ensure that officials are treated appropriately and are not bullied. That is right. The other of course is that the chair, upon receipt of the letter, rather than following a process that we might understand and is outlined in such policies, as I understand it, and as reiterated, not only in his submission, but also in his speech today, simply asked those 2 members to resign from the panel. That, to me, does not seem to be following due care and process either. It is 2 rights do not make a wrong, I am not sure quite so what 2 wrongs make, but they certainly do not make a right. Rather than dwell on all of the personalities and all of those issues, I am going to circle back around to the intention of Deputy Labey. I am going to circle back around to the intention of her request for moving on. Other Members have touched on it. As I see it, a number of things ideally should happen before we vote on the competency of Deputy Southern to continue to be chair of this panel.

[16:45]

Because we do not yet know whether that case has been proven. Firstly, a number of Members have asked the mover of this proposition to withdraw it, so I know it is birthday and I wish him many happy returns of the day. But if I were him, I certainly would not wish to withdraw it without some undertakings on the part of others. Because it is really important, at a time of such momentous change that needs to take place in our Health Service, it is important that panel continues to function. But equally the vice-chair and the 2 panel members are left in a position where the 2 panel members have great experience in the health provision across the Island and therefore their contribution is to be valued. That is why Members voted for them to sit on this panel. But they sit here this afternoon with a request to resign. Having that request to resign, of course how can they function on the panel with the chair that has asked them to resign? So the first thing I think that needs to take place, if we are to resolve this without creating a division through the Assembly, is for the chair of the panel, in his response to the debate, to make it absolutely clear that he withdraws that request for them to resign from the panel. That he, likewise, having withdrawn that request, seeks to have further conversation with the Minister for Health and Social Services to understand fully what her concerns were and how they can be best dealt with. Because others have made the very well-made point that the 2 Members in question are new, they are passionate, they are formidable, and they wish to see improvements to Jersey's Health Service, as we all do. They are using those skills in the Scrutiny function. But there have been concerns raised and therefore those concerns need to be addressed. This Assembly is not the forum to address those concerns. So I ask that he makes that commitment

and that he makes the commitment to sit down, probably with the Scrutiny Liaison Committee, I am slightly surprised, and maybe the chair of the Scrutiny Liaison Committee is going to interrupt me and say: “No, he has done everything he can to try to resolve this problem before it got to this point” because that is where, in the first instance, Scrutiny matters should be resolved, as we heard from the Constable of St. Mary, as happened when he was chair of a Scrutiny Panel. Failing that, the appropriate place would then be to go to P.P.C. In other places, we might have expected the president or chair or speaker to involve themselves as well. But we understand why that might not be appropriate in our case. To allow for at least the 3 weeks that would have been granted had we accepted Standing Order 85, to allow at least those 3 weeks, conversations to take place, to see whether those issues that have been raised can be addressed. To see whether those members of the panel can continue to work constructively together and put in whatever arrangements are necessary to allow that to happen. If in 3 weeks’ time the vice-chair and the 2 members of the panel feel that it is a breakdown, which is not repairable, then I would have no difficulty with voting to see a new chair of that panel. Because I have to be clear with the Assembly, had Deputy Bailhache stood to be chair of the Health and Social Security Panel right at the start of this term and he had competed head to head with Deputy Southern, I am sorry to say this to Deputy Southern, but he knows what I am going to say, my vote would have been with Deputy Bailhache. So I have no problem with Deputy Bailhache chairing this panel, but this is not where we find ourselves. We find ourselves in an adversarial situation with a number of unanswered questions, with individual members’ motives which have been challenged and questioned. They have not had the appropriate forum in which to address those issues. They have made brief interventions here of course, as was right. But they themselves should be afforded proper opportunity to sit down and discuss the complaints raised, just like the individuals that the Minister has raised the complaints on behalf of also should have those complaints handled. If the chair of the panel is able to give those undertakings and commit to that process, and it is quite a big if, I look across the Assembly to the mover of the vote of no confidence and if he receives those commitments and confirmations, I wonder if he could find it in his heart, on his birthday, to stay this proposal to see if that could be worked out during the course of the next 3 weeks.

**Deputy P.M. Bailhache:**

Will the Deputy give way?

**The Bailiff:**

For what purpose?

**Deputy P.M. Bailhache:**

In the spirit of conciliation, and listening to the wise words from Deputy Gorst, I wonder whether he might be willing to add something to his request to Deputy Southern for a way out of this impasse. That is, not merely to withdraw his request for the resignations of the 2 Deputies, but also to undertake that during the period of time when all these issues are carefully considered, the Scrutiny Panel will be allowed to operate as it should do with meetings taking place and not being cancelled as they have been for the last fortnight.

**Deputy I.J. Gorst:**

I am pleased to have that intervention clarification. It never crossed my mind that anything other than the panel would operate normally and continue its hearings, otherwise the commitment to the process would have been false and not real. The panel has to sit in that 3-week period. But I know I am perhaps clutching at straws and ever-optimistic that we can find ourselves in a better, more



unified position in due course. So of course I am happy to add that request to the chair of the panel to make that commitment to the Assembly.

**Deputy K.F. Morel:**

The quizzical look on my face is, I would like to understand where in Standing Orders allowing Deputy Bailhache to speak in that way, where in Standing Orders that is allowed.

**The Bailiff:**

I had thought that it was coming into a point of clarification. It did not do so. Unfortunately that is the case. But I had thought that is what was going to resolve and I simply was not fast enough to stop the Deputy when it became clear that was not the case.

**10.1.21 Deputy S.G. Luce:**

I had hoped for a moment that I would not have had to get up and make this speech. Deputy Bailhache in his opening remarks referred to the letter from the Minister. I would just like to comment on that first, if I may. The Deputy said it was factually wrong and misguided. Be that as it may, I was dismayed yesterday morning to see reports in the media of this letter before States Members had it circulated to them. I would just like to start by saying to the Minister, I do not think that was very procedurally correct and I regret that States Members did not get to see it before the wider media. Anyway, Deputy Bailhache also said that each of us perceives Scrutiny engagement in different ways and he may well be right. One thing he is absolutely right about is of course that rudeness, aggression, and inappropriate language is not good enough. Scrutiny needs to be about firm questioning, it needs to be challenging and testing, as the Deputy said. It also needs to be about examination and cross-examination and all those things I agree with him on. I also agree with Deputy Southern when he says Scrutiny should be about good conduct. It should be about showing respect and of course it is about showing courtesy. Deputy Southern said good working relations result in good work and allows Scrutiny to function as a critical friend. Of course he is absolutely right about that too. As I know only too well, chairs of Scrutiny Panels need to ensure fairness. They need to allow some slack, as Deputy Bailhache alluded to in his speech, and they need to moderate discussion. One of the questions I found myself asking after I read the letter very late in the day from the Minister, sent to Deputy Southern, was should he have sorted it, could he have done things differently? Well certainly. Could he have gone that final mile? One thing he could well have done is gone to S.L.C., where I sit with the other chairs, to maybe seek a further remedy to resolve this unsavoury item. Deputy Southern said trust had broken down or has broken down and it is clear that it has. But one question I would put to the Deputy, which side has been responsible for this breakdown in trust? Clearly, wording could have been better. Deputy Howell has stood up this afternoon and apologised, said that she should have asked questions instead of making statements. Deputy Southern said evidence should be acquired in Scrutiny meetings and he is absolutely right. People should not go into Scrutiny hearings with preconceived ideas. You acquire that evidence through asking questions and Members like myself have come into this debate this afternoon looking for evidence. I found myself asking these 2 final questions: is there enough evidence this afternoon to bring a vote of no confidence? What I do is find myself taking 3 steps back because what Members will have to do, before they answer that question, is to say to themselves: is there enough evidence here in order for Deputy Southern to ask 2 members of his panel to resign? That is the question that Members need to think on before they get to the vote of no confidence.

### 10.1.22 Deputy S.Y. Mézec:

As many Members have already said in this debate, it is deeply regrettable that we are here at all spending hours debating this motion. In my time in the States I can recall few other days where I felt the Assembly has covered itself in less glory than it has today. Many members of the public will be aghast seeing this Chamber being used as a place to wash dirty linen in public. It is not helpful for any of us to be in a situation where it is essentially one person's word against another's, he said/she said, talking about events that almost none of us were in the room for. That is an entirely regrettable position to be in and I for one am very disappointed that the Assembly has to spend time doing this. That is regrettable for all of us involved. It is regrettable for Deputies Barbara Ward and Howell, because they are new Members of the Assembly. They have not served on Scrutiny for that long. It provides an opportunity for issues to be aired publicly that carry reputational risks for them, which it would have been much better for those to have been dealt with privately. But, and I have to say this, I think it is also very sad for an innocent man to have his name attached to this proposition and that is Deputy Southern, who I think has attempted to deal with this in as good a way as possible. Had he perhaps been given more time before the proposer of this motion decided to lodge this, which I understand was a relatively short order when he did that, then perhaps other options would have been available. I do wonder what options are available to Scrutiny chairs in this position. The chairs of Scrutiny Panels, I have the code of practice for Scrutiny Panels in front of me, and it talks about the role of the Scrutiny chair and says that their main responsibilities include establishing an appropriate and effective working relationship with Ministers within the panel's remit.

[17:00]

It talks about working closely with colleagues and panel officers to establish clear working practices to help the panel function professionally, efficiently, and effectively. From the testimony that Deputy Southern has given, it seems like there have been issues that have been going on for quite some time now, issues that have been raised, not just in Scrutiny meetings or hearings, but also in training sessions we have heard Deputy Southern refer to. A few other Members contributing in this debate have referred to that. Where it sounds like substantial leeway was given and where it sounds like Deputy Southern had many conversations along the line to try to encourage Members along, new Members who do not have much experience in Scrutiny. You do not press the nuclear option right at the start. You do things softly and encourage, offer training. As we have heard, some training has occurred. It was eventually when a very serious letter came from the Minister for Health and Social Services to the chair of the panel that Deputy Southern evidently reached the conclusion that there was a serious risk now that the Scrutiny Panel would lose any chance of having a good working relationship with its Minister so that it can conduct its work effectively and professionally. We have seen Deputy Southern in this Chamber and in other places as a passionate politician, deeply principled, able to pursue political points very effectively on the floor of this Chamber and know exactly when to take that hat off and put his Scrutiny hat on and adopt the approach that is outlined in our code of practice, which is that we do not pursue political agendas. We are evidence-based and objective. That means, while we may be capable of making enemies because of our politics, I know I certainly have one or 2 of those myself, but when you sit around the Scrutiny table that is meant to be put aside and you sit opposite Ministers and their officers and you treat them with respect. Even if you do not like what they are pursuing, even if you do not like what they say, you treat them with respect, you welcome them in, and you develop a relationship so that, at the very least, your panel chair and Minister are able to pick up the telephone, talk to one another, and be frank about the serious issues that we are facing. Know when Scrutiny perhaps has to take a more robust approach versus when a more softly, softly approach may be more appropriate. All of these options are at Scrutiny's disposal and a good chair knows when each approach is the more appropriate one. Deputy Southern's record shows that he has many years of being very good at doing that. I also wonder, if this motion

of no confidence in Deputy Southern is accepted today, and he ceases to be the chair and another chair is put in his place, what happens then? Do we end up in a situation where that panel continues without these issues of trust being addressed between panel members and the Minister which will render its ability to conduct its work more difficult, especially having ... and it would be down to the Assembly to decide this but the proposer of the vote of no confidence has said that he will put his name forward to chair the panel if it succeeds. It sounds like he is prepared to give more slack than the current chair is on those issues of behaviour of Scrutiny Panel members. What happens then? Is that going to help build a better relationship between the panel and the Minister? Is that good for scrutiny? Is it good for Government? Is it good for the public of Jersey? I would suggest it would not be. I want to see Scrutiny chairs have good relationships with all of their Ministers. I scrutinise 2 Ministers as part of my Scrutiny role; those are 2 Members with whom I have deep political disagreements very often and we will thrash that out on the floor of this Chamber when necessary, but when those Members come to my Scrutiny Panel they are treated with respect by other Members. We are warm to one another and we may make pleasant small talk beforehand but we ask tough questions, we put things to Ministers and we hear them out and understand what they have got to say. That I believe is how you get good scrutiny done. If you have a political agenda that you want to pursue on top of that you take that hat off and you do it transparently on the floor of this Chamber. Deputy Southern was right in everything he said in his opening remarks about how good scrutiny is meant to be conducted. It sounds to me that over a prolonged period of time he attempted to get these issues addressed with some panel members, offering them an opportunity to very quietly - in a very heated circumstance where it appeared trust was about to be broken between the Minister and the panel - to quietly step aside, have a think about how that might be fixed, perhaps take extra training if that is an option, and the Scrutiny Liaison Committee is having discussions on those training packages as we speak and had a very helpful meeting last week to that effect. That was before the vote of no confidence was lodged if my memory recalls. Those Members reputations would have been protected by that because we would not have had to have this fractious and unpleasant debate in this Assembly, and he had indicated that the door may well be open in future months to come back on board, hit the ground running, and by that point hopefully things would have cooled down and the panel would be in a better position to conduct its work. I think that Deputy Southern has not created this situation. He did not ask his panel members to conduct themselves in the ways that have been alleged; "alleged" unfortunately is the only word I can use for it with what evidence is available. He did not ask a Minister to send a very strong letter to him that would have been very difficult for him not to act upon, and he most certainly did not ask Deputy Bailhache to bring a vote of no confidence in him to this Assembly so all of these issues could be aired publicly in this rather undignified way. I maintain full confidence in Deputy Southern's ability as a Scrutiny Panel chair and without the possibility it seems of the proposer of this motion withdrawing this proposition I would urge Members to vote in support of Deputy Southern and against this motion of no confidence. Allow the dust to then settle after that and offer him the opportunity as chair to work out what is the best way forward to make sure that his panel can conduct its work robustly and ask those very important, difficult questions that need to be asked of the Ministers that his panel scrutinises but to do so in a way which is in accordance with the Scrutiny code of practice and the levels of respect and decency that we are not just obliged by our code of conduct but frankly morally obliged to abide by when we conduct that work in Scrutiny. With that opportunity to do that we will be in a much better position than if we were to cast him aside from this panel and risk replacing him with a chair that perhaps will not seek to uphold those same standards that Deputy Southern has over 20 years of experience in upholding. So I urge Members to vote against this vote of no confidence.

**Deputy M. Tadier:**

Can I ask before I start to speak how long I have got and whether the guillotine comes during my speech or at the end of it?

**The Bailiff:**

Well the short answer is it is open to Deputy Morel to move the guillotine at 5.17 pm, so it depends how quickly you are going to speak, I imagine, Deputy Tadier.

**Deputy M. Tadier:**

That is fine. When you say it is open for him to do that will you invite him to do that, Sir, or will he just stand up and ...

**The Bailiff:**

No, it is entirely a matter for Deputy Morel whether he does or not. He has given notice that he might. One does not know whether he is going to or not.

**Deputy K.F. Morel:**

Sir, do I have the ability to cut Deputy Tadier off? [Laughter]

**Deputy M. Tadier:**

I am just wondering how it works, Sir, if I am speaking while the time elapses do I have to give way or would he raise a point of order?

**The Bailiff:**

I think the position is if I can judge by hand signals - which I have not been singularly good at doing today - then I think you will be allowed to finish your speech if it is a reasonable length before the guillotine is moved. Deputy Morel, have I understood you correctly?

**Deputy K.F. Morel:**

You do. I do not think I am very popular for that but, yes.

**The Bailiff:**

Very well, Deputy Tadier, enough talking about talking, let us ...

**10.1.23 Deputy M. Tadier:**

I purely ask you so I can decide which points to raise and see if I have got enough time to do it, thank you. In one sense a vote of no confidence should be fairly clear cut, so it should really be when somebody - a chair of a panel or a Minister or a department - has done something which is fairly clear cut and wrong and quite serious as well and, therefore, it is brought to the Assembly after serious consideration. We have a strange scenario here whereby, although it is not the only issue that has been raised, it has been triggered primarily by a letter sent by the Minister for Health and Social Services to the chair of a Scrutiny Panel complaining about the behaviour of 2 members of that Scrutiny Panel. Yet somehow it has all transpired that now it has resulted in a vote of no confidence against the chair of that panel, not against the panel itself or against the 2 members. I think that is because you cannot have a vote of no confidence in the members of the panel, I do not think, and I do not know if you can have a vote of no confidence in the whole of the panel so effectively what we

have got here, I see it as very much a proxy debate that we are having from maybe 2 or more factions with some - most of us I think - stuck in the crossfire or feeling like we are stuck in the crossfire in between. There is no real beneficial outcome, I do not think, or satisfactory outcome either way to this vote, although there could be of course but it will require an element of movement and compromise on both sides. The first point to make is of course that Deputy Southern did not bring this proposition, it is not his proposition, and we should not be getting confused with the fact that this is not an either/or. It is interesting to note - and I will make this point early - that we have had a proposal which was voted down by the narrowest of margins to move on to the next item. Interestingly, had that vote succeeded we would have been in the same position as if this vote is also voted against. I guess what I am saying in a roundabout kind of way is that everybody who voted to move on to the next item should logically also vote against this vote of no confidence because it puts us in exactly the same position. By moving on to the next item we would have been in a situation where the panel still existed with Deputy Southern as chair and the other members on the panel, and they would have been able to meet if they wanted to. By voting against the vote of no confidence today we will also be in that same position. The next point is to say that if you vote against this vote of no confidence, as I intend to do, that is not the same as saying you do not have confidence in the panel or that you do not have confidence in Deputy Barbara Ward or Deputy Howell. It is entirely possible to say that you are not sure or that you are sympathetic to the position of the 2 new Deputies on the panel and that you also have confidence in Deputy Southern. That is entirely consistent. One of the unintended consequences of voting for the vote of no confidence and that succeeding will be that we will have a Minister and a panel perceivably - and probably - that cannot work together. So while we might have currently a panel which cannot work together internally the alternative is perhaps even worse of having a Minister and a Scrutiny Panel where there are perhaps insurmountable differences and we may get a withdrawal of goodwill from either party. I think that puts us in an even more risky position. What I would encourage the Minister - whatever the result is - is to consider whether the complaint that she made to the chair can be resolved through a different mechanism, so whether she can perhaps be involved in some kind of process of reconciliation because I think that there is not just an internal panel issue here, I think there are wider issues involving officers and the Minister. At least one other Minister we know has been involved in this process as well by signing the vote of no confidence.

[17:15]

But if she feels strongly about that I think she needs to write to the Commissioner for Standards and say that she has issues which she does not think have been addressed. I do not say that because I automatically think there has been any wrongdoing on the part of the 2 Deputies but because she clearly does. Again I think we get back to the point where Deputy Southern is very much caught in the middle of this. He has received a complaint; he has tried to deal with it in the best way that he knows how to with - I think as Deputy Mézec said - limited prescribed options for doing that. I heard what Deputy Barbara Ward said earlier on, that she decided not to come to the meeting, she was asked not to go to the subsequent meeting, and I would interpret that as being a time for reflection in fact so Deputy Southern was saying: "Do not come to the next meeting, there are some issues we need to consider." It may well be that the Deputy, or a different Deputy, might have said: "You know what, I think in some of those areas maybe I should have done things differently." I am sympathetic to those 2 Deputies in particular because I know that there is a very fine line between being robust - whether it is in a Scrutiny hearing or even in this Assembly - and perhaps crossing over into that line. I also know that there is a grey area between framing your question by making certain statements, usually statements of fact I would have to add, so that you can then go on to ask the Minister for his or her opinion; in fact, going into the darker part of that grey area and simply stating your own opinions because your mind is made up. I am not saying that I may not have been guilty of that in the past but I think it helps to reflect on where that line is and where those grey areas also exist; so

entirely sympathetic to the difficulties that do arise in the politics, even in the politics of Scrutiny. I am also concerned about what message this might send out because I certainly would have to consider my own position. I have just joined a Scrutiny Panel which I am raring to get stuck into; we have already started work on it in fact with Deputy Porée as chair looking at immigrant workers and their experiences in Jersey. We have just started a call for evidence. I would have to question what the attitude of the Assembly was in removing a chair that I thought was a very good chair that - as I think Deputy Andrews already said - brought a really good proposition where they showed some teamwork, working together on an evidence-based approach to win a proposition on the Assembly in a joined-up way. So I think we do have evidence of a panel here that can work very well together and I would hope that maybe that panel could remain intact. I know it is coming up to 8 minutes and I have still got lots of time if I wanted it but I think it is a good point to finish there. I do not want to have to go back to my Reform colleagues and say: "Look, I am not sure if the Assembly values Scrutiny and I am not sure where we need to consider our positions on Scrutiny. I know that they would find that a very difficult thing to consider because they are fully supportive of their role and our role in effectively scrutinising this Assembly. But I think by supporting this vote of no confidence today the Assembly risks more than simply getting rid of a very experienced chair of Scrutiny who has done nothing wrong, but I think it risks damaging the relationship between Ministers and the scrutiny process irrevocably perhaps for the rest of this term. I do ask that Members would consider voting against this vote of no confidence rather than, I would say, abstaining. I understand why Members might wish to abstain but I also understand that you are innocent until proven guilty and if there is not any evidence or enough evidence for you to make a decision that Deputy Southern deserves a vote of no confidence against him then I think you have to go back to the default position, which is that you have confidence in him. That is all we are saying and we then give the panel, I think, the breathing space and the room in the next 3 weeks to have the conversations that they need to have now perhaps with other people that they can turn to with experience and with positions of being able to assist either pastorally internally and we allow that period of work to happen. Therewith I end my speech.

**The Bailiff:**

Thank you very much, Deputy. Sorry, did you wish to ...

**Deputy K.F. Morel:**

Sir, we are under the guillotine motion, Standing Order 84.

**The Bailiff:**

No, you have to now propose it.

**Deputy K.F. Morel:**

In which case I am proposing it.

**The Bailiff:**

The guillotine has been proposed. Standing Order 84 requires that I am satisfied myself more than an hour has passed, which clearly it has. Notice had been given 30 minutes before, which clearly it has. And it would not be an infringement of the rights of the minority because obviously a substantial number of Members have spoken. Accordingly that proposition will be in order and I must put it, if it is seconded, to the debate without further ado. There is however a tension between Standing Order 84 and Standing Order 103(e), which provides ... the former provides that it goes straight to a closing

vote by the proposer, the latter provides that Deputy Southern would have a chance of a speech beforehand. Adopting the provisions of Standing Order 167, which gives me a discretion to resolve any difficulties. If the proposal to close the debate is passed I would then call immediately upon Deputy Southern, who would have his opportunity to speak before calling upon Deputy Bailhache. Obviously we are approaching 5.25 and if we action matters at the moment there is a very good possibility that we will go very substantially passed 5.30 but that is a matter for Members to vote upon in due course. Deputy Southern, do you have a procedural issue?

**Deputy G.P. Southern:**

Procedural issue in the fact that the Minister for Health and Social Services has not spoken yet and it is a question of trust. Trust between the panel and ...

**The Bailiff:**

Sorry, Deputy Southern, I cannot allow any speech on that nature. The reason being is that I must immediately put the proposal to the vote without any debate. Standing Orders require me expressly to do that, I am afraid. Is it seconded? **[Seconded]** Very well, I will deal with this by way of the appel. The vote is on the proposal under Standing Order 84, the result of which, if passed, I will call immediately upon Deputy Southern and thereafter upon Deputy Bailhache. I invite Members to return to their seats and I ask the Greffier to open the voting. A vote pour will bring the matter to a close following the speeches of Deputy Southern and Deputy Bailhache. A vote contre would not do that. If Members have had the opportunity of casting their ...

**Male Speaker:**

I inadvertently pressed the wrong button, Sir.

**The Bailiff:**

If you press the other button it changes back again. You are not actually stuck. It will record your last press. That is right, Greffier, is it not?

**The Deputy Greffier of the States:**

Yes, it is.

**The Bailiff:**

If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The proposition has been adopted: 36 votes pour, 7 votes contre, no abstentions.

<b>Pour: 36</b>	<b>Contre: 7</b>	<b>Abstain: 0</b>
Connétable of St. Brelade	Connétable of St. Lawrence	
Connétable of Trinity	Deputy M. Tadier	
Connétable of St. Peter	Deputy S.G. Luce	
Connétable of St. Martin	Deputy I.J. Gorst	
Connétable of St. John	Deputy Sir P.M. Bailhache	

Connétable of St. Clement	Deputy A.F. Curtis	
Connétable of Grouville	Deputy M.B. Andrews	
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy L.J. Farnham		
Deputy K.L. Moore		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		
Deputy D.J. Warr		
Deputy M.R. Scott		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		
Deputy R.E. Binet		
Deputy H.L. Jeune		
Deputy A. Howell		



Deputy T.J.A. Binet		
Deputy M.R. Ferey		
Deputy R.S. Kovacs		
Deputy B. Ward		
Deputy L.K.F. Stephenson		

**Deputy M. Tadier:**

Could I ask for the contre to be read out please?

**The Deputy Greffier of the States:**

Those Members voting contre: the Connétable of St. Lawrence, Deputies Luce, Gorst, Bailhache, Alex Curtis, Andrews and Tadier.

**The Bailiff:**

Can I test the mood of the Assembly? We come up to 5.25. It may be the Assembly feels it is by far best to conclude this matter this evening and sit as late as necessary. It may be that the Assembly feels that it would be wrong to start the last 2 closing speeches and we should resume again tomorrow morning. There are other options of course but I wonder if someone wishes to move a proposition, otherwise I will ask at 5.30 whether the Assembly should adjourn, and that would be mid-speech.

**Deputy S.G. Luce:**

Could I propose that we adjourn now so that Members can consider things further over the evening?

**The Bailiff:**

Is that seconded? **[Seconded]** All those in favour of adjourning overnight kindly show. Those against? The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:25]