

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 2nd DECEMBER 2013

| | |
|--|-----------|
| COMMUNICATIONS BY THE PRESIDING OFFICER | 6 |
| 1.1 Welcome to His Excellency The Lieutenant Governor | 6 |
| 1.2 Welcome to the Italian Consul General..... | 6 |
| 1.3 Notice of retirement – Bailiff of Jersey, Sir Michael Birt | 6 |
| 1.4 Statement from the Right Reverend Bishop of Winchester..... | 6 |
| 1.5 Message of sympathy – Glasgow Helicopter Crash..... | 7 |
| QUESTIONS..... | 7 |
| 2. Written Questions | 7 |
| 2.1 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHAIRMAN ON THE ENVIRONMENT SCRUTINY PANEL REGARDING STATEMENTS CONTAINED WITHIN THE PANEL’S RECENT ENERGY REPORT:..... | 7 |
| 2.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING A REVIEW OF THE JERSEY DENTAL FITNESS SCHEME:..... | 9 |
| 2.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING SAFEGUARDS TO ENSURE THAT EMPLOYEES ARE NOT EXPLOITED WHEN PARTICIPATING IN ADVANCE TO WORK AND JOBS FEST SCHEMES: | 10 |
| 2.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE USE OF ZERO-HOURS CONTRACTS:..... | 11 |
| 2.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING CHANGES TO THE MEDICAL PROTOCOLS ENGAGED IN THE ASSESSMENT OF LONG-TERM INCAPACITY ALLOWANCE:..... | 12 |
| 2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING CONTROLS IN PLACE UNDER THE CONTROL OF HOUSING AND WORK REGULATIONS 2013: | 13 |
| 2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF NON-PROFESSIONAL CARERS IN THE ISLAND:..... | 14 |
| 2.8 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE PROGRESS OF THE ‘KNIGHTS OF IMPOSSINGWORTH’ FILM: | 16 |
| 2.9 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHIEF MINISTER REGARDING THE DISMISSAL OF A MINISTER ON A PROPOSITION LODGED BY THE CHIEF MINISTER:..... | 16 |

| | |
|--|-----------|
| 2.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING ADULT AND CHILDREN'S SAFEGUARDING PANELS: | 17 |
| 2.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING A DETAILED TIMELINE OF THE EVENTS ASSOCIATED WITH THE ARREST OF THE WOMAN KNOWN AS H.G: | 21 |
| 2.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE RECENT LOSS OF A FULFILMENT COMPANY FROM THE ISLAND: | 23 |
| 2.13 THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SUCCESSION PLANNING AT THE HARBOURS DEPARTMENT: | 24 |
| 2.14 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING HIS POLICY PRIORITIES FOR THE ENVIRONMENT: | 25 |
| 2.15 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE HANDLING OF COMBUSTIBLE WASTE AT THE ENERGY FROM WASTE PLANT: | 27 |
| 2.16 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EFFICACY OF TAMIFLU: | 27 |
| 2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF TREATMENT FOR AUTISM, ASPERGER'S, ADHD AND OTHER SIMILAR CONDITIONS AND DISORDERS: | 28 |
| 3. Oral Questions..... | 31 |
| 3.1 Senator A. Breckon of the Minister for Treasury and Resources regarding the transfer of Ann Court to a Housing Trust: | 31 |
| Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):..... | 31 |
| 3.1.1 Senator A. Breckon: | 31 |
| 3.1.2 Deputy J.G. Reed of St. Ouen: | 32 |
| 3.1.3 Senator S.C. Ferguson: | 32 |
| 3.1.4 Senator S.C. Ferguson: | 32 |
| 3.1.5 Connétable P.J. Rondel of St. John: | 32 |
| 3.1.6 Deputy G.P. Southern of St. Helier: | 32 |
| 3.1.7 The Connétable of St. John: | 33 |
| 3.1.8 Deputy G.P. Southern: | 33 |
| 3.1.9 Deputy M.R. Higgins of St. Helier:..... | 33 |
| 3.1.10 Deputy J.A. Martin of St. Helier:..... | 34 |
| 3.1.11 Deputy C.F. Labey of Grouville: | 34 |
| 3.1.12 Senator A. Breckon:..... | 34 |
| 3.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the transfer of £13 million from the Currency Fund to the States of Jersey Development Company Limited:..... | 35 |
| Senator P.F.C. Ozouf (The Minister for Treasury and Resources): | 35 |
| 3.2.1 Senator S.C. Ferguson: | 35 |
| 3.2.2 Deputy J.H. Young of St. Brelade:..... | 35 |

| | |
|---|----|
| 3.2.3 Deputy M.R. Higgins:..... | 36 |
| 3.2.4 Deputy M.R. Higgins:..... | 36 |
| 3.2.5 Deputy J.A. Martin: | 36 |
| 3.2.6 Senator S.C. Ferguson: | 37 |
| 3.3 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding the factors leading to the closure of the café at the Elizabeth Terminal: | 37 |
| Senator A.J.H. Maclean (The Minister for Economic Development):..... | 37 |
| 3.3.1 Deputy S. Power:..... | 37 |
| 3.3.2 Deputy R.G. Le Hérisssier of St. Saviour: | 38 |
| 3.3.3 Deputy R.G. Le Hérisssier: | 38 |
| 3.3.4 The Connétable of St. John:..... | 38 |
| 3.3.5 The Connétable of St. John:..... | 39 |
| 3.3.6 Deputy J.H. Young: | 39 |
| 3.3.7 Connétable M.P.S. Le Troquer of St. Martin:..... | 39 |
| 3.3.8 Deputy S. Power:..... | 39 |
| 3.4 Deputy G.C.L. Baudains of St. Clement of the Minister for Health and Social Services regarding contractual agreements with consultants:..... | 40 |
| Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):..... | 40 |
| 3.4.1 Deputy G.C.L. Baudains:..... | 40 |
| 3.4.2 Senator S.C. Ferguson: | 40 |
| 3.4.3 Senator S.C. Ferguson: | 41 |
| 3.4.4 Deputy M.R. Higgins:..... | 41 |
| 3.4.5 Deputy M.R. Higgins:..... | 41 |
| 3.4.6 The Deputy of St. Ouen: | 41 |
| 3.4.7 Deputy J.H. Young:..... | 42 |
| 3.4.8 Deputy G.C.L. Baudains:..... | 42 |
| 3.5 Deputy G.P. Southern of the Minister for Social Security regarding the use of zero-hours contracts in the economy: | 42 |
| Senator F. du H. Le Gresley (The Minister for Social Security): | 42 |
| 3.5.1 Deputy G.P. Southern:..... | 43 |
| 3.5.2 Senator S.C. Ferguson: | 43 |
| 3.5.3 Deputy M.R. Higgins:..... | 43 |
| 3.5.4 Deputy G.P. Southern:..... | 43 |
| 3.5.5 Deputy G.P. Southern: | 44 |
| 3.6 Deputy J.A.N. Le Fondré of St. Lawrence of the Chief Minister regarding the outcome of the Steel Review: | 44 |
| Senator I.J. Gorst (The Chief Minister): | 44 |
| 3.6.1 Deputy J.A.N. Le Fondré:..... | 44 |
| 3.6.2 The Connétable of St. Martin:..... | 45 |
| 3.6.3 Deputy M.R. Higgins:..... | 45 |
| 3.6.4 Deputy J.A.N. Le Fondré:..... | 46 |
| 3.7 Deputy M.R. Higgins of H.M. Solicitor General regarding the involvement of defence lawyers in criminal court cases: | 46 |
| Mr. H. Sharp Q.C., H.M. Solicitor General: | 46 |
| 3.7.1 Deputy M.R. Higgins:..... | 46 |
| 3.7.2 Deputy M.R. Higgins:..... | 47 |
| 3.7.3 Deputy M.R. Higgins:..... | 47 |
| 3.8 Deputy G.C.L. Baudains of the Minister for Treasury and Resources regarding the impact of the removal of income tax allowances:..... | 48 |
| Senator P.F.C. Ozouf (The Minister for Treasury and Resources): | 48 |

| | |
|---|-----------|
| 3.8.1 Deputy G.C.L. Baudains:..... | 48 |
| 3.8.2 Deputy J.H. Young:..... | 49 |
| 3.8.3 Deputy J.H. Young:..... | 49 |
| 3.9 Deputy J.A.N. Le Fondré of the Chief Minister regarding his involvement in the impending ‘pastoral’ visit from Lambeth Palace:..... | 50 |
| Senator I.J. Gorst (The Chief Minister):..... | 50 |
| 3.9.1 Deputy J.A.N. Le Fondré:..... | 50 |
| 3.9.2 Deputy M. Tadier of St. Brelade:..... | 51 |
| 3.9.3 Deputy M. Tadier:..... | 51 |
| 3.9.4 Senator S.C. Ferguson:..... | 51 |
| 3.9.5 Deputy R.G. Le Hérisssier:..... | 51 |
| 3.9.6 Deputy M.R. Higgins:..... | 52 |
| 3.9.7 Deputy J.A.N. Le Fondré:..... | 52 |
| 3.9.8 Deputy J.A.N. Le Fondré:..... | 52 |
| 3.10 Deputy M.R. Higgins of the Chief Minister regarding the decision of the Jersey Independent Safeguarding Panel’s decision not to instigate a Serious Case Review into the arrest and welfare of the lady known as H.G:..... | 53 |
| Senator I.J. Gorst (The Chief Minister):..... | 53 |
| 3.10.1 Deputy M.R. Higgins:..... | 53 |
| 3.10.2 Deputy M.R. Higgins:..... | 54 |
| 3.11 Deputy G.P. Southern of the Chief Minister regarding the role and importance of employment agencies in the Jersey economy:..... | 54 |
| Senator I.J. Gorst (The Chief Minister):..... | 54 |
| 3.11.1 Deputy G.P. Southern:..... | 54 |
| 3.11.2 Deputy M.R. Higgins:..... | 55 |
| 3.11.3 Deputy M. Tadier:..... | 55 |
| 3.11.4 Deputy M. Tadier:..... | 55 |
| 4. Questions to Ministers without notice - The Minister for Social Security..... | 56 |
| 4.1 Deputy G.P. Southern:..... | 56 |
| Senator F. du H. Le Gresley (The Minister for Social Security):..... | 56 |
| 4.1.1 Deputy G.P. Southern:..... | 56 |
| 4.2 Deputy J.H. Young:..... | 56 |
| 4.3 Deputy R.G. Le Hérisssier:..... | 56 |
| 4.4 Deputy M. Tadier:..... | 57 |
| 4.4.1 Deputy M. Tadier:..... | 57 |
| 4.5 Deputy J.A. Martin:..... | 57 |
| 4.6 Connétable D.W. Mezbourian of St. Lawrence:..... | 58 |
| 4.7 Deputy G.P. Southern:..... | 58 |
| 4.8 Deputy R.G. Le Hérisssier:..... | 58 |
| 4.9 Deputy M. Tadier:..... | 58 |
| 4.9.1 Deputy M. Tadier:..... | 59 |
| 4.10 Deputy J.A. Hilton of St. Helier:..... | 59 |
| 4.11 Deputy G.P. Southern:..... | 59 |
| 5. Questions to Ministers without notice - The Chief Minister..... | 60 |
| 5.1 Deputy J.A.N. Le Fondré:..... | 60 |
| Senator I.J. Gorst (The Chief Minister):..... | 60 |
| 5.2 Senator S.C. Ferguson:..... | 60 |
| 5.3 Deputy R.G. Le Hérisssier:..... | 60 |

| | | |
|------------------------------|--|-----------|
| 5.4 | The Connétable of St. John: | 60 |
| 5.5 | Senator S.C. Ferguson: | 61 |
| 5.5.1 | Senator S.C. Ferguson: | 61 |
| 5.6 | Deputy M. Tadier: | 61 |
| 5.6.1 | Deputy M. Tadier: | 61 |
| 5.7 | Deputy G.C.L. Baudains: | 62 |
| 5.8 | Deputy M.R. Higgins:..... | 62 |
| 5.9 | Deputy J.A. Hilton:..... | 62 |
| 5.10 | Deputy S.G. Luce of St. Martin: | 63 |
| 5.11 | The Connétable of St. John: | 63 |
| 5.12 | Deputy R.G. Le Hérisssier: | 63 |
| 5.13 | Deputy G.C.L. Baudains:..... | 63 |
| PUBLIC BUSINESS | | 64 |
| 6. | Committee of Inquiry into Historical Abuse: appointment of Chairman and members (P.149/2013)..... | 64 |
| 6.1 | Senator I.J. Gorst (The Chief Minister):..... | 64 |
| 6.1.1 | Deputy M. Tadier: | 65 |
| 6.1.2 | Senator F. du H. Le Gresley:..... | 65 |
| 6.1.3 | Deputy M.R. Higgins:..... | 66 |
| 6.1.4 | Senator I.J. Gorst:..... | 66 |
| ADJOURNMENT..... | | 67 |

[14:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Deputy Bailiff

First of all, from the Chair, can I give a warm welcome to His Excellency, Lieutenant Governor, as Her Majesty's representative. **[Approbation]**

1.2 Welcome to the Italian Consul General

The Deputy Bailiff:

Can I also bring to the attention of Members, and I am sure you will welcome in the usual way, Dr. Massimiano Mazzante, who is the Italian Consul General, who is in the gallery. **[Approbation]**

1.3 Notice of retirement – Bailiff of Jersey, Sir Michael Birt

The Deputy Bailiff:

I have been asked by the Bailiff to read the following statement: "I am sorry I cannot be with you this afternoon to deliver this message personally; unfortunately, the timing has not been wholly within my control, and I am now away on a long-planned family holiday. However, I wanted States Members to be among the first to know that Her Majesty the Queen has approved my request to be permitted to retire from the office of Bailiff on 24th January 2015. By then, I shall have completed 5 and a half years as Bailiff and some 21 years of public service. I have decided this will be a good time to make way for a successor, following the formation of a new States Assembly at the end of 2014. While I am sure there will be opportunities for messages of farewell nearer the time, not least because I am afraid you will be seeing me in this chair for another 12 months, I should like to take this opportunity to say that I regard the Presiding Officer's role in the States as an important one which I have endeavoured to fulfil to the best of my ability. I have much valued the support and friendship of Members during my term of office." Chief Minister?

Senator I.J. Gorst (The Chief Minister):

I wonder if I could just respond to that statement that you have read out on behalf of the Bailiff, and I am sorry that the Bailiff is not here among us today, but we understand entirely why. The Bailiff has a long career of service to the public of Jersey, it was 1994 that he was appointed to the role of H.M. Attorney General and, of course, he has served as Deputy Bailiff and Bailiff, and was knighted and recognised for that service in 2012. I think that I am not overstating things when I say that the Bailiff is loved and respected, not only in this Assembly **[Approbation]** but also in the wider community. As the Bailiff has just said in his statement there will, of course, be time for long, official farewells, but I would just like this afternoon to say on a personal note that it has been a pleasure working with the Bailiff and I know that Dionne and I have been grateful for the support and understanding that both the Bailiff and Lady Birt have provided us. I therefore wonder if I could ask Members to show their appreciation and thanks for the Bailiff and Lady Birt's work on behalf of the people of Jersey in the traditional way. **[Approbation]**

The Deputy Bailiff:

Chief Minister, thank you very much. I know the Bailiff, if he were here, would want to thank you very warmly for your sentiments expressed and I know that he will appreciate them when he is able to read them at a later stage.

1.4 Statement from the Right Reverend Bishop of Winchester

The Bailiff:

The next item of business under A is that I am asked by the Bailiff to draw formally to Members' attention the statement issued by the Right Reverend Bishop of Winchester on 22nd November that, based on Dame Heather Steel's findings to date, the Bishop will not be taking disciplinary action against the Dean or any other member of the clergy in Jersey. The Dean is a Member of this Assembly and while, of course, there may be other issues to be canvassed in connection with the matter generally, I am sure that Members will want to join me in expressing the greatest pleasure that the Dean has been exonerated from criticism. **[Approbation]**

1.5 Message of sympathy – Glasgow Helicopter Crash

The Bailiff:

Finally, under A, I might give notice to Members that I have written, on behalf of the Bailiff and of course on behalf of the Members of the States and the people of Jersey, to convey to the Right Honourable Alex Salmond, the First Minister in Scotland, our sympathy for those who have been affected by the suffering and loss resulting from the tragic helicopter crash on Friday, 29th November. Jersey shares a special and close relationship with the wider Scottish community, and there are many Glaswegians living and working in Jersey who will have experienced shock and anguish at the tragedy which has befallen their compatriots in Glasgow, and I bring that to the attention of Members.

[14:45]

QUESTIONS

2. Written Questions

Questions

2.1 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHAIRMAN ON THE ENVIRONMENT SCRUTINY PANEL REGARDING STATEMENTS CONTAINED WITHIN THE PANEL'S RECENT ENERGY REPORT:

Question

In relation to the statement in its Energy Report under 'key issues' that carbon emissions are having a major impact on the global climate, would the Chairman confirm that this was taken directly from IPCC literature and, if so, would he advise whether his Panel undertook any work to verify those comments?

Would the Chairman give details of the 'international agreement', scientific consensus' and 'evidence on climate change' that his Panel have researched, or whether those statements were also taken from IPCC literature without question?

Is the Chairman aware that the film 'Inconvenient Truth' was found by a British Court to be a political, as opposed to scientific, work?

Would the Chairman advise what work, if any, his Panel undertook to verify the statement by the IPCC co-Chair that 'continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system'?"

Answer

I am happy to confirm that the statements referred to are taken from publications of the Intergovernmental Panel on Climate Change (IPCC).

As Deputy Baudains will be aware, the IPCC is an intergovernmental body established by the United Nations and the World Meteorological Organization. Its organisation is explained on the IPCC website (<http://www.ipcc.ch/organization/organization.shtml>), which for the benefit of other Members is reproduced in part below:

'The Intergovernmental Panel on Climate Change (IPCC) is the leading international body for the assessment of climate change. It was established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts. In the same year, the UN General Assembly endorsed the action by WMO and UNEP in jointly establishing the IPCC.'

The IPCC is a scientific body under the auspices of the United Nations (UN). It reviews and assesses the most recent scientific, technical and socio-economic information produced worldwide relevant to the understanding of climate change. It does not conduct any research nor does it monitor climate related data or parameters.

Thousands of scientists from all over the world contribute to the work of the IPCC on a voluntary basis. Review is an essential part of the IPCC process, to ensure an objective and complete assessment of current information. IPCC aims to reflect a range of views and expertise. The Secretariat coordinates all the IPCC work and liaises with Governments. It is supported by WMO and UNEP and hosted at WMO headquarters in Geneva.

The IPCC is an intergovernmental body. It is open to all member countries of the United Nations (UN) and WMO. Currently 195 countries are members of the IPCC. Governments participate in the review process and the plenary Sessions, where main decisions about the IPCC work programme are taken and reports are accepted, adopted and approved. The IPCC Bureau Members, including the Chair, are also elected during the plenary Sessions.

Because of its scientific and intergovernmental nature, the IPCC embodies a unique opportunity to provide rigorous and balanced scientific information to decision makers. By endorsing the IPCC reports, governments acknowledge the authority of their scientific content. The work of the organization is therefore policy-relevant and yet policy-neutral, never policy-prescriptive.'

The IPCC website also explains the very thorough process of scientific research and review which its findings are based on. The Panel is in no position to challenge their findings or depart from the consensus of world wide scientific opinion. I believe it would have been irresponsible for the Panel to have attempted to do so.

The United Kingdom Government has also accepted the IPCC conclusions. In the Government Response of 27th September 2013 to the Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report (AR5), Secretary of State Edward Davey described it as: **'the most authoritative, credible analysis of climate change science ever.'**

Prof David MacKay FRS, Chief Scientific Advisor to the Department of Energy and Climate Change, said:

'This latest report is the most authoritative and comprehensive report to date of our understanding of climate change. The scientific consensus is that the world has warmed and will warm more, owing to human activities. There is robust evidence that human greenhouse

gas emissions are already changing our world; global temperatures have risen every decade for the last three decades, oceans are acidifying, rainfall patterns are changing, sea levels are rising, arctic sea ice is declining, and some extreme weather events are becoming more frequent and intense.

It is predicted, from simple physics, that the more humanity increases the quantities of greenhouse gases in the atmosphere, the warmer the Earth will become. The far-reaching consequences of this warming are becoming understood, although some uncertainties remain. The most significant uncertainty, however, is how much carbon humanity will choose to put into the atmosphere in the future. It is the total sum of all our carbon emissions that will determine the impacts. We need to take action now, to maximise our chances of being faced with impacts that we, and our children, can deal with.'

The full Government Response can be found here:

<https://www.gov.uk/government/news/response-to-intergovernmental-panel-on-climate-change-ipcc-fifth-assessment-report-ar5-the-latest-assessment-of-climate-science>

Regarding the part of Deputy Baudains' question referring to former US Vice-President Al Gore's 2006 film 'An Inconvenient Truth', the Panel did not form any opinion of this during its review, as it was not part of the evidence considered. However, as the Deputy has raised this matter I have looked into it and cannot agree with his conclusion concerning this case.

For the benefit of Members the case was heard in the Civil Court in London during September and October 2007. It was brought by a school governor against the UK Secretary of State for Education, in an unsuccessful attempt to prevent the film being distributed to schools. According to reports of the case, the judge ordered that teaching notes accompanying the film should be modified to clarify the speculative (and occasionally hyperbolic) presentation of some issues. The judge did identify statements that had political implications he felt needed qualification in the guidance notes for teachers, and ordered that both qualifications on the science and the political implications should be included in the notes. He indicated that he did not support the assertion that the nine main points highlighted in his judgment were erroneous. About the film in general, he said: *'It is substantially founded upon scientific research and fact, albeit that the science is used, in the hands of a talented politician and communicator, to make a political statement and to support a political programme'*; and: *'I have no doubt that (...), the Defendant's expert, is right when he says that: Al Gore's presentation of the causes and likely effects of climate change in the film was broadly accurate.'*

The full text of the judgment can be read at:

<http://www.bailii.org/ew/cases/EWHC/Admin/2007/2288.html>

2.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING A REVIEW OF THE JERSEY DENTAL FITNESS SCHEME:

Question

Will the Minister release the written review of the Jersey Dental Fitness Scheme which he referred to on 20th November 2013 during the debate of P.127/2013 ('Dental Health Services – improvements') and which he stated had been produced by his Department in July this year and, if not, why not?

Answer

Earlier in the year my department reviewed the Jersey Dental Scheme, looking specifically at the level of the States subsidy. A report was produced which described the history of the scheme, the numbers of people participating, the level of parental contributions, States contributions and the costs experienced by participating dentists. Options to maintain the current level of State subsidy or increase the subsidy (by larger and smaller amounts) were produced and the costs of these various options to the Social Security budget were estimated within this report.

These projected increases were then subjected to challenge as part of normal departmental processes and further work was undertaken to explore whether any increased spend caused by increasing the States subsidy would sufficiently target assistance to the families most in need of support. This work is still ongoing.

I will not release the written review of the Jersey Dental Scheme; this is an internal document which took a narrow focus (the subsidy to the JDS) and was constructed purely to assist with the development of policy.

Following the debate of P.127, members are already aware that the focus is no longer exclusively on the level of States subsidy. More fundamental questions need our attention, these centre on the usefulness of a 'membership' scheme such as the JDS and ways in which we can engage with people (children and pensioners) who do not access the schemes Social Security has historically offered.

2.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING SAFEGUARDS TO ENSURE THAT EMPLOYEES ARE NOT EXPLOITED WHEN PARTICIPATING IN ADVANCE TO WORK AND JOBS FEST SCHEMES:

Question

What safeguards, if any, are in place to ensure that employers participating in Advance to Work and Jobs Fest schemes are genuinely seeking to employ candidates in permanent or long-term contract work and not just exploiting the incentives on offer to obtain up to £243.41 a week to offset employee wages?

What efforts, if any, are made to ensure that placements are made on 'usual' terms and conditions and that unpaid overtime or unusual hours are not imposed?

What steps, if any, are made to ensure that interviews mid-way through the placement are conducted in such a way as to assure employees of anonymity and security in assessing the placement?

What measures, if any, are in place to ensure that employers do not use the scheme to obtain cheap labour by extending the length of the placement or engaging a series of qualified workers over time?

What evidence, if any, does the Minister have to suggest that such placements do not get in the way of candidates engaging in applying for real jobs?

Answer

JobsFest was designed and timed specifically to help people who have been out of work all year and at the time of year when trends suggest that unemployment would rise. The initiative has had a positive impact in reducing registered unemployment in October when it was expected to increase.

It has provided a platform for meaningful work for locally qualified people who were unemployed. Under the scheme 109 jobseekers secured roles.

All jobseekers securing roles under the JobsFest Employer Incentive will have benefited from being provided with recent working experience which will boost their employability, motivation and confidence. Around 50% of positions have been continued into December.

A further incentive is available to employers who keep on JobsFest candidates for 6 months on a permanent or long-term contract. The Employment Grant may also be available. There was no requirement for employers to keep candidates beyond the end of November.

Employers could pay candidates at higher than the minimum wage and for more than 35 hours per week. Employers are required to provide evidence of employment (e.g. contracts & payslips) before any incentive can be claimed.

For jobseekers recruited under the JobsFest Incentive, Back to Work has facilitated open feedback between the employer & employee to help address any issues in order to maximise the potential for jobseekers to be retained.

The JobsFest incentive was available only during the 8 weeks between 7th October & 30th November 2013.

Throughout the incentive period support has been provided to candidates to help them use the work experience to help find a new position or sustain the incentive employment opportunity.

Advance to Work supports those aged 16-19 into paid employment. The scheme provides:

- Mentor support
- Core and industry specific and personal development training
- Unpaid work experience placements for up to 3 months
- In work support for up to 1 year after employment

The Advance to Work team considers carefully the suitability of trainees and employers when arranging placements. Mentors remain in contact with trainees throughout the placement and help address any issues arising. Jobseeking activity continues throughout any placement.

Of Advance to Work trainees securing employment, approximately 60% do so with an employer with whom they have completed a placement.

2.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE USE OF ZERO-HOURS CONTRACTS:

Question

Will the Minister inform members of the progress, if any, which he has made in examining the extent to which zero-hours contracts are used in the Jersey economy?

Does the Minister condemn the use of zero-hours contracts by some employers in the finance sector as a mechanism to pay staff lower rates and circumvent their entitlement to sick pay and holidays?

Will the Minister also advise whether staff employed on zero-hours contracts by the Social Security Department through an agency have now been given permanent contracts and that this practice has now ceased in this Department?

Answer

It is assumed that the Deputy is requesting a progress report in relation to the Proposition ‘Zero-hours contracts; Regulation’ (P.100/2013) which was adopted by the States ten weeks ago, as amended by the Minister for Social Security.

The report that accompanied the Minister’s amendment to that Proposition recorded that “The States of Jersey Statistics Unit intends to investigate issues relating to zero-hours contracts through its suite of business and household surveys. Such work will involve surveying businesses to estimate the overall scale and sectoral distribution of the use of zero-hours contracts in Jersey, and will also aim to measure the proportion of workers engaged on such contracts who were actually employed within a given time period as well as the average numbers of hours worked. It is anticipated that a complementary perspective will be gained by also surveying households. Such an approach will aim to examine subjective and practical issues for individuals who are engaged on zero-hours contracts.

The report accompanying the Proposition recognises that it will take some time to achieve statistically significant information. The Chief Statistician anticipates that the timescale for producing statistically robust results is approximately 12 to 15 months, i.e. by the end of the calendar year 2014. Those results will form the basis for us to consider what further action should be taken and in what timeframe.

The Minister will be in a better position to react, as necessary, to the use of zero hour contracts in the finance sector when the findings of the investigations are available in 2014.

The Department does not currently directly employ any staff on zero hour contracts.

The Department does engage Recruitment Agencies to supply temporary staff to work in the Department. These temporary staff are not employed by the Department – they are employed directly by the Recruitment Agencies. Their contractual arrangements are a matter for the Recruitment Agency and the individual. Recruitment Agencies do though typically use zero hour contracts for the staff they supply to the Department.

Temporary staff are used in the Department to cover short-term fluctuations in workloads, to support initiatives and projects, or where permanent need or funding has not been established. The Department will continue to utilise temporary staff in this way.

2.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING CHANGES TO THE MEDICAL PROTOCOLS ENGAGED IN THE ASSESSMENT OF LONG-TERM INCAPACITY ALLOWANCE:

Question

Further to the response given by the Minister to the question of the Deputy of St. Ouen on 19th November 2013, when he referred to changes to the medical protocols engaged in the assessment of the degree of impairment related to percentage awards of Long-term Incapacity Allowance, will the Minister advise whether the tests for impairment have been reinforced and, if so, has this resulted in an overall reduction of percentage awards?

If this is so, will he point to any evidence that previous assessments, either locally or elsewhere, were too generous and state whether any change is linked with ATOS assessments related to ‘capacity for work’ of those with disability in the UK, and, if so, whether there is any intention to introduce such tests here?

Answer

As reported in R.134/2013 “Social Security Department: Minister’s Report and Financial Statements – 2012”, the average percentage rate of assessment for Long-Term Incapacity Allowance (LTIA) claims in payment in 2012 is 37% and this percentage has remained more or less constant over the last five years (page 28). The total number of claims for LTIA and Invalidity Benefit (one of the benefits replaced by LTIA which can still be claimed by ongoing claimants) has increased from 4,367 in 2008 to 4,529 in 2012

(R.134/2013 page 29).

Ongoing training is provided to medical board doctors to ensure they maintain and apply best practice consistently, particularly in the context of functional assessment. The Department also continues to review and enhance its operational process resulting in a number of improvements over the last five years including a development of determining officer’s guidelines, greater differentiation in reassessment periods and moving to combined assessments of single claimants with multiple LTIA claims.

These changes have improved the quality and consistency of the process.

There is no intention to introduce ATOS tests and the legislation governing incapacity benefits in Jersey is not linked to the UK legislation in this area.

2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING CONTROLS IN PLACE UNDER THE CONTROL OF HOUSING AND WORK REGULATIONS 2013:

Question

Will the Minister explain to members what controls, if any, are in place under the Control of Housing and Work (CHW) Regulations to prevent any employer who is refused permission to employ a registered person under his/her Regulation of Undertakings licence from sourcing a person with the required skills through an agency, whilst leaving the employee on the books of that agency?

Will he further explain how CHW Regulations controlling entitled/licenced/registered persons operate in terms of agency workers?

Will he also publish the overall numbers of licences for registered workers allocated to employment agencies along with a breakdown of the numbers attached to each agency?

Answer

Employment agencies are undertakings under the Control of Housing and Work (Jersey) Law, 2012, and require a licence to engage “registered” or “licenced” staff.

This control was introduced alongside the new Law. It means individual agencies are limited in the total number of migrant workers they can place, but not in where they can place them.

This achieves effective policing mechanisms focused on a limited number of employment agencies who are capped in the number of new migrants they can place, without government approving individual assignments.

This also recognises that employment agencies have an important place in our economy, as they provide flexibility to both employees and employers.

These agencies also place large numbers of “entitled” and “entitled to work” people into work, and can do so without any permission being required under the new Law.

Short term licences have been issued to employment agencies to permit them to engage migrants until the end of March 2014, as follows:

| Number of Agencies | Total registered staff permitted | Total licenced staff permitted |
|--------------------|----------------------------------|--------------------------------|
| 15 | 241 | 0 |

The intention on introducing the new law was to leave the agencies in the same position as they were under the previous arrangements, as this was agreed as part of the transitional provisions. This position will be subject to ongoing review and monitoring.

A breakdown of staffing by individual employment agency is not provided as that would disclose their individual licences.

2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF NON-PROFESSIONAL CARERS IN THE ISLAND:

Question

Can the Minister advise members what information and data, if any, is available regarding the number of non-professional carers in the Island (including children looking after their parents, spouses looking after spouses, siblings looking after siblings) and what assistance, if any, is provided by States Departments to these carers?

Answer

A carer can be defined as someone who provides unpaid help and support to a family member, friend, partner, or neighbour who has a physical or learning disability (e.g. autism), a physical illness or mental health difficulties, is frail, or who has alcohol or drug related problems. When given this definition in the Jersey Annual Social Survey (JASS) 2013, around one in ten adults (10%) reported being a carer (a percentage unchanged from the JASS 2009 when the question was last asked), with similar proportions of men and women and across different age groups which represents a change from the 2009 figures.

This equates to around 10,000 unpaid carers in Jersey.

The outcomes from the Jersey “*Caring for life, a life for Carers*” Carers Strategy in 2009 included:

- The Statistics Unit undertaking two surveys of carers and as a regular measure, carers’ questions will be included in the annual Social Survey
- A training programme for young and adult carers is being run by St John Ambulance
- There has been an exploration of whether there would be any benefit in introducing carers’ legislation in Jersey which is now a recommendation in the new strategy
- A Carers’ Partnership Group has been established which is coordinated and supported by Jersey Association of Carers Incorporated (JACI) to advise on carer’s issues
- There has been the development of new flexible respite services for carers

The 2009 JASS indicated that the age composition of carers in Jersey ranged from one in twenty (5%) 16-34 year olds reporting that they were carers, to one in eight (13%) of those aged 55 years and above and it found that two-thirds (65%) of carers were women. When asked what impact being a carer had on their life nearly half (46%) said that being a carer led to “Less personal time”,

whilst two-fifths (38%) indicated that they had “Increased stress” as a result of being a carer. A quarter (24%) reported “Loss of social life / increased isolation” as an impact of their caring role.

The results of the 2013 JASS indicate that carers felt that the most important support service was for information and advice, respite and practical support.

In addition there are young carers who would not be picked up in the JASS surveys. Work with Le Rocquier School since the development of Jersey’s first Carers’ Strategy in 2009 indicates that there may be up to 10 – 15 young carers in each secondary school.

In recognising the growing significance of these trends and the degree to which they resonated with themes emerging from the Green and White Paper consultation process, the Health and Social Services Minister requested that a renewed Carers’ Strategy, which would seek to address these issues, should be produced as an important component within the overall redesign of Health and Social Services.

The new 2013 - 2016 Carers’ Strategy, which builds on the original Carers Strategy, involved extensive consultation with local groups and charities that support carers. It sets out the framework for improving support for carers, and acknowledges the great contribution they make to local life. The vision of the Strategy is: **“To comprehensively recognise value and support carers in Jersey.”**

The current range of services for carers provided by the Health and Social Services Department include bed-based, flexible community and day respite for the following groups:

- Carers of people with Dementia
- Carers of adults with physical and learning disability
- Carers of children with special needs
- The Multi Agency Support Team (MAST) in Schools offer support to young carers.
- Carers of children can access a range of short break services which include residential and community support.
- Carers of people with special needs can access daytime respite

In addition with dedicated funding from the medium term financial plan, new carers’ services are being commissioned from the voluntary and independent sector to achieve improved outcomes for carers, which include:

- Developing a Carers’ Support Service by 2014 which will offer practical assistance
- Improving access to information and the range of support options available to carers
- Developing the role of carers’ support workers and Improving the support to young carers
- Improving support for carers of people with long-term medical conditions
- Improving support for carers and former carers to access volunteering, employment, training and leisure opportunities
- Improving access to independent advice and advocacy for carers and their families
- Advocating the introduction of Carers’ Legislation in Jersey.

It may be that other States Departments are assisting carers, for example, the Social Security Department provides a Home Carer’s Allowance for those of working age.

It may be that other States Departments are assisting carers, for example, the Social Security Department provides a Home Carer’s Allowance for those of working age.

It is recognised that often carers are unable to access the kind of support which allows them to get the reprieve they need themselves to re-charge, and the developments funded through the medium term financial plan have included resources to assist us develop new and enhance existing services for carers.

2.8 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE PROGRESS OF THE ‘KNIGHTS OF IMPOSSINGWORTH’ FILM:

Question

Would the Minister advise whether the filming of ‘Knights of Impossingworth’ has now started and, if so, where is this taking place and when is the film due to be completed?

Would he also advise whether it is now suggested that the film will be shot entirely in Jersey and, if so, whether his Department will be increasing its grant as a consequence?

Would the Minister also clarify whether the title of the film has now changed and, if so, whether that has any implications with regard to the contract between the Department and the film makers?

Finally, if filming has not yet started, would the Minister advise precisely how long he intends to allow slippage to continue before activating the ‘claw-back’ clause in the contract?

Answer

Canbedone Productions Limited advised the Economic Development Department that initial test filming was undertaken in September 2013.

Based on the latest filming schedule, supplied to EDD on 21st October 2013, forwarded to the Public Accounts Committee on 4th November 2013, filming is due to commence on or around Monday 27th January 2014. In addition, Canbedone Productions Limited have been in detailed discussion with Jersey Heritage and others regarding the use of locations including Hamptonne, Mont Orgueil and the Dolmen

The filming schedule and budget documentation supplied by Canbedone Productions Limited confirms that the film will be shot entirely in Jersey (comprising 40 days on location) which satisfies, indeed exceeds, the original intention of the grant awarded to Canbedone Productions Limited. EDD continues to support the film production but that support has not included additional direct funding.

Reflecting the fact that the film will be shot entirely on location in Jersey, the working title “Knights of Impossingworth” has been changed to “The Crystal Island”. EDD was advised of and agreed to the change of title which, with a direct reference to “Island”, will allow a stronger link to be made between the film and Jersey as the filming location.

In the Minister’s response to the PAC report into the grant advanced to Canbedone Productions Limited the Minister indicated that, if no material progress had been made by 30th September 2013, steps would be taken to recover the grant. It is clear from all information available to the Department that material progress has been made.

2.9 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHIEF MINISTER REGARDING THE DISMISSAL OF A MINISTER ON A PROPOSITION LODGED BY THE CHIEF MINISTER:

Question

Would the Chief Minister advise whether he would consider resigning himself if the States refuses to dismiss a Minister on a proposition lodged by the Chief Minister?

Would the Chief Minister agree to publish his motives for seeking to remove the Minister for Planning and Environment should he decide ultimately not to pursue the matter and, if not, why not?

Answer

I would not consider resigning if the States Assembly were to vote against dismissing a Minister on a proposition lodged by me. I would not bring forward such a proposition without either majority or unanimous support from the Council of Ministers.

Ministers are appointed by the Assembly and hold office while they command the confidence of a majority of Members. The Council of Ministers neither appoints nor dismisses Ministers.

The Privileges and Procedures Committee's Machinery of Government Sub-Committee has recommended sensible improvements to the appointment and dismissal of Ministers, which I hope Members will support when they have the opportunity to do so next year.

The issue of confidence in the Minister for Planning and Environment is an important matter which needs to be handled properly. A process has begun which takes time and requires a number of meetings before it can be fully resolved. I will not be discussing the matter in public until it has been dealt with in the appropriate way.

2.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING ADULT AND CHILDREN'S SAFEGUARDING PANELS:

Question

Will the Chief Minister provide members with full details of the adult and children's safeguarding panels, including full details of—

- (a) the powers they possess
- (b) their membership
- (c) the procedures they have adopted
- (d) the Terms of Reference for the panels
- (e) the number of meetings held since their formation
- (f) the number of cases considered by each panel since formation
- (g) the procedure followed for deciding whether serious case reviews should be carried out
- (h) the procedures followed in carrying out serious case reviews
- (i) the policies in respect of conflicts of interest
- (j) the number of independent external reviews of the Departments which have been conducted?

Answer

(a) the powers they possess

The Safeguarding Children Partnership Board, which replaced the Jersey Child Protection Committee, has been established in accordance with the UK statutory guidance *Working Together to Safeguard Children 2013*.

The Safeguarding Adults Partnership Board has been established to reflect UK best practice set out in the *Care Bill 2013* and other relevant legislation, ahead of development of UK statutory guidance on Adults Safeguarding Boards.

The remit and powers of both Boards is clearly set out in a Memorandum of Understanding which will be placed before the Council of Ministers for endorsement before the end of 2013, at which point it will be presented to the States as a Report.

The Memorandum of Understanding, which did not exist under the Jersey Child Protection Committee, has been developed since the appointment of the new Independent Safeguarding Chair and the inception of the new structure of two Safeguarding Partnership Boards, one focusing on adults and one of children. The Memorandum of Understanding articulates how organisations will work together to safeguard children and adults, setting out roles, responsibilities and associated procedures.

(b) their membership

Membership of the Safeguarding Children Partnership Board includes the Independent Chair and representatives from:

| |
|--|
| Police |
| Family Nursing and Home Care |
| HSSD - CAMHS |
| Education |
| Housing |
| HSSD - midwifery |
| Honorary Police |
| Youth Service |
| HSSD - Paediatrics |
| Probation |
| NSPCC |
| Prison |
| HSSD - Ambulance Service |
| HSSD - Children's Services |
| HSSD - Clinical and Corporate Governance |
| Education |
| Education Welfare (ESC) |
| GPs |

Membership of the Safeguarding Adults Partnership Board includes the Independent Chair and representatives from:

| |
|------------------------------|
| Family Nursing and Home Care |
| Prison |

| |
|--|
| HSSD - Adult's Social Services |
| HSSD - Public Health |
| Adults PP Chair |
| Social Security |
| Housing |
| HSSD - Hospital |
| HSSD - Older people Social Services |
| Honorary Police |
| Probation |
| HSSD - Ambulance Services |
| HSSD – Clinical and Corporate Governance |
| Police |
| Primary Care Body |

Members are senior managers with sufficient influence to advocate change within their own agency and the Safeguarding Boards; where they represent a group, their role is to act as a communication link between the Boards and the groups represented (e.g. Voluntary Sector representative)

(c) the procedures they have adopted

As set out in (a) above the Safeguarding Partnership Boards are based on UK best practice. This includes the procedures to which those Boards adhere. These procedures are also set out within the Memorandum of Understanding.

(d) the Terms of Reference for the panels

The two Safeguarding Partnership Boards have a structure of Sub-Groups, as opposed to panels. The Terms of Reference for each sub-group are under development but will be made public once finalised. Those sub-groups include:

Joint Sub Groups:

Core Business Group

Training Group Membership

Serious Case Review (Children + Adults)

Children specific Sub Groups:

Performance, Procedures and Audit

CSE & Missing Children Task & Finish Group

Adult specific Sub Groups:

Performance

Policy and Procedures

The sub-groups that had previously been established under the Jersey Child Protection Committee had their own Terms of Reference, but these are being updated to reflect the new structure of two Boards.

(e) the number of meetings held since their formation

The Boards and each of the sub-groups meet 5 times per year except for the Core Business sub-group, which will meet approximately 10 times per year.

The role of the Core Business Group is to support the Independent Chair on matters relating to management of the Boards and to ensure the business plan is delivered.

(f) the number of cases considered by each panel since formation

The number of cases considered for Serious Case Reviews (SCR) by the Safeguarding Partnership Boards SCR sub-groups since their formation is:

- 4 related to children
- 1 related to adult

Some, but not all of these, are being progressed into full SCRs and information relating to these will be made public at the appropriate point, in accordance with best practise and at the instigation of the Independent Chair.

In addition, consideration was given to another SCR related to an adult prior to the formal establishment of the Adults SCR sub-group. In this instance the Independent Chair consulted with the relevant agencies prior to making the decision in accordance with best practice.

(g) the procedure followed for deciding whether serious case reviews should be carried out

The decision to commission a SCR is that of the Independent Chair, who works in consultation with the SCR Sub-group members in determining that decision. In the event that the sub-groups are not formally established the Chair would consult the relevant agencies.

The criteria for conducting SCRs for children are identified in *Working Together to Safeguard Children*:

A serious case is one where abuse or neglect of a child is known or suspected; and either (i) the child has died; or (ii) the child has been seriously harmed and there is cause for concern as to the way in which the organisation or other relevant persons have worked together to safeguard the child.

The criteria for conducting SCRs for adults are those identified in the *UK Care Bill 2013*:

Safeguarding adult reviews should be arranged by the Safeguarding Adults Partnership Board when: i) there is reasonable cause for concern about how the SAPB, members or other person involved, worked together to safeguard the adult ii) the adult dies iii) an adult with needs for care and support was, or the SAPB suspects that the adult was, experiencing abuse or neglect.

When determining whether a SCR should be conducted it is imperative to consider the core purpose of SCRs; that purpose being to review the practice, knowledge, context and procedures at the time of the death/serious harm. The purpose of SCRs is to look at inter-agency practice to identify learning and to consider whether the death/serious harm could have been predicted and/or prevented.

An SCR is not:

- an inquiry into why people died or were harmed, these are matters for criminal processes, and/or the coroner; nor is it,
- a way to “investigate” incidents or events that people are dissatisfied with, this

should be via established complaints, whistleblowing, appeals or legal processes; nor is it,

- a way to seek to blame; apportioning blame creates defensiveness and prevents learning.

It is the responsibility of the Independent Chair to ensure that the SCR process is not misused and that, when determining whether an SCR should be conducted, it is done in accordance with the established criteria and overall purpose of the SCR process.

(h) the procedures followed in carrying out serious case reviews

As set out in (g) the criteria for conducting SCRs is in accordance with *Working Together to Safeguard Children* and the *UK Care Bill*. The principles and practices, which are also in accordance with that UK guidance, are outlined in the Memorandum of Understanding.

(i) the policies in respect of conflicts of interest

SCRs are led by experienced, independent off-island consultants. Their role is to chair the process associated with the development of the SCR and to act as author for the SCR report.

Where consideration is being given as to whether a SCR is required or where a SCR has been commissioned, all agencies nominate individuals who have professional knowledge of the area but who are independent of the particular case under review.

(j) the number of independent external reviews of the Departments which have been conducted?

One SCR has been completed by the Jersey Child Protection Committee.

In addition, a number of external reviews have been conducted, for example the “Williamson Review 2008”, and the “Care Inspectorate Report 2011/2013” These independent reviews have been commissioned outside the structure of the safeguarding partnership boards.

2.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING A DETAILED TIMELINE OF THE EVENTS ASSOCIATED WITH THE ARREST OF THE WOMAN KNOWN AS H.G:

Question

Will the Minister set out a detailed timeline showing from the time of the arrest of the woman known as H.G to the moment she appeared in court to face charges of harassment, the times anyone interacted with her, who those interactions were with and the times at which witness statements were taken, the charges were drawn up and read to her?

Answer

This timeline covers the period from the time of arrest to the time when H.G first appeared before a Magistrate. The timeline does not deal with routine interactions with the custody staff or other routine matters.

RECORD OF COMPLAINT, ARREST, DETENTION AND CHARGE OF ‘H.G’

| TIME | DATE | TYPE | DETAIL |
|------|------|------|--------|
|------|------|------|--------|

| | | | |
|------------------|-----------------|--|---|
| 09:34 – 10:17 | 26 Sept 2010 | Arrest | <p>At 0934hrs on Sunday 26th September H.G was arrested at her home address by a Police Constable. Another officer was also in attendance. She was calm and following caution answered the officer's question about the location of her laptop. She walked unaided to the police officers' car where she remained while a search of her room was carried out.</p> <p>While waiting in the car H.G started to show slight signs of distress. On arrival at Rouge Bouillon Police Station (10:17) H.G was able to walk to the custody suite. Once there she sat on the floor and began to show signs of distress. Despite repeated efforts to calm her down officers were unable to communicate with H.G and she was eventually carried by three officers into a cell where she was placed on the floor and a cell guard posted. At this time the police Force Medical Examiner (FME) was unable to carry out any assessment of her due to her demeanour.</p> |
| 10:45 | 26 Sept 2010 | Detention Authorised | Detention authorised by Police Sergeant on 26 September 2010 at 10:45:00. The grounds for detention are: I am satisfied that the arrest is lawful, proportionate and necessary. There is insufficient evidence to charge at this time. I authorise the detention for the purpose of obtaining evidence by questioning and process. |
| 11:12 | 26 Sept 2010 | Doctor (FME) | Doctor's comments: Removal to cell observed, not possible to assess because of agitation I suggest minimal stimulus in terms of intervention until H.G is calmer and then assessment may be possible. Currently, fit for detention, I will assess fitness for interview at 12:45. |
| 13:00 | 26 Sept 2010 | Doctor | Fit for detention, I will review again in 2 hours. |
| 13:10 | 26 Sept 2010 | Duty Sergeant note of Medical Review | Task Medical Review Required completed. Comments: Medical review complete fit for detention FME to return in two hours. |
| 15:00 | 26 Sept 2010 | Duty Sergeant's entry | Police officers' notes: Appropriate adult located. After numerous phone calls to a number of agencies I have been put in touch with the on call Mental Health Social Worker via the hospital switch board and she has stated that she has heard of H.G and will be happy to act as an Appropriate adult. Will be attending at 17:30hrs. |
| 15:04 – 15:45 | 26 Sept 2010 | Statement recorded | Statement of first witness. |

| | | | |
|---------------|--------------|----------------------------|--|
| 15:48 | 26 Sept 2010 | Duty Inspector | Duty Inspector's notes: I have attended with the intention of conducting the formal review of detention. However H.G appears to be in a heavy sleep and is unresponsive to attempts to wake her. H.G is in the care of the Custody staff and the FME is also in attendance. It is therefore intended to let the FME assess H.G prior to additional attempts to conduct the review process. |
| 16:00 – 17:00 | 26 Sept 2010 | Statement recorded | Statement of second witness |
| 16:28 | 26 Sept 2010 | Doctor | Seen in cell, since last review has stood and sung, now lying on the floor. Have spoken with Mental Health Social Worker who will read hospital notes prior to arrival. Fit for detention at present. |
| 17:20 - 17:45 | 26 Sept 2010 | Statement Recorded | Statement of third witness |
| 17:43 | 26 Sept 2010 | Doctor | I have contacted the duty consultant psychiatrist directly, who will attend in due course. |
| 18:21 | 26 Sept 2010 | Doctor | Seen by duty Consultant Psychiatrist, for detention, no mental illness. |
| 19:30 - 19:45 | 26 Sept 2010 | Statement recorded | Statement of Arresting Officer |
| 19:47 | 26 Sept 2010 | Entry | Charged by Centenier and remanded in custody. Pleaded guilty after charge. |
| 21:43 | 26 Sept 2010 | PACE Status Changed | PACE status changed from PACE to Non PACE for the following reason: Centenier has refused bail in order to prevent further offences |
| | | | Held at Police HQ overnight |
| 07:52 | 27 Sept 2010 | Doctor (FME) Comments | No evidence of dehydration although not drinking fit for detention and court |
| 09:50 | 27 Sept 2010 | ENTRY | Handed to court officers and taken to court |
| 10:00 | 27 Sept 2010 | Magistrate's Court Sitting | Seen by Duty Advocate. Appeared before a Magistrate. Represented by the Duty Advocate. |

2.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE RECENT LOSS OF A FULFILMENT COMPANY FROM THE ISLAND:

Question

Would the Minister advise whether one of the last remaining sizable fulfilment companies has left the Island and, if so, would he state the reasons why and whether States policies or that of its agencies played a role?

Answer

It is difficult to accurately respond to this question, without being aware of the identity of the company to which the Deputy is referring.

It is a matter of public knowledge that the two largest fulfilment companies historically based in Jersey have significantly scaled back their operations and in the case of one of them, closed down their fulfilment operations in the Island completely.

These changes to operations are as a direct consequence of the decision by the UK Government to reduce, and then subsequently remove, Low Value Consignment Relief for packages originating in the Channel Islands. As the Deputy will be aware, as Minister I vigorously challenged this decision at both UK Ministerial level and through the High Court in the UK highlighting at the time the combined economic & employment impacts that it would most likely have in Jersey.

In that context, it was not States policy that primarily influenced the commercial decisions made by the fulfilment companies involved and my Department, ably supported by the Attorney General and the Law Officers' Department, expended considerable time, effort and expense in an attempt to mitigate the likely effects of decisions taken elsewhere.

My Department continues to work closely with the remaining fulfilment companies in attempts to identify new market opportunities that will allow the sector to maintain – or even grow? – their continued presence in the Island.

2.13 THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SUCCESSION PLANNING AT THE HARBOURS DEPARTMENT:

Question

Given that the recently appointed Harbour Master is 66 years old, what succession planning, if any, has been implemented for senior staff at Harbours during the 7 years that this area has been within the remit of Economic Development?

Answer

The resignation of the previous Harbour Master was an unexpected consequence of the integration of the harbours and airport in 2012. Although a succession plan was already in place, due to the compressed timeline, it was determined that the potential candidates were not yet ready at that time to assume the duty. Rather than catapult someone into the post before they were ready, an external candidate was recruited on a temporary contract to fill this gap with the express remit of developing the department to enable a solid succession plan. The current Harbour Master brings with him a wealth of maritime experience, most recently having been employed by the Port of London, has no aspirations for a long-term contract and the organisation has already benefitted from his presence. A number of improvements, which have been implemented as a result of his contribution, including the reconfiguration of the Elizabeth Terminal, are readily apparent.

A succession plan for the department as a whole has now been agreed and a number of suitably qualified internal candidates to take over as Harbour Master have been identified. We plan to make a selection in early summer 2014 with a view to completing a handover by the end of the year, when the current post holder's contract comes to its natural conclusion.

2.14 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING HIS POLICY PRIORITIES FOR THE ENVIRONMENT:

Question

Will the Chief Minister inform the Assembly of his policy priorities for the environment and whether these policies enjoy the wholehearted support of the Council of Ministers?

Answer

The Chief Minister’s policy priorities for the environment are set out in the Strategic Plan, which enjoys the complete support of the Council of Ministers.

The development of sustainable long-term planning is a key priority of the Plan and much work has already been undertaken, and continues to be undertaken, to provide a robust and comprehensive environmental policy framework for the Island.

Environmental policy priorities are also set by the requirements of the multi-lateral environmental commitments to which Jersey is a signatory, all of which are fully supported by the Council of Ministers.

A list of the Multi-lateral Environmental Agreements (MEAs) and relevant policies are included below.

| Convention | Principal legislation ¹ | Policy/ |
|---|---|----------------|
| Convention of Biological Diversity (CBD) | Biodiversity strategy | |
| Convention on the Conservation of Migratory Species of Wild Animals (Bonn) Treaty extended | Biodiversity strategy | |
| African-Eurasian Water bird Agreement (AEWA) – Treaty extended | Biodiversity strategy | |
| Memorandum of Migratory Birds of Prey in Africa and Eurasia | Biodiversity strategy | |
| Agreement on the Conservation of European Bats (EUROBATS) – Agreement & 2 Amendments (1995 & 2000) | Biodiversity strategy | |
| Convention on the Conservation of European Wildlife and Natural Habitats (Bern) | Biodiversity strategy | |
| Convention on International Trade in Endangered Species (CITES) | Endangered Species (CITES)(Jersey) law 2012 | |
| International Plant Protection Convention | Plant Health (Jersey) law 2003 | |
| Agreement on the Conservation of small cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) – Agreement extended but not | Integrated coastal zone management strategy | |

¹ Principal policies and legislation are listed here. It should be noted that other policies and strategies support these in an integrated policy framework.

| | |
|--|---|
| Amendment | (ICZM) 2008 |
| Ramsar Convention on Wetlands of International Importance especially as a Waterfowl Habitat – Treaty, Amendment & Protocol extended | RAMSAR management plan 2011 |
| Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1972 – Treaty & Protocol below | ICZM 2008 |
| 1996 Protocol to the above Convention | ICZM 2008 |
| Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR) | Water Resources (Jersey) Law 2007 ICZM 200 |
| United Nations Framework Convention on Climate Change | Draft Energy Plan |
| Kyoto Protocol to above Convention | Draft Energy Plan |
| UN Vienna Convention for the Protection of the Ozone layer – Treaty & Protocol below extended | Air Quality strategy 2012 |
| Montreal Protocol to above Convention | Air Quality strategy 2012 |
| UNECE Convention on Long Range Trans boundary Air Pollution and Associated Protocols (CLRTAP) | Air Quality strategy 2012 |
| Associated Protocols to above Convention | Air Quality strategy 2012 |
| Convention on Environmental Impact Assessment in Trans boundary Context (ESPOO) – Treaty extended but not the 2 Amendments or Protocol | Planning and Building (Environmental Impact)(Jersey) Order 2006 Supplementary Planning guidance practice note 10 (July 2011) |
| Convention on the Protection of the Archaeological Heritage (Valletta) | Island Plan 2011 |
| Convention for the Protection of the Architectural Heritage of Europe (Granada) | Island Plan 2011 |
| Basel Convention of the Control of Trans boundary Waste, Movements of Hazardous Wastes and their Disposal – Treaty & Amendment extended but not Protocol | Waste Management (Jersey) Law 2005 |

Issues such as; climate change adaptation and mitigation; ensuring secure, affordable and sustainable energy; protecting habitats and biodiversity; management of our countryside and coastline; protection of heritage assets; ensuring high quality air and water; ensuring the sustainable management of waste; and encouraging sustainable use of finite resources, present significant environmental challenges.

The policies identified in the table above - which include the 2011 Island Plan, the Air Quality Strategy, Biodiversity Strategy, and the draft Energy Plan - are all important environmental policy tools, which enjoy the support of the Council of Ministers.

The development of environmental policy cannot be undertaken in isolation and the Chief Minister, together with his Council of Ministers, is working to develop a long-term strategic policy framework which will set a balanced set of social, economic and environmental policy objectives for the Island for the next twenty years.

2.15 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE HANDLING OF COMBUSTIBLE WASTE AT THE ENERGY FROM WASTE PLANT:

Question

Further to the Minister's comprehensive reply to my question of 19th November 2013, regarding issues with the new incinerator, would he advise whether the Energy from Waste Plant is able to handle combustible waste regardless of moisture content and, if not, whether any pre-drying process was considered at the design stage and, if so, why it was not installed?

Answer

The Energy from Waste plant (EfW) is capable of processing a wide range of wastes. The plant can process wastes with an energy value between 7.5 MJ/kg and 14 MJ/kg. The lower energy value waste (7.5 MJ/kg) tends to have higher moisture content than the high energy value waste (14 MJ/kg).

When waste enters the bunker it can have a high or low energy value, for example, it can be a substance such as food waste that is very wet and difficult to burn or it can be other material which is dry and will burn well. This waste is mixed in the bunker to form a blended fuel which has a more consistent energy content and thus is easier to process.

When the waste is fed into the incinerator unit it gravitates down the feed chute onto the feed table. This feed table forms the first part of the drying zone. At this point the waste is exposed to the intense heat of the furnace and the moisture content of the waste is reduced. The waste then proceeds to the second zone where it is further dried by the combustion heat and by hot air which is forced up from beneath the grate. This is where the residual drying, gasification and beginning of primary combustion occurs.

The pre-drying process is an integral part of the incinerator design and the plant can handle wastes with variations in moisture content provided that they are appropriately blended in the bunker. This is a standard method of operation for moving grate energy from waste plants such as the La Collette EfW.

2.16 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EFFICACY OF TAMIFLU:

Question

Would the Minister outline her understanding of what Tamiflu achieves, what adverse reactions, if any, have been reported and why it is considered necessary to stock this drug?

Does the Minister believe that the benefits are extremely limited and, if so, does she consider this an appropriate use of taxpayers' money?"

Answer

Antiviral medicines (such as Tamiflu) can be used in two ways. They can be used as a treatment for someone with seasonal or pandemic influenza to reduce severity, complications and hospitalisation rates. This also has the coincident effect of reducing onward transmission of infection. Separately they can also be taken by well individuals to prevent acquisition of influenza when this is circulating in the community. For example, in a household where there is influenza, antivirals are a very effective way of protecting someone in the same household who would be clinically at risk of developing serious complications if they were to catch flu.

Tamiflu (Oseltamivir) has recognised side effects of nausea, diarrhoea and headache.

In 2010, the UK Commission on Human Medicines, a committee within the Medicines and Healthcare Regulatory Agency, conducted a review of all adverse reactions reported following use of over one million courses of Tamiflu during the 2009 H1N1 pandemic. The Commission concluded that the most commonly reported adverse reactions were consistent with the recognised side effects (of nausea, diarrhoea and headache) and that the balance of benefits and risks with this antiviral medicine remained in favour of its use.

Thus, Tamiflu continues to be routinely recommended by the National Institute for Health & Care Excellence (NICE) and by the UK Department of Health for both treatment of infected individuals and for prevention in well people when there is circulating influenza. It would also have a similar function in pandemics.

Jersey, like and many other countries including Guernsey, holds a stock of antiviral medicines for use, either in a severe winter flu season or in a pandemic. In a flu pandemic, without mitigation measures, infection levels would likely be widespread due to the absence of population immunity. This would threaten the ability of our small island to cope with the sick, as we have one hospital and one intensive care unit, and in a pandemic situation probably no options to transfer seriously ill patients elsewhere because NHS intensive care beds would be fully utilised. Holding a stock ensures our response can be as flexible and resilient as possible, particularly to protect those in clinical at-risk groups for whom influenza could prove fatal.

The benefits of holding antiviral stocks were very evident during the 2009 H1N1 pandemic, when its use demonstrably helped clinicians in Jersey, to sustain containment of the H1N1 virus, and save lives, until vaccine became available.

The people of Jersey have every right to expect us to take whatever steps we can to protect them and keep them safe.

The Council of Ministers has recently approved a Channel Islands Pandemic Influenza Preparedness Strategy, jointly produced by Jersey and Guernsey, the principles of which include maintaining a stock of antivirals.

The evidence from 2009 gives me great confidence that we have got that strategy right, that the benefits are proven and that maintaining appropriate stocks of antiviral vaccine is not only an appropriate, but essential use of our money.

2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF TREATMENT FOR AUTISM, ASPERGER'S, ADHD AND OTHER SIMILAR CONDITIONS AND DISORDERS:

Question

Will the Minister provide members with full details of –

- (a) the numbers of children receiving treatment for autism, Asperger's, ADHD and other similar conditions and disorders;
- (b) the number and type of specialists in the Island dealing with these conditions;
- (c) the cost of this treatment in the Island;
- (d) the number of placements and cost of external residential places over the last five years; and
- (e) the cost and number of external consultations over the last five years?

Answer

(a) the numbers of children receiving treatment for autism, Asperger's, ADHD and other similar conditions and disorders;

ASC

A range of Services offer treatment and support to children with a diagnosis of autistic spectrum conditions (ASC). These include:

- Child and Adolescent Mental Health Services (CAMHS). Currently 35 children with a diagnosis of ASC access this service.
- Speech and Language Therapy Service. Currently, 51 children with a diagnosis of ASC access this service.
- Occupational Therapy Service. Currently, 20 children with a diagnosis of ASC access this service.
- Intensive Behaviour Support Service. Currently, 14 children with a diagnosis of ASC access this service.
- Short Breaks (respite) Service. Currently, 14 children with a diagnosis of ASC access this service.
- Children's Complex Needs Social Work Service. Currently, 23 children with a diagnosis of ASC access this service.
- Paediatric Service. Currently, 20 children with a diagnosis of ASC access this service.

ADHD

CAMHS - currently 102 children and young people with ADHD access the service. A few children with ADHD and complex medical problems will be seen by the paediatricians.

Tourette Syndrome

CAMHS - currently 8 children and young people with Tourettes access the service.

Some children may have more than one diagnosis (e.g. ADHD and ASC) and will therefore be represented more than once for a service in these figures. These figures do not include children currently being assessed for a diagnosis. In addition, services meet the needs of a broader range of children with social communication and other neurodevelopmental difficulties that do not meet the criteria for a formal diagnosis but may present with significant complex needs .

(b) the number and type of specialists in the Island dealing with these conditions;

ASC

There is a virtual team for the assessment and diagnosis of ASC with membership including a Paediatrician, a Child and Adolescent Psychiatrist, a Speech and Language Therapist, an Occupational Therapist, a Clinical Psychologist and Educational Psychologists. Team members spend around a day per week on the work of this team. These professionals also offer specialist interventions for children with a formal diagnosis. In addition, Social Workers, Family Support Workers, Behavioural Advisors and CAMHS staff (Nurses, SW, psychologists and doctors) have specialist knowledge and provide support to children with a diagnosis of ASC and their families. Because of the Jersey's small population, these professionals are also required to meet the needs of the wider population referred to the services.

The Short Breaks (respite) Service has a team specialised in working with children and young people with autism consisting of 12 FTE residential child care officers.

ADHD

An ADHD clinic is held by CAMHS, run by a consultant Child and Adolescent Psychiatrist (approximately 2 sessions) and 2 nurses (1 WTE). The vast majority of children and young people in Jersey with this condition are seen in the ADHD clinic although a few are treated by other consultants in CAMHS or paediatrics.

(c) The cost of this treatment in the Island;

The overall cost of the Children's service as set out in the Medium Term Financial Plan is £15.5m in 2013. This includes the range of services described above that are accessed by children with a diagnosis of ASC and their families. Given the wide range of professional input, and the significant variability in treatment needs for each individual, it is not meaningful to identify the costs for ASC services separately.

In addition it is likely that many of the children with a diagnosis of ASC will be accessing therapy services such as psychology, speech and language therapy, positive behaviour support therapy and occupational therapy. These services are set up to provide services to all ages of islanders and the costs for a specific group of children cannot be readily identified. In total the cost of Therapy services as set out in the MTFP is £7.3m.

Investment in CAMHS and Psychological services to support children and young people has increased significantly over the past 5 years, from £1,856,000 in 2009 to £2,230,400 in 2013.

(d) the number of placements and cost of external residential places over the last five years;

In the last five years there have been five children who have accessed an off-island residential placement to meet the needs arising from a diagnosis of ASC or a similar condition. The costs are summarised below:

The number and cost of off-island placements is set out in the table below:

| | 2009 | 2010 | 2011 | 2012 | 2013 |
|---------------------------|------|------|--------|---------|---------|
| Number of Children Placed | 0 | 0 | 1 | 3 | 5 |
| Number of Months Placed | | | 1 | 25 | 56 |
| Total Annual Cost £ | | | 20,571 | 521,595 | 912,912 |

These costs are included in the total cost for Children's services set out in (c) above.

(e) the cost and number of external consultations over the last five years?

The Health and Social Services Department commissions an external Consultant from the National Autistic Society to provide support and develop strategy for services to both adult and children with autistic spectrum conditions.

The cost and number of external clinical consultations is set out in the table below:

| | 2009 | 2010 | 2011 | 2012 | 2013 |
|-------------------|------|------|--------|--------|--------|
| Total number | | | 1 | 1 | 2 |
| Total Annual Cost | | | 17,538 | 10,000 | 10,368 |

These costs are included in the total cost for Children’s services set out in (c) above.

3. Oral Questions

3.1 Senator A. Breckon of the Minister for Treasury and Resources regarding the transfer of Ann Court to a Housing Trust:

Would the Minister advise whether Ann Court has been transferred from the Housing Department to Property Holdings and then on to the Housing Trust and, if so, who made this decision, when was this made and why?

Senator P.F.C. Ozouf:

My Assistant Minister handles properties; he will answer this question.

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

The Minister for Housing signed a Ministerial decision on 6th August 2013 approving the transfer of the former Ann Court site from the Housing Department to the Treasury and Resources Department. A corresponding Ministerial decision was signed by the Treasury and Resources Department on 12th August 2013 to receive the site and to authorise officers to enter into negotiations with the Jersey Homes Trust and other stakeholders to consider the future use and potential disposal of this site. I would like to remind Members that both of these Ministerial decisions are already in the public domain. Discussions with the Jersey Homes Trust involving officers of the Transport and Technical Services Department, the Planning and Environment Department and Jersey Property Holdings are continuing. Should a decision be taken to sell the site, States Members will be informed in accordance with the requirements of Standing Order 168. Subject to planning and other necessary approvals, the site will be developed to provide much-needed social housing and a public car park in the heart of the town.

3.1.1 Senator A. Breckon:

Bearing in mind that this House later this week will discuss a £250 million fund for the Housing Department, can the Assistant Minister say why we need to sell this?

Deputy E.J. Noel:

It is quite simple: the Jersey Homes Trust is in a position to fund the development from a mixture of borrowings and its accumulated reserves and they are ready to move on with this project in short order. This will enable the Housing Company to focus on delivering its other projects in its schedule of housing schemes to maximise the delivery of new housing in a social housing market.

3.1.2 Deputy J.G. Reed of St. Ouen:

Is the Assistant Minister suggesting that not only will the Housing Trust purchase this site, but they will also construct a public car park on the site for use by government?

Deputy E.J. Noel:

Whoever develops the site will be doing it in 2 phases: the first phase will be delivering a public car park and resident car parking and the second phase will be producing the units of accommodation on top.

3.1.3 Senator S.C. Ferguson:

Is the Jersey Homes Trust the only housing association that has been asked to, effectively, tender on this project?

Deputy E.J. Noel:

I believe that currently this is the only housing trust that we are negotiating with, yes.

3.1.4 Senator S.C. Ferguson:

I am sorry, a supplementary. Does this mean that the department has not contacted any of the other housing trusts about this?

Deputy E.J. Noel:

Jersey Homes Trust has the ability and the resources available to deliver this site in short order, hence why our officers are in negotiations with that body to make sure that we deliver social rented housing on this site as soon as it is available.

Senator S.C. Ferguson:

Would the Assistant Minister please answer the question: did the department not approach any of the other housing trusts?

Deputy E.J. Noel:

I am not aware that the department has approached any other housing trust. We work closely with the housing trusts and, as far as I am aware for a development of this size, the Jersey Homes Trust is the only housing trust that could afford to deliver it at this time.

3.1.5 Connétable P.J. Rondel of St. John:

Given that the site is currently in our hands, it is prudent to be putting it in a trust when we are looking for sites for building for our new Housing Department? It gives me real concerns. Further to that, will any funds raised by selling this stay within Property Holdings or will this go to the Treasury once it has been sold?

Deputy E.J. Noel:

The Treasury and Property Holdings are one and the same thing. Funds that are generated from sale of States land comes back to the States.

3.1.6 Deputy G.P. Southern of St. Helier:

The Deputy Minister made the point that this would allow the States to get on with other building of social housing but surely the correct way to do it is that we already have this land, we own this land, we should be building on it and it is up to Jersey Homes Trust to find land elsewhere and develop that for social rented housing?

Deputy E.J. Noel:

This really is probably a question for the Minister for Housing as opposed to myself, but I understand that the Housing Department believes that Jersey Homes Trust can deliver this particular site quicker than the Housing Department can.

3.1.7 The Connétable of St. John:

The Assistant Minister mentioned one and the same, the Treasury and Property Holdings. They are not one and the same because Property Holdings is a standalone company and ...

Senator P.F.C. Ozouf:

A quango then, Sir.

The Connétable of St. John:

Can I finish without being interrupted by the Minister for Treasury and Resources? It is a standalone quango, for want of a better word, since you will not accept that the way it has been set up is a company. Money stays within that department. Will it be coming back - and can you leave the Assistant Minister to answer, please, not the Minister for Treasury and Resources - **[Laughter]** directly into the Treasury, or will it be staying in the Property Holdings' account for goodness knows how long, so they can invest in other areas?

Deputy E.J. Noel:

Although well-meaning, the Constable needs to come and see the Treasury and have an understanding of how Jersey Property Holdings is set up and works. It is not a quango, but it is under instructions from this Assembly to dispose of properties that are no longer of operational use. Those funds come back into the capital programme; that is a decision of this Assembly so, with all due respect, the Constable should know that.

3.1.8 Deputy G.P. Southern:

Do we have a parallel with what we were doing 10 years ago, which was giving land to the Housing Trust in order to create social rented housing, in which case, could the Assistant Minister give us a ballpark figure about what money we are talking about here? Are we talking £30 million? Are we talking £100 million? Are we talking a token £1 that we would transfer the land for?

Deputy E.J. Noel:

This particular Assistant Minister never gives anything away. The value of the site is to be determined through the standard cost amortisation model that would take into account rents receivable at 90 per cent of market rate, less agreed operating and maintenance costs and these, together with the development costs, will derive a residual land value for the site. That amount will depend on a number of factors such as the type and mix of the actual accommodation being offered and depending on what is obviously approved through the planning process. So, no, I cannot give a definitive figure, but what I can inform the Assembly of is that the land value that is calculated prior to the sale going ahead will be completely transparent and completely in accordance with the amortisation costs model for social housing.

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

I am delighted to hear that things are going to be transparent, because they are not at the moment. What we have got is a situation where the Assistant Minister has told the House that Jersey Homes Trust is acquiring the land. He has told us it did not consult with the other agencies, it did not find out whether the other housing trusts have got any money or could have funded it or put forward alternative things, and it seems that you have got a preferential arrangement with Jersey Homes Trust. Is that correct? Is it acceptable that in this day and age, when we are supposed to be going out to tender for everything and getting best value for money, that we are getting it in this case?

Deputy E.J. Noel:

I believe that the Deputy there is conflating 2 separate arguments into one. Should a decision be taken to sell the site it will be done so on an arms-length basis using the appropriate social housing funding model. It is simple and that process will be completely transparent.

Deputy M.R. Higgins:

The Assistant Minister has not answered the question: will he confirm he did not consult with the other housing trusts and did not find out whether they had sufficient funds to tender for it?

Deputy E.J. Noel:

I have already answered that question in the question from Senator Ferguson. Yes, we have looked at this and at this moment in time I am advised that the only housing trust that has the ability to deliver this project is the Jersey Homes Trust.

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

The Assistant Minister stated that properties with no further use would be sold. This is a prime site in town for further use. This only came out in the States because we were asking about the parking underneath, and it is a *fait accompli* because the answer from the Minister for Transport and Technical Services 2 weeks ago was: "That will be dependent on what the plans are from the Jersey Homes Trust." Is it going to be a private car park? Are they going to have income? I saw the Minister for Treasury and Resources mouthing that it is too small a site to go out to tender. It is worth millions of pounds, this project, and I would like to see the audit trail now from the Assistant Minister already and not saying it is going to be transparent, because it was just a slip of the tongue from the Minister for Transport and Technical Services that we have found out about this again ...

The Deputy Bailiff:

Are you coming on to your question, Deputy?

Deputy J.A. Martin:

Yes, I am, Sir. I would like the Assistant Minister for Treasury and Resources to produce the audit trail so far and explain specifically why this did not go out to tender and did not worry about any other homes trust and what they know?

Deputy E.J. Noel:

Simply, we have not got to the stage where we are asking Jersey Homes Trust to tender; we are in negotiations with them, along with the Transport and Technical Services Department and the Planning and Environment Department, to finalise a scheme that can be costed-up. In terms of the car park, the intention is that is going to stay in public ownership.

3.1.11 Deputy C.F. Labey of Grouville:

Could the Assistant Minister explain how and why a housing trust should be able to deliver much-needed homes quicker than the States?

Deputy E.J. Noel:

I think that really is a question for the Minister for Housing and not for myself. The Housing Department decided that this site could be delivered quicker via another means and we are happy to facilitate that.

3.1.12 Senator A. Breckon:

In one of his answers the Assistant Minister said that sites in States ownership would be sold if they had no operational use. Is he really saying that this prime town site does not have operational use when there is a proven need for States housing?

Deputy E.J. Noel:

This particular site does have a need for social housing, but the States do not have to be the only provider of that housing. We have a number of housing trusts, Jersey Homes Trust is one of those, and they are in a very good position to provide good quality social housing. Moving forward, not only that, they will be regulated. This is a good thing for Islanders, it means that we can increase the capacity of the stock and we can get more people that desperately need homes into appropriate housing.

[15:00]

3.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the transfer of £13 million from the Currency Fund to the States of Jersey Development Company Limited:

Would the Minister advise whether £13 million has been transferred from the currency fund to the States of Jersey Development Company Limited and, if so, why was this considered necessary?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I can advise that there has not yet been an investment of the Currency Fund with the S.o.J.D.C. (States of Jersey Development Company). A decision for the currency fund to offer an infrastructure investment to S.o.J.D.C. has, however, been approved on 30th October and, effectively, this will fund 50 per cent of the replacement car park with it being repaid, if and when Building 1 at the Esplanade Square is pre-let and it is built. This is part of an overall strategy to improve the investment returns to the Currency Fund. In the past, the Currency Fund has been held in cash and has generated bank interest of less than 1 per cent. Clearly, it makes financial sense to improve that investment return by making investments with a body wholly-owned by the States at a more advantageous interest rate. An investment agreement will be signed by both parties should the proposed investment go ahead.

3.2.1 Senator S.C. Ferguson:

Given that the Minister has previously stated that no States monies will be involved with the Esplanade project, why are the funds being lent?

Senator P.F.C. Ozouf:

I specifically said that there is no involvement in the construction of any of the commercial buildings. This relates to the States-owned car park in relation to the replacement car park which will be rebuilt underneath any proposed commercial development, and it will be repaid if and when that first building goes ahead and that building will only go ahead if and when there is a pre-let agreement. This is effectively the States lending for a States car park, nothing in relation to the commercial activities which may or may not happen above it.

3.2.2 Deputy J.H. Young of St. Brelade:

Could the Minister for Treasury and Resources just clarify that this car park for which this £13 million is going to be invested is entirely for public use and, if so, where is the other 50 per cent of the funding going to come from?

Senator P.F.C. Ozouf:

I can confirm that the other 50 per cent is going to come from S.o.J.D.C.'s borrowing themselves. I think the Deputy asked about the investment rate, that is going to be 3.5 per cent to 4 per cent. I am afraid I did not get the other question; if I did not answer it, sorry.

Deputy J.H. Young:

The first part of the question was: could he confirm that this car park, for which the £13 million is being borrowed and presumably another £13 million, is going to be for entirely public use and not for private use of the occupants of the new buildings?

Senator P.F.C. Ozouf:

I apologise. No, it is absolutely just for the public car parking facility which is, effectively, a planning obligation; the S.o.J.D.C. have to replace that car park. The other £13 million will be borrowed by S.o.J.D.C. themselves. This purely relates to the public car park and the replacement of the 520 spaces.

3.2.3 Deputy M.R. Higgins:

Perhaps the Minister for Treasury and Resources can just refresh Members' memories as to the size of the Currency Fund. Secondly, if he can tell us what money has been paid out of it to date and to whom, and also what other requests he has had for it that that are currently in the pipeline?

Senator P.F.C. Ozouf:

Yes. The Currency Fund at this time of year goes up to about £100 million, it never falls below about £80 million. The only other loan that has been made, or investment that has been made to the Currency Fund has been for the Constable of Trinity for the houses that are being built by the church which, I am assured, has been the subject of an agreement between the Parish of Trinity and the Treasury. I understand that, such as we would expect with the success of that project, the Parish is repaying that earlier and quicker than expected. I know that the States of Jersey has a double A plus rating, but I think the Treasury regards the Constable of Trinity as having a triple A rating **[Laughter]** so we were more than happy with that. The only other potential issue for the Currency Fund is the Liquid Waste Strategy, which may or may not be approved by this Assembly next year.

3.2.4 Deputy M.R. Higgins:

The Minister for Treasury and Resources Department was explaining to us about Trinity ... I might add, by the way, I was surprised that we did not get a triple A rating. So much for Trinity getting a triple A; I am surprised the States of Jersey did not. However, could you tell us how much was lent to Trinity, please?

Senator P.F.C. Ozouf:

From memory, it was £6 million.

3.2.5 Deputy J.A. Martin:

I am not sure if the Minister has answered the question. He said that £13 million would be released when a tenant was found for the commercial building, block of offices, but that all the car parking that they were planning would be for public use. Is it not correct that all the car parking under commercial buildings will not be allowed for public parking? We were told this by the S.o.J.D.C. at our last presentation at the Pomme d'Or Hotel. Is he confusing the 2 issues?

Senator P.F.C. Ozouf:

Let me be absolutely clear: the development above the car park will only go ahead in the event of a pre-let, so if there is no pre-let there is no construction on the site. The pre-let building sits above what will be, effectively, the new public car park below, which S.o.J.D.C. has to repay.

Effectively, the States owns 520 public car parking spaces and, as a result of the planning obligation, 520 public car parking spaces have to be recreated and it has to be repaid by S.o.J.D.C. So that is just the start of, potentially, the returns. We get a better public car park with 520 spaces. The Deputy is right that there are other car parking spaces associated with the commercial development, but that is nothing to do with this arrangement. This is simply the replacement of the 520 public car parking spaces in the event that the commercial development goes ahead. I hope that is helpful.

3.2.6 Senator S.C. Ferguson:

Would the Minister kindly circulate a summary of the movements on the Currency Fund since 31st December 2012, including all the proposed movements over the next 5 years?

Senator P.F.C. Ozouf:

I will do that and I will also show just how beneficial it is that the Treasurer and the Treasury Advisory Panel have been in ensuring that we get decent returns from the cash that sits in various different accounts for the States of Jersey. Having 1 per cent on money that is not going to be called in quickly is not sensible and this, I hope, will show not only that the credit-rating of anything that has had an investment is a good issue; I will set out the future ones but also show how beneficial it is overall, because any additional money we get, of course, goes to central revenues.

3.3 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding the factors leading to the closure of the café at the Elizabeth Terminal:

Would the Minister confirm that the café at the Elizabeth Terminal has recently closed? Does he consider the rent increases above the rate of inflation, car parking charges, the loss of a bus service and the loss of local business using the café contributed to its closure and, if so, what action, if any, will he be taking to address this situation?

Senator A.J.H. Maclean (The Minister for Economic Development):

I can confirm that the bar and café at Elizabeth Terminal has been closed by the current tenants and it looks unlikely at this stage that it will reopen. The current lease expires on 31st December this year. I will provide clarification on some of the points raised by the Deputy as possible reasons for the closure of the business: I can assure Members that rental charges are in line with R.P.I. (Retail Price Index) figures and not out of line with similar businesses of this size. On the question of parking, as with many car parks in Jersey, a scratch-card system operates with the Elizabeth Terminal Car Park and to assist the company the Ports of Jersey allocated up to 6 dedicated free parking spaces for patrons using the café. Additional support offered by the ports to assist the owners included marketing and social media support as well as ideas for new products and services. The public bus service serving Elizabeth Terminal operated by the previous bus service provider was on a 2-year trial basis in 2011 and 2012 operating, only in the summer. It is not the decision of the Ports of Jersey to suspend this bus service and, in fact, it is something that we are keen to see reinstated. I understand the current public bus provider is, indeed, considering this and Ports of Jersey has also been in discussion with a private operator. It is sad to see any business close, but I do not believe the possible reasons stated by Deputy Power are material factors in the decision and, indeed, my department, Jersey Business and others always stand ready to provide appropriate support and advice to this or indeed any other business.

3.3.1 Deputy S. Power:

Indeed, there is a supplementary. I find it astonishing that the Minister finds that his department comes out of this blemish-free, and blameless. I would suggest to the Minister, and this is a

question, that the collective effects of a number of factors relating to trade at the Elizabeth Terminal café and harbour building has contributed to the closure of this café. Would he not concede that the department, or the Port of Jersey, has been too rigid in the number of contacts it has had with the operator of that café over the last 12 months? I know this, because I was a regular user of the Elizabeth Terminal café.

Senator A.J.H. Maclean:

I do not believe that the Ports of Jersey have been too rigid in terms of their relationship with this particular business; in fact, if anything, they were flexible. A new lease was entered into in 2008 and, broadly speaking, in an attempt to bring leases into line, the target is approximately 8 per cent of turnover. A discount was offered to this business for the first few years to allow them to adjust and scale up. 8 per cent rental on a turnover is not challenging for a business and, as I have already pointed out in my earlier answer, additional support has been offered to help the business to try and move it forward. I might add, just as an aside, that passenger numbers through the port during this period have remained stable; indeed, just recently, slightly increased. So the numbers of people going through the port have been solid.

3.3.2 Deputy R.G. Le Hérisier of St. Saviour:

Could the Minister tell us why did the business close?

Senator A.J.H. Maclean:

I do not know the answer to that question. It was a decision by the business to close. Their lease is up at the end of this year. I believe they had suffered during the entire period of the 5 years that they were operating there. I believe they have made losses for 4 of those 5 years, despite the assistance they got in the initial stages. It is difficult to ascertain exactly the reason behind it.

3.3.3 Deputy R.G. Le Hérisier:

A supplementary. Will the Minister or his department be running or arranging for its immediate replacement by a fully-fledged café operation?

Senator A.J.H. Maclean:

That is a good question, of course, from the Deputy. I can say that currently, obviously the café in question has closed, the newsagent which is adjacent is providing a temporary service, that is coffees, teas, sandwiches and so on. In the New Year - of course, it is inappropriate prior to the end of the current lease to make any formal approaches - there will be expressions of interest and a suitably-qualified and experienced provider will be sought. I can say to the Deputy and other Members there have already been quite a number of businesses showing interest who fall into that category of experienced caterers.

3.3.4 The Connétable of St. John:

Given the Minister's comments about 2008 and the annual increase of 8 per cent per year and given that we have had some of the worst trading conditions we have had over the last 4 or 5 years, can it be right that the Minister, year on year, expects companies which are barely keeping their heads above water to be able to renew leases? As the Minister knows, I have been dealing with another café within the area of the docks which has been trying to negotiate a reasonable rental on the return and yet the department is making life very difficult for that café. I presume the same thing must have happened at the docks, because the comments he had been making about the increase between 2008 and to date do not stack up in the real world. Will the Minister please confirm that his comments did not stack up? **[Laughter]**

Senator A.J.H. Maclean:

I hate to disappoint my good friend, the Connétable of St. John, but I do not agree with him. As I have already stated, we look at a percentage of turnover, so that takes into consideration trading conditions. 8 per cent on turnover is not challenging for a business in terms of rental return and, indeed, the current tenant was offered to continue under a new lease of 3 years at the existing rental, bearing in mind that their turnover had fallen very slightly over the previous years.

3.3.5 The Connétable of St. John:

On an 8 per cent turnover, if it is reducing, the rent should be reduced also, if that is what the agreement was. Would he not agree?

Senator A.J.H. Maclean:

I am not exactly sure what the Connétable is driving at. I have simply made it clear that the assessment for rental in the future is based on turnover.

The Connétable of St. John:

Should have been reduced, that is what I have said.

Senator A.J.H. Maclean:

Clearly, if turnover has reduced then indeed rental would too, and that is why the tenant was offered to continue over the next 3 years at the current rental, which is equivalent to the current turnover.

[15:15]

3.3.6 Deputy J.H. Young:

The Minister has told us that he is seeking to find a new tenant on the basis of the existing rental structure. Would he not be prepared to consider, when he tenders this, being more flexible to ensure that new tenants are able to achieve the parameters of a viable business in that important location?

Senator A.J.H. Maclean:

The Deputy is concluding that, of course, it is difficult to find a tenant for these particular premises. What I can say is we have had a significant number of approaches from experienced caterers who are very keen to take over what is a very lucrative location. The numbers of passengers going through the port has been stable in recent years, in fact, there has been a slight growth, close to three-quarters of a million passengers. That gives the basis of a very good business, I would suggest.

3.3.7 Connétable M.P.S. Le Troquer of St. Martin:

Can the Minister advise whether the department or the Ports of Jersey have renewed the 2014 liquor licence, or is there likely to be a further delay later on when you have got a new tenant?

Senator A.J.H. Maclean:

I am not entirely sure of the relevance of that question in relation to the original one but, as far as I am aware, the licence is and will remain, and the terms of the lease are to be as they are currently.

The Deputy Bailiff:

A final supplementary?

3.3.8 Deputy S. Power:

Yes, I would, indeed, like a final supplementary. The Minister has stated twice, he may have stated it 3 times, that the lessee was offered a new lease of 3 years at an agreed rent. Can the Minister

confirm that in actual fact part of the negotiation for a 3-year lease was that the lessee invest a significant amount of money in addition to a new air-handling air-conditioning system, which she is not able to afford?

Senator A.J.H. Maclean:

It is interesting that the Deputy raises that point. In fact, as a term of the existing lease, there was a liability that the tenant had to provide repairs to the air conditioning system, which previously had been met by the landlord. The terms of that lease were clearly known by the tenant when she signed up in 2008 and there is an outstanding liability that is owed from the current lease. I do not believe there is any particular issue there; I accept that there may indeed not be the funds available by the current tenant to meet the liability that she faces as a result of the lease she signed in 2008.

3.4 Deputy G.C.L. Baudains of St. Clement of the Minister for Health and Social Services regarding contractual agreements with consultants:

Would the Minister advise whether consultants are monitored to ensure they work to contract and whether new contracts are likely to put greater emphasis on public sector work?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

Firstly, I presume in giving my response, the Deputy is referring to hospital consultants. As such, yes, they are monitored to work to contract. There are no current plans for new consultant contracts to be negotiated, however, I am confident that the existing contracts already in place put considerable emphasis on public work. Each full-time consultant agrees a timetable of activity outlining a minimum of 40 hours of public activity per week spread across 7 days, including weekends, evenings and nights. These will include clinic sessions, theatre sessions, ward rounds, administration time and time in lieu of out-of-hours work. For this, they get a fixed salary. In almost all cases, consultants work well beyond their 40 hours of public work for no further remuneration.

3.4.1 Deputy G.C.L. Baudains:

Does the Minister consider it satisfactory that some people can be in pain for 6 months or more waiting to see a consultant and yet when they ask their G.P. (General Practitioner): "Could I go privately?" they are told: "Yes, you can see the same consultant in a week, but it will cost you several thousand pounds." Does the Minister consider that satisfactory?

The Deputy of Trinity:

Private patient work is a fact of life and it is very important because it enables the hospital to attract world-renowned consultants because they are attracted to the private patient work, which is after the 40 hours of work that they do for the public sector. I would like to just bring in a point there: that the new consultant for breast surgery was a very good find. He is very attracted to Jersey, and one of his skills is reconstruction. This will enable women to stay in Jersey rather than having to make many numerous visits to the U.K. (United Kingdom), which can only be of benefit. As regards the waiting-list times, yes, there is unfortunately a waiting-list and the pressure is up and it will continue.

3.4.2 Senator S.C. Ferguson:

Given the disparity between private appointments and public appointments which, from my discussions with consultants appears to be due to a shortage of particular consultants, what steps is the Minister taking for succession planning for consultant staff when so many of our senior staff are going to be retiring over the next few years?

The Deputy of Trinity:

She is right, and that is why there is great emphasis on the ones who retire. We have had very successful rates of recruiting and the surgeon I was just talking to you about is a very young 34 year-old, so we have had particular success with new and younger consultants because of our proposed redesign of Health and Social Services and for consultants to be right in at the start of a new hospital. These are exciting times for the Health and Social Services Department and some very good consultants want to be part of it.

3.4.3 Senator S.C. Ferguson:

But that is just one facet that the Minister describes. How is she going to cope with the fact that on the orthopaedic side there is a shadow waiting-list for the waiting-list for public patients on the orthopaedic side?

The Deputy of Trinity:

Let me make it very clear: there is no shadow list. Patients are referred by their G.P.s and I understand over the last 6 months for the surgical referrals there has been a 15 per cent increase in surgical referrals to consultants. That is a fact of our ageing society. The waiting-list is very clear and very transparent. We try and get everyone to see a consultant within 3 months of the referral letter. When that referral letter comes in, it is triaged, so the ones that the consultant triages, the ones that really need to be seen urgently, are seen.

3.4.4 Deputy M.R. Higgins:

The Minister has told us that consultants work 40 hours on their public time. Can she tell us how many hours they work on private-sector work? If she does not know across the board, can she give us a generalisation of how many, and also tell us how the theatre time is divided between public and private work of these consultants?

The Deputy of Trinity:

As I said, most consultants work well over 40 hours. Regarding theatre time, they tend to be in 4-hour blocks. Once they have done their 40 hours if they do public work, 30 per cent of the theatre time can be used for their private patients.

3.4.5 Deputy M.R. Higgins:

Sorry, can I just clarify that? So are you saying that the consultants are working 52-hour weeks, 40 hours on public work, 12 hours on private work and ... was it one hour, did you say, or was it 3 hours of their theatre time is for private work?

The Deputy of Trinity:

That split is extremely complicated because out of contracted hours for surgeons - it is only for surgeons within theatre time - it works on the activity. If it is theatre activity, they can work a certain percentage of the theatre time of activity, not after their 40 hours.

3.4.6 The Deputy of St. Ouen:

Would the Minister tell this Assembly what is the average annual cost to the States of employing a consultant?

The Deputy of Trinity:

I have not got that detail in front of me but I am happy to get that. I should think the consultants vary in their fees depending on where they are and the experience that they have.

The Deputy of St. Ouen:

I am grateful for the Minister's response. Perhaps she would circulate that to all Members?

The Deputy of Trinity:

Yes.

3.4.7 Deputy J.H. Young:

Could the Minister confirm that in addition to those hours that these consultants work that she has explained that the consultants are required to be on call in order to be able to deal with clinical emergencies and references from their junior doctors throughout the 24-hour period?

The Deputy of Trinity:

Absolutely. As I said in my opening remarks, they work weekends, on call, evenings, and the public sector work is their greatest priority. E.N.T. (ear nose and throat) consultants work one in 3 nights.

3.4.8 Deputy G.C.L. Baudains:

I am aware of the issues surrounding employment of consultants and, of course, without sufficient private work we would have difficulty in offering them employment. But what I want to know from the Minister is how does she intend to reduce the unacceptable delays and waiting-lists of people, especially for those in severe pain?

The Deputy of Trinity:

This is a big issue and there is not one magic wand, unfortunately. There are a lot of initiatives looking at the waiting-lists themselves. Do patients need to come back so many times? Because there are over 200,000 patient activities in the hospital per year and just over 200,000 come to outpatients; that is 2 visits for every man, woman and child in this Island, and that is a lot. Within the orthopaedic speciality there is a locum due to come in to try and reduce the waiting-list times, but we are also looking at how we can use the theatre time more efficiently as well as enhancing physiotherapy and pain-control services so those in pain can get better pain-control. It is a problem.

3.5 Deputy G.P. Southern of the Minister for Social Security regarding the use of zero-hours contracts in the economy:

As the Minister with responsibility for investigating the extent and appropriateness of the use of zero-hours contracts in the economy, has he examined the employment practices of the Royal Bank of Scotland and, if not, will he do so as a priority and report his findings to the Assembly?

Senator F. du H. Le Gresley (The Minister for Social Security):

The States committed in P.100/2013 to measure the use of zero-hours contracts through various surveys on the understanding that it will take until the end of 2014 to get some robust information. The outcomes will allow us to consider what, if any, further action should be taken in regard to the use of zero-hours contracts generally. My responsibility for investigating the use of zero-hours contracts does not commit me to routinely inspect and report to the States on the practices of individual employers. I have to say that I think it is unfortunate that the Deputy has brought a question about a specific business to a public forum when it might have been more appropriate to discuss the issue with me or at least an officer of my department. If the department receives a complaint about the employment practices of a particular business, officers will consider whether to undertake an inspection of that business but would not bring their conclusions to the Assembly. Members of the States are welcome to discuss issues with myself or officers of the department and

should encourage individuals to raise concerns with J.A.C.S. (Jersey Advisory and Conciliatory Service) or to bring evidence to the department in confidence, if they wish.

3.5.1 Deputy G.P. Southern:

Is the Minister content with the fact that the practice of this particular bank is that they require applicants to apply through an agency, they remain on zero-hours contracts with that agency during and up to the first 18 months of their employment and they receive lower pay rates than staff doing equivalent work and they have no entitlement to sick-pay or paid holidays?

Senator F. du H. Le Gresley:

I did make the point that I do not know what the employment practices of this particular company are and it would be unreasonable for me to respond to questions about which I do not have the information.

3.5.2 Senator S.C. Ferguson:

Guernsey has virtually no zero-hours contracts, whatever the industry, and it appears to be a difference in the way the employment law is formulated.

[15:30]

Has the Minister done any work to examine the difference between the employment laws to see why Guernsey has so few zero-hours contracts?

Senator F. du H. Le Gresley:

This is an issue that the Senator did raise with me a few weeks ago. I did ask officers to investigate and the fact is that Guernsey has not revised their employment law to comply with current accepted practice with regard to employment contracts and, if we were to change our law to match Guernsey, we would be going backwards not forwards.

3.5.3 Deputy M.R. Higgins:

I found that last statement remarkable; I would have thought that zero-hours contracts were a backward step rather than a forward step. Could the Minister tell me whether he has had any discussions with his colleagues to see whether the use of these zero-hours contracts through agencies to companies are getting around the new population policy and that people are coming in, who would not otherwise, has to be allowed within the Island?

Senator F. du H. Le Gresley:

The responsibilities of the office of the Minister for Social Security does not extend to the Control of Housing and Work Law, so it would be difficult for me to comment on that particular question.

The Bailiff:

Minister, if I may say so, I very nearly ruled it out of order. Senator Ferguson.

Senator S.C. Ferguson:

Yes, can I have the supplementary, I did not quite get round to it. In fact, has the Minister taken advice from H.M. Attorney General about the difference in law between Jersey and Guernsey because my information from legal sources is that his information is incorrect?

Senator F. du H. Le Gresley:

No.

3.5.4 Deputy G.P. Southern:

Is the Minister content that the information I have just given him about the practice at Royal Bank of Scotland is current practice in the Island in the finance sector today?

Senator F. du H. Le Gresley:

The Deputy referred to earlier about a finance company employing staff through an agency. I would suggest that many businesses make that decision and there is not anything wrong with that if that is the work that they require people to do. It is not likely to lead to a permanent contract; it is temporary, filling in posts while people are on holiday or maternity leave. It is quite in order and not against employment law to use staff employed through an agency who remain the employee of the agency, not of the employing company.

3.5.5 Deputy G.P. Southern:

A final supplementary, if I may. Does he believe it is appropriate to use such zero-hours contracts and agency workers to maintain 9.00 to 5.00 hours throughout the first 18 months of somebody's work with a particular company in the Island because that is the practice? It is not about temporary workers, it is about those employees, 9.00 to 5.00, almost 40 hours a week, 48 weeks in the year, and that is the practice going on at R.B.S. (Royal Bank of Scotland) now.

Senator F. du H. Le Gresley:

If a person is employed on a zero-hours contract or fixed contract which involves regular hours, the employee has all the rights of the protection under employment law, including the right to bring claims of unfair dismissal after 6 months, holiday pay, to give notice, and also employers have to fulfil the obligations with respect to redundancy payments after a certain period. So there is protection if there are regular hours worked.

3.6 Deputy J.A.N. Le Fondré of St. Lawrence of the Chief Minister regarding the outcome of the Steel Review:

As this stage in asking this question, I am delighted that the Bishop of Winchester has made the confirmation already alluded to by yourself earlier in this sitting. But the question I want to ask - one of 2 - given that the terms of reference of the Steel Review clearly state that upon receipt the Bishop of Winchester will supply a copy of the report to, among others, the Dean and the Bailiff, can the Chief Minister advise whether the report has now been circulated and what action, if any, he proposes to address the way in which the matter has been handled?

Senator I.J. Gorst (The Chief Minister):

As noted in the public statement issued by the Bishop of Winchester on 22nd November, Dame Heather Steel is still finalising her investigation report and, therefore, the final report has not yet been delivered to the Bishop. I would expect that the Bishop will honour the commitment made in the terms of reference of the investigation that upon receipt of the final report the Bishop will supply a copy to the Bailiff, the Dean and the Ministry of Justice.

The Bailiff:

Can I just advise Members that we are about to go inquorate if another Member should leave the room. There should be some Members in the anteroom, ask them to come back into the Chamber to make sure we have a suitable number.

3.6.1 Deputy J.A.N. Le Fondré:

The Bishop was obviously very quick to release the Korris Report which would now appear to have been discredited, if not been shown to be socially defective, on the basis of the comments made thus far. Does the Chief Minister agree that it is only by enacting at the same speed and releasing

the Dame Heather Steel Report when it is finally ready that the Bishop can avoid allegations of cover up, accusations he is trying to hide seriously poor performance, either by himself, Korris or members of his own team?

Senator I.J. Gorst:

The Bishop is on record as saying that he is absolutely committed to transparency and that was why he published the Korris Report in the way that he did and that the Church of England was an organisation which is committed to openness and transparency. Therefore, I find it virtually inconceivable that the Bishop would do anything other than publish the report in a timely manner. Of course, 9 of the terms of reference says: "Where it is proposed the report will make adverse findings of fact or recommended the consideration of disciplinary action against the person, the investigator shall ensure that the person has had the opportunity to comment on the proposed findings or recommendation before finally determining or reporting the matter." I can only assume the Bishop is going through that process at the current time.

3.6.2 The Connétable of St. Martin:

I just want the Chief Minister to clear up the reports and the statements we have had, it is that the report would not be published by the Bishop and that was made public last week. Did the Chief Minister hear something different since that time, whether the Bishop has told him the report will be made public?

Senator I.J. Gorst:

The Bishop made the statement which I read from in my early first and second, where the Bishop says at this time the report is not yet in its final form, therefore, I expect when it is in its final form, as I just said, the Bishop will publish it for the reasons that I have just given.

3.6.3 Deputy M.R. Higgins:

I would echo Deputy Le Fondré's request. The Chief Minister insists that the Bishop does reveal the report because I am afraid that the whole saga from start to finish, from the moment of the first allegations to the present time, have shown the church in a terribly bad light. However, I would ask the Chief Minister if he will also ask the Bishop to release the transcript of his meeting with former Deputy Bob Hill. Dame Heather Steel said she would reveal the transcript because it includes details of relationships with Senator Bailhache and whether she felt she was conflicted or not in doing her report. We would like to have it all out, total transparency, please.

Senator I.J. Gorst:

I was not clear what the Deputy was asking. He started asking whether I would ask the Bishop to release the transcripts of a meeting that he had had with an individual. I am not sure if that is how ...

Deputy M.R. Higgins:

Sorry, the meeting between former Deputy Bob Hill and Dame Heather Steel, that is the transcript. He was promised a transcript; she has yet to deliver on it.

Senator I.J. Gorst:

I imagine that does not flow from this question, but that is an issue for Mr. Hill to take up with Dame Heather.

The Bailiff:

Chief Minister, if I may say so, the more difficult question around this question, and some like it, is that you can only be asked what you are able to do, you are not responsible for the Bishop of

Winchester and, to the extent that questions are put to you as to what he should do, those are clearly out of order, you can only say what you are going to do.

Senator I.J. Gorst:

It appears from where I am sitting that many questions in this Assembly are out of order, but there we are, I am pleased that you are stepping in to say so. Indeed, as I said in my earlier questions, I personally cannot see any reason why the report would not be published, given the previous undertakings of the Bishop around transparency and openness.

3.6.4 Deputy J.A.N. Le Fondré:

Does the Chief Minister, and I am obviously asking the Chief Minister's opinion on the matter, consider that the Bishop of Winchester was misleading when he stated that the Dean, who is obviously a Member of this Assembly, had declined to travel to the U.K. to see him when in fact the Dean had declined both on health grounds and on the grounds that he needed adequate time to prepare for the meeting and arrange support? Is it not the case the Dean had previously suggested that a meeting should take place and, accordingly, is there not a clear inference from those facts that the Bishop has been misleading in his comments on this particular matter to remember this Assembly?

Senator I.J. Gorst:

Bearing in mind your ruling some moments ago, perhaps I can simply say that one would have hoped, and we shall find out, that the report of Dame Heather Steel might address these particular issues, other than to say that there are many concerns that have been raised about various actions and words emanating from elsewhere which will need to be addressed in due course.

3.7 Deputy M.R. Higgins of H.M. Solicitor General regarding the involvement of defence lawyers in criminal court cases:

Will H.M. Solicitor General explain whether in criminal court cases where a defence lawyer has been appointed it is usual for defence lawyers to be present throughout all court hearings involving questions of bail and for sentencing and, if not, will he explain why not and whether such proceedings would be compliant with Article 6 of the European Convention on Human Rights?

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

If a defence lawyer has been appointed then it would be usual for that lawyer to be present at all hearings involving the lawyer's client. Article 6 establishes the right to a fair trial. This will require a defendant to have effective legal representation at trial and any sentencing hearing that follows. A bail hearing also engages Article 5 which is concerned with the lawful detention of a person. Again, legal representation may be necessary in order that the defendant can make an effective application for bail. However, Articles 5 and 6 do not establish an absolute requirement that a defendant must be represented by a lawyer at all times. To take just one example, Article 6 expressly preserves the right of a defendant to represent themselves in criminal proceedings. Whether criminal proceedings are human rights-compliant will depend on the nature of the proceedings and the reasons for any absence on the part of the defence lawyer. Each case will turn on its own facts.

3.7.1 Deputy M.R. Higgins:

Supplementary, yes. Could H.M. Solicitor General tell me then in the case of H.G, who was sentenced in the Magistrate's Court to leave the Island, to be bound over to leave the Island for 3 years, the defence attorney was not present at the time she was sentenced and therefore could not

represent H.G, who I think it was felt was not in a position to defend herself. Does he feel that that would be acceptable and would be human rights-compliant?

H.M. Solicitor General:

H.G entered a guilty plea on 11th October 2010 in Jersey Magistrate’s Court and she was also sentenced on that occasion. The transcript records that in fact her defence advocate was present and I note from the transcript that her advocate did the following things that day: the defence advocate entered a guilty plea to the offence on behalf of H.G and the defence advocate said in mitigation, and I quote: “H.G understands that what she did was wrong.” In mitigation the defence counsel referred the court to a relevant background report that helpfully described H.G’s personal circumstances. In making her submissions to the court, the defence advocate invited the Magistrate’s Court to bind over H.G and she did so in these words: “In sentencing H.G today I would be inviting you to deal with this matter by way of binding H.G over to leave the Island. H.G wishes now to leave the Island and she would be compliant with that order.”

[15:45]

That is direct quote from the transcript, the words precisely said by her defence advocate, save that I have obviously used the initials H.G rather than her real name. I am very sorry, but the defence counsel was present at sentencing, did make appropriate submissions to the court, as I have just described. What happened was the court acceded to that request and, therefore, it is very difficult to understand how it can be said that H.G did not get a fair hearing. The court did what she asked it to do.

3.7.2 Deputy M.R. Higgins:

Supplementary. I may have been confused between the final sentencing and the bail hearing. At the bail hearing, is it not the case that H.G did have legal representation before lunch and when the magistrate wanted to have inquiries made as to whether she had accommodation, was not present after lunch when they came back and said her landlord would not have her back, when we know that the landlord would have had her back had the police told them why she had been arrested in the first place. The question is she had legal representation before the bail hearing before lunch, but the defence attorney was not present after lunch when the information came back and the final decision was made as to her being bound ... sorry, to the Royal Court until such time as she was eventually moved from the Island.

H.M. Solicitor General:

H.G appeared before the court on 27th September 2010 where there was a bail hearing. She was represented by a defence advocate who made various submissions as to why bail should be granted, notwithstanding the prosecution’s concerns. Conditional bail was proposed. There was, therefore, a full adversarial argument as envisaged by Article 5 of the Human Rights Law. At the conclusion of the various arguments, the court considered the matter and wanted to know before reaching its decision whether in fact H.G would be able to reside at her landlady’s address. The court deferred its judgment to ascertain if such confirmation could be obtained and, therefore, the matter was put over to the afternoon. A police officer contacted H.G’s landlady who informed the police officer that she was unwilling to accommodate H.G. The court sat in the afternoon, it is right, not in the presence of the defence advocate but simply to give judgment, having already in the morning heard argument from the lawyer. The court declined to grant bail because at that time the information before the court was that there was nowhere for H.G to reside. The court reminded H.G of her right to make a further bail application in which she could address further this key issue of residence. No such application was ever made by H.G.

3.7.3 Deputy M.R. Higgins:

Final supplementary. Would H.M. Solicitor General then say that had her lawyer been present, her lawyer could have questioned whether the police officer had spoken to the landlady correctly, found out whether the landlady would have had her on the premises, because we know for a fact subsequently that the landlady would have allowed H.G back on the premises had she been told what she had been charged with. Now, the point is without having a defence lawyer present, and we know from the timeline that is given in the written answer of H.G, states when she completes custody and so on, do you really honestly believe that she had a fair trial by not having a defence attorney present?

H.M. Solicitor General:

H.G was represented in the morning of 27th September by defence counsel who made submissions as to why H.G should receive conditional bail. Clearly, the court, having heard those submissions, was concerned only as to know whether or not H.G was going to have somewhere to live. The information before the court was that she did not on that particular day. But if defence counsel felt that a further bail application should have been made, it could have been made, but it was not, which, I have to say, is rather more telling than what is being said now 3 years after the event. So did H.G have a full and adversarial argument as envisaged by Article 5? Yes, she did. The point was that the only information before the court on that day did not assist her with her bail application.

3.8 Deputy G.C.L. Baudains of the Minister for Treasury and Resources regarding the impact of the removal of income tax allowances:

Would the Minister advise whether there are issues arising from the removal of income tax allowances and, if so, whether he intends to review the matter?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I understand the Deputy is referring to the effect on taxpayers of the phasing out of the allowance under 20 Means 20. The 20 Means 20 measures were introduced to withdraw the majority of allowances that were available to higher income earners in Jersey. These allowances were phased out over a 5-year period beginning in 2007 and ended in 2011. Following the introduction of 20 Means 20, there are a number of deductions and allowances that remain for higher rate taxpayers, deductions for pension contributions, deductions for employment expenses, child allowance, higher child allowance and the single parent allowance. However, these deductions and allowances are enhanced for marginal taxpayers who remain to have income exemption thresholds which are much higher. In other words, a tax-free allowance, child care tax relief, a deduction for mortgage interest tax relief and wife or civil partner earned income relief. In the period since the introduction of 20 Means 20, exemption threshold and some allowances have been increased by this Assembly in a number of budgets. The introduction of 20 Means 20 has, overall, resulted in more people paying at the marginal rate of tax. In 2006, 58 per cent of tax-paying population paid at the marginal rate; in 2011, 84 per cent of taxpayers now pay at the marginal rate. Therefore, while it is complicated, what this effectively means is that our tax system is more progressive under the new system than under the old one. Taxpayers who were on the 27 per cent tax marginal band continue to benefit from exactly the same personal tax allowances that existed prior to the introduction of 20 Means 20. Therefore, 84 per cent of taxpayers remain unaffected - to quote the Deputy - from the removal of tax allowances. I know this is complicated but I hope that tries to explain what happened.

3.8.1 Deputy G.C.L. Baudains:

I appreciate the Minister's response and apologise for the vagueness of my question. It is has been suggested recently in the media that I think it is 45 per cent of Islanders are struggling financially

and one in 20 are in extreme difficulty. It does seem to me that the current tax structure has a greater effect on those on low incomes than the high earners. I just wondered if the Minister has any plans to give greater flexibility for those with unavoidable expenses such as costs related to illness or care requirements.

Senator P.F.C. Ozouf:

That is a pretty wide question. We are going to have a budget debate over the next few days and we are going to be discussing and, no doubt, debating the merits of the marginal rate of tax cut that is proposed. I think one of the things that perhaps has not been explained - because this marginal relief system is complicated - is that in fact low and middle income families and the threshold for, effectively, the cut in of losing allowances for a single person is about £55,000; for a married couple it is around £85,000. Now, many people would say those are fairly high, middle income high amounts. The effect of these proposals in recent years has been to cut taxes for everybody below those measures. The exemption limits in 2008 when G.S.T. (Goods and Services Tax) came in was lifted by 6.5 per cent. That is a tax cut of about £300. The next year they were increased by 5 per cent. That is another tax cut of £300.

The Bailiff:

Minister, if I may say so, you were asked quite a narrow question; it has become quite a long speech.

Senator P.F.C. Ozouf:

Okay, I am just trying to explain that lower and middle income people are better off as a result of 20 Means 20. The people over those limits are effectively worse off.

3.8.2 Deputy J.H. Young:

The Minister's initial reply has said that marginal rate benefits lower income and middle income people. Would he not accept that on his department's own figures that whether or not a taxpayer is treated as a marginal taxpayer or pays at the full rate is more now under the system that he described more due to the allocation of allowances than the income? For example, would he accept figures from his own department show that the tipping point in some circumstances can be as high as £250,000 for a taxpayer receiving marginal relief, whereas in other circumstances much lower figures apply? Would you not accept that?

Senator P.F.C. Ozouf:

Yes, of course, all the figures from the Tax Department are exactly that and it is complicated. There are going to be some exceptional examples where somebody has put forward large pension contributions that they will pay at the marginal rate, but that does not really make a political point against the marginal system. The marginal rate of the tax system has been extremely effective in targeting and cutting the tax for lower and middle income people. Now, we can have a debate about what we think those lower and middle income people are. As I have explained, the tipping point currently is around £53,000-55,000 per single person. For a married couple with no mortgage, wife not working and no children, it is £85,000. Our marginal system has been incredibly effective at making sure people at lower and middle income do not pay any more taxes and the marginal rate is going to help them even more.

3.8.3 Deputy J.H. Young:

Would the Minister not accept that the marginal rate system has been extremely effective but in terms of raising money and would he not accept that what has happened is that the differential treatment of allowances between the 2 groups has resulted in major anomalies and unintended

effects which do justify, and I think in his own report a review of the whole system to arrive at at least an independent taxation system with one system?

Senator P.F.C. Ozouf:

There were quite a few questions there. I counter no, no, no, and yes, we are reviewing it but for completely different reasons. The marginal rate system rewards people in certain circumstances. For example, working parents with child care costs get a tax-free amount; I think it is £12,000. The marginal rate system gives an individual a tax-free amount of £14,000 before they have any other circumstances of children. The only reason why we are reviewing the tax system is to modernise it to get into individual taxation. But individual taxation I hope will be introduced but keep the system of marginal rate which cuts tax for lower and middle income people.

The Bailiff:

We are going to have most of this week discussing these matters so I am going to call a halt to questions on this subject now.

3.9 Deputy J.A.N. Le Fondré of the Chief Minister regarding his involvement in the impending ‘pastoral’ visit from Lambeth Palace:

Will the Chief Minister be involved in the impending pastoral visit from Lambeth Palace and, if so, will he be expressing his concerns over the handling by the Bishop of Winchester of matters concerning the Dean and indeed the resulting damage to Jersey’s relationship with the Diocese of Winchester?

Senator I.J. Gorst (The Chief Minister):

I will indeed be meeting with the Bishop of Lambeth and the Bishop of Dover during their pastoral visit to the Island later this week. I will, of course, be conveying the deep concerns that have been expressed by a wide range of Islanders ...

The Bailiff:

Sorry, Chief Minister, we seem to have gone inquare again. Could I please ask Members outside the Chamber in the coffee room to return to the States Assembly Room as soon as possible? Thank you. Yes, Chief Minister.

Senator I.J. Gorst:

If I could go on. I will, of course, be conveying the deep concerns that that have been expressed by a wide range of Islanders and their representatives.

3.9.1 Deputy J.A.N. Le Fondré:

In a letter to the Dean of Jersey, dated 9th March, suspending him from office, the Bishop of Winchester wrote in these terms, and there is a question at the end of this: “In any case in which you take the view that you are required by local law to disobey me or defy my requests you may not elect to follow the local law rather than to fulfil your duty of obedience to me. Whatever the local law seeks to impose on you, you may not elect to follow it.” Does the Chief Minister share my dismay that a Bishop of the Church of England, a member of the House of Lords, i.e. someone who is meant to espouse the highest ethical and moral values in the land, would seek to require someone to knowingly break the law of this jurisdiction?

[16:00]

Will the Chief Minister express in the strongest possible terms to both the pastoral team and to Lambeth Palace and indeed to those responsible for the conduct of the Lords, I assume at Westminster, that this is completely unacceptable.

Senator I.J. Gorst:

Let me start by saying it is certainly something that I would not wish to associate myself with or recommend to anyone. The law is decided by this Assembly, this Assembly is democratically elected and this is upheld by appropriate institutions and everyone in our community should abide by the local law and it should not be the other round. As I said in my opening answer, I will be conveying concerns. The Deputy has just outlined one of those concerns which have been expressed to me and I will be expressing those to the 2 Bishops during their pastoral visit.

3.9.2 Deputy M. Tadier of St. Brelade:

Will the Chief Minister reassure the Assembly that he is not going to be discussing the possibility of the establishment of a church of Jersey with the Bishops?

Senator I.J. Gorst:

I will be discussing the concerns which have been raised with me and they are wide and varied.

3.9.3 Deputy M. Tadier:

A supplementary. Will the Chief Minister take the opportunity to discuss the possibility of the disestablishment of the Church of England in Jersey so that issues such as this do not need to be brought to the Assembly necessarily?

Senator I.J. Gorst:

I am sure it does not surprise the Deputy to know that that is not an issue which has been raised with me.

3.9.4 Senator S.C. Ferguson:

The questioner has read extracts from a letter from the Bishop of Winchester. Given that Article 47 of the States of Jersey Law states that a person who: "Offers any threat, assault, obstruction or molestation or attempts to compel by force or menace any Member of the States in order to influence him or her in his or her conduct as such Member or officer, shall be guilty of an offence and liable to imprisonment for a term of 5 years and a fine." Will the Chief Minister consult with H.M. Attorney General to ascertain whether the bishop has in fact broken Jersey law?

Senator I.J. Gorst:

Sir, I thought you were going to reiterate the intervention that you gave earlier.

The Bailiff:

The question was as to whether you were going to consult with H.M. Attorney General, as I understood it.

Senator I.J. Gorst:

I am always happy to consult with H.M. Attorney General or H.M. Solicitor General. On the surface I cannot see that the point has been well made but I am happy to consult and I might simply say, as I said earlier, we should all be abiding by the laws that emanate from this Assembly, that is absolutely right and proper, that is why we have the rule of law.

3.9.5 Deputy R.G. Le Hérissier:

To revert, 2 points: would the Chief Minister not concede that many people, the Dean and the victim, have been hurt in this process? Just to see the issue in terms of some kind of church versus State conflict is the wrong approach and will you not accept that now is the time to separate church from the State?

Senator I.J. Gorst:

There appears to be no conflict between church and State at all. It has become apparent to me that there are at least 2 issues here, one is the way that vulnerable people are dealt with in our community and within the church; the other, if I can largely categorise it like this, is with relation to relationships within the church. I think the 2 questions that I have had this morning from Deputy Le Fondré fall into the latter category and I will be answering a question very shortly from Deputy Higgins, which falls into the former category, and that is how we need to view these particular issues. This is not an issue of church and State in that classic sense.

3.9.6 Deputy M.R. Higgins:

I welcome the Chief Minister's last comment about the fact there are 2 issues here and the one that seems to be forgotten, at the moment anyway, is about H.G herself and her treatment by the church. I hope that when the pastoral visit does take place that you will raise the matter and hope that the church is supporting this lady who I think has been badly let down by the church to date.

Senator I.J. Gorst:

As I said, I will be raising a myriad of issues which have been raised with me and that is, indeed, one of them.

3.9.7 Deputy J.A.N. Le Fondré:

This takes slightly after Deputy Tadier's comments but they are of similar ilk in that will he express concerns to the pastoral visit? To be blunt, the bishop's actions have certainly caused concern locally and do have the potential, if matters are not addressed, to cause a fall-out and, at worst, a complete schism between the Channel Islands and the Diocese of Winchester. Will you also request, on behalf of the public, an explanation publicly as to how much the purportedly enormous sums of money that have been spent by the bishop on this matter, including the London P.R. (public relations) firm, have been funded by Jersey churchgoers?

Senator I.J. Gorst:

Again, many questions rolled into one. As I tried to convey in my opening answer, I do not underestimate the disquiet and concern among the church community in our Island that the actions of the diocese have had upon them and the deep hurt and disquiet that they feel. I will be relaying that in the strongest possible terms because it is important. We are a unique community. The relationship between church and State in Jersey is even stronger than it is, I believe, in the United Kingdom, the interlinking of our parochial system, the municipality of the Parish system and the Parish church and the rectors is unlike what one finds in the United Kingdom. We must support that and we must ensure that it is maintained into the future because it is part of what makes Jersey special. Having said all that, I have forgotten what the other part of the Deputy's question was.

3.9.8 Deputy J.A.N. Le Fondré:

It was an explanation as to have large sums of money been spent on this matter. My understanding is a significant sum of money was spent on a P.R. firm in London and has it been funded from contributions from Jersey? Will you seek explanations and clarification on that?

Senator I.J. Gorst:

So from being rather speedy, you seem to have stepped back slightly. But, of course, using a P.R. firm of the calibre that the Church of England uses is an extremely costly business so I would not be surprised if I say many tens of thousands, more like hundreds of thousands, have been spent on this particular venture. As to whether ...

The Bailiff:

I think, Chief Minister, the question is whether you are going to raise this.

Senator I.J. Gorst:

Yes. Well, as to whether any of the funds from Jersey have been spent, obviously I do not know. If the Deputy is formally asking me to raise it then of course I will be pleased to do so.

Deputy J.A.N. Le Fondré:

Yes, that was the point of my question.

3.10 Deputy M.R. Higgins of the Chief Minister regarding the decision of the Jersey Independent Safeguarding Panel's decision not to instigate a Serious Case Review into the arrest and welfare of the lady known as H.G:

Will the Chief Minister inform Members what reasons, if any, the Jersey Independent Safeguarding Chair gave when deciding not to instigate a Serious Case Review, despite having consulted with the bodies involved with the arrest and welfare of the lady known as H.G and having taken advice from those bodies, and was the Chief Minister advised why H.G was not interviewed before the Chair's decision was reached?

Senator I.J. Gorst (The Chief Minister):

The Adult Safeguarding Board was created earlier this year to ensure that Jersey could better safeguard adults, including conducting serious case reviews where appropriate. This was a significant and positive step forward for the Island. The independent chair, who is a leading expert in serious case reviews, consulted with the relevant agencies and made a decision to initiate a report on this case mirroring the serious case review process. This was rightly a decision for the independent chair. The chair will provide an opportunity for H.G to meet her if she so wishes before the report is finalised and published.

3.10.1 Deputy M.R. Higgins:

I am pleased to hear that the Chair is going to meet with H.G. That is a step forward if she is willing to see her. Can the Chief Minister tell me, he mentioned it was not a serious case review, it is a review by the independent chair, in fact the reason why I assume, was in the written answer to question 10. We find that the Independent Safeguarding bodies have no Memorandum of Association, that we are aware of. It has not gone to the Council of Ministers yet and it has not come in a report to the States. It also appears that the sub-groups that make up these panels also do not have terms of references because these are waiting to be finalised. So considering we set up this body a year ago, does the Chief Minister think December 2013 sufficient that we find out that the body has no real teeth of anything else at the moment?

Senator I.J. Gorst:

We did not set up this body a year ago; it is part of our work from earlier this year. I cannot remember exactly the date, but it is only a number of months that the Adult Safeguarding Board has been set up and the Deputy thinks we should be going even faster. He recognises that it was an important move forward in Jersey dealing with safeguarding issues and I am delighted that he

supports it. The one thing that he seems to have missed is where I said that the review undertaken mirrors a serious case review and, therefore, I hope that will give the Deputy satisfaction.

3.10.2 Deputy M.R. Higgins:

Just following on, because I was quite surprised to read the answer to question 10 about the lack of M.O.U.s (Memorandum of Understanding) and so on that have come to the States. I am aware of at least 4 families who are seeking serious case reviews of both children and adult mental health. Will the Chief Minister assure me that on 10th December he will be bringing the M.O.U.s to the States so that we can get this body working and we can try and get these reviews and deal with the problems faced by these families?

Senator I.J. Gorst:

It should not be for politicians to be making decisions or trying to influence those decisions. It is rightly for the safeguarding boards to do their work. I am not certain that the timescale for reporting the M.O.U. will be next week because I do not think the Council of Ministers will be considering it until their next Council meeting, which is 18th December. I think it is important that the Assembly understands what a serious case review is and what it is not. I probably do not have time to go into the detail of that, but it is very important that we do understand that, that we are not politically influencing these and that decisions are made by the appropriate bodies and independent people that we have put in place. We have brought to Jersey, we are very fortunate to have a very experienced, high quality, independent chair of the safeguarding structure, and we should allow her to do her work in an appropriate fashion. That is exactly why we set these bodies up, so that we are removed and they are done without fear or favour. I understand that the Deputy is, in due course, due to be meeting the independent chair and he will be able to discuss the processes and the issues that he seems to be concerned about.

3.11 Deputy G.P. Southern of the Chief Minister regarding the role and importance of employment agencies in the Jersey economy:

Will the Chief Minister explain to Members the role and importance of employment agencies in the Jersey economy, and in particular how they operate under the Control of Housing and Work Regulations 2013?

Senator I.J. Gorst (The Chief Minister):

Employment agencies have an important role to play in any economy as they offer flexibility to both employers and employees. Under the Control of Housing and Work Law, employment agencies are undertakings and need a licence to operate. This licence includes restrictions on the number of registered and licensed employees they can place. These restrictions are being kept under review with all licences due for review in April 2014. Agencies can place as many entitled and entitled to work employees as they wish.

3.11.1 Deputy G.P. Southern:

Is there anything in place in the Control of Housing and Work Regulations to prevent an employer having been refused permission to employ a licensed worker, from simply sourcing that licensed worker with the right skills from an agency and, thereby, avoiding the Control of Housing and Work Regulations?

[16:15]

Senator I.J. Gorst:

The Deputy seems to completely misunderstand how the law operates. They would not be avoiding the requirements of the Control of Housing and Work Regulations. The individual that the undertaking might take from the recruitment agency is part of a controlled number, and those agencies now for the first time have a number of registered staff that they are permitted to place. It would be the case that the law is working far better than in the past.

3.11.2 Deputy M.R. Higgins:

Just elaborating on the Chief Minister's last answer. Can he give us an indication of the numbers that each of the employment agencies do have so that we gauge the number of people that they are placing?

Senator I.J. Gorst:

I would not wish to give the individual numbers because that might mean that the agencies themselves were identifiable. But there are 15 agencies and the total registered staff permitted in total is 241. Of course, to use the old term "locally qualified" they can place as many as they wish.

3.11.3 Deputy M. Tadier:

Following on from the Chief Minister's last comments, would he agree that if it is the case that a small company which does not have a licence for what we will call - I use the old terminology - an unqualified worker who does not have the 5 years, can then employ the same person via an agency because the agency has the licence, does that not make a bit of a nonsense of the system and also provide unnecessary red tape and expense and inconvenience for both the employer and the worker?

Senator I.J. Gorst:

It sometimes seems to me that Members of this Assembly wish to have it both ways. They castigate the Chief Minister's Department for not being tough on immigration and not controlling licence numbers and not reducing licence numbers, but the first time they get approached by an undertaking that would like to have a registered licence - or previously we knew them as non-local licences - they come out saying that they should be allowed. We are not controlling the number of registered licences that employment agencies will have. We are controlling the number of licences that undertakings have, and that is absolutely right and proper. What we are trying to do is not encourage - apart from in those areas that we wish to - new immigrants into Jersey. So Members cannot have it both ways. If Members feel that my department is now being too tough in regard to controlling immigration in certain sectors then they need to stand up and say so and not use the mechanisms that they appear to be doing so.

3.11.4 Deputy M. Tadier:

The Chief Minister is very obviously diverting because the question was: does he think it is acceptable essentially that an agency can be used as a proxy by which to circumvent any one given law, whether that be desirable or not that the individual be employed? The individual will end up being employed when the licence request has been refused from the business itself, but simply by using an agency it can be got around in that way. It is not a question of whether or not individual Members think they want more or less, or fewer immigrant workers, it is about whether or not the law should be circumvented in this way by agencies.

Senator I.J. Gorst:

The law is not being circumvented. I cannot say that clearly enough. The licences of the employment agencies are controlled, the licences of the undertakings are controlled. Of course, as the Deputy is saying, an undertaking could go, and any undertaking can go to an employment agency to fill a particular vacancy on a temporary basis. But once those licences are filled and

reviewed - as I said, they are going to be reviewed again in April, they were provided on a short-term basis - once those licences are filled it means that others will not come and fill them. The Deputy is not correct in his assertion.

Deputy G.P. Southern:

I am trying to get my head around the logic of the Chief Minister and, quite frankly, I cannot.

The Bailiff:

Is that a question to yourself or to the Chief Minister? [Laughter]

Senator I.J. Gorst:

I thank the Deputy for his compliment. [Laughter]

4. Questions to Ministers without notice - The Minister for Social Security

4.1 Deputy G.P. Southern:

Does the Minister support the promise given by his predecessor in June 2008 that he intended that families including a child with a severe disability will be able to receive a high level of personal care component, Level 3 of Income Support, regardless of the level of family income and if not, why not?

Senator F. du H. Le Gresley (The Minister for Social Security):

Absolutely. This Minister is fulfilling that promise and I have made a number of Ministerial decisions to award the equivalent of PC3 to children over the age of 3, and I would stress that under the transition arrangements, those children under school-leaving age who were previously receiving attendance allowance were 100 per cent protected until they reach school-leaving age, of which there is about 15 left.

4.1.1 Deputy G.P. Southern:

Is that protection not at a rate which is 60 per cent of what was previously on attendance allowance, as according to R&O 075/2012?

Senator F. du H. Le Gresley:

No. I would direct the Deputy, who is an avid reader of Social Security information, to page 52 of our 2012 report where it says that we are maintaining those at 100 per cent of the old attendance allowance.

4.2 Deputy J.H. Young:

Looking back at the record I see that his predecessor was committed to producing long-term plans for the pension provision for the challenges of the ageing population, which has now arrived of course. Could he tell us what work his department is currently doing on looking at, for example, workplace pension schemes, or are we to be entirely dependent on the States pension scheme?

Senator F. du H. Le Gresley:

Sadly this is a piece of work that has been low in priority, given the delivery of all the changes that we have brought in recently, in particular the delivery of the Long-Term Care Scheme which will be debated at the next session. However, it is in our sights, although I do not think it will be delivered during my time in office.

4.3 Deputy R.G. Le Hérissier:

Notwithstanding the excellent Back To Work programmes and the excellent relations the Minister has with promoting educational programmes with us, could the Minister outline the circumstances under which he would award Income Support in order to support somebody in full-time education, which is ultimately going to benefit the long-term and medium-term future of the Island?

Senator F. du H. Le Gresley:

The Deputy and I frequently discuss this subject and now we are discussing it in this forum. There are some careers or jobs that have been identified as critical skills for the Island, such as nursing, where I have given absolute agreement to providing Income Support to a person who wishes to follow the local nursing degree course. At the moment that is the only course where I am committed to allowing somebody to claim Income Support rather than be a jobseeker, assuming that their basis of being on Income Support is to be actively seeking work. However, if the Skills Executive or Skills Board come up with any further critical skills that are lacking in the Island which would go on that list then I would be quite happy to consider those as well.

4.4 Deputy M. Tadier:

Would the Minister confirm what constitutes a reasonable ground under the household component award for an under-25 not to be living at home?

Senator F. du H. Le Gresley:

The Deputy is absolutely correct, we do not award the housing component for people under the age of 25 unless there are particular grounds. They would include being a care leaver, where perhaps the parents have died or left the Island and are unlikely to return, and that person is effectively left homeless. Those would be the sort of grounds that we would consider.

4.4.1 Deputy M. Tadier:

The real question is to the Minister: what are the human rights implications of singling out under 25 year-olds who would otherwise be major in their own right for other legal purposes, and saying that they are not able to receive that housing component simply because we would not have the money to pay out everyone if that were applied across the board?

Senator F. du H. Le Gresley:

The Income Support Law when it was introduced would have been subject to a human rights audit. The fact is that the age 25 was a continuation of a policy from the Housing Department and, at the moment, given the calls upon the public purse for Income Support, I would not be proposing to review it.

4.5 Deputy J.A. Martin:

The Minister answered that he intended to honour, I think he said, the promise of the last Minister in 2008 to give children with severe disabilities benefits in their own right. He then went on to say he has passed many discretionary benefits. Can he confirm there is no benefit now for a severely disabled child in their own right unless he uses his discretion? This totally departs from what the promise was and also the law in the U.K. for the right of the child.

Senator F. du H. Le Gresley:

The Deputy should be aware - I am sure she is - that when Income Support was introduced we did away with a number of benefits related to a child, including child disablement allowance and attendance allowance. So it is a fact that the award of a benefit only applies to Income Support households. However, I do use Ministerial discretion to award - as I said earlier - the equivalent of what is known as PC3 to a young person, irrespective of the income of that household. So, in effect, I am delivering a benefit which is not means-tested.

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

I understand that the Alice Rayner Fund is a fund that has a large amount of money in it for the benefit of local people. I am not sure of the terms of reference of the fund. It is managed by a number of Jurats. Will the Minister advise the Assembly whether his department is aware of this fund and whether they make reference to it when dealing with people on low incomes who attend on the department asking for assistance?

Senator F. du H. Le Gresley:

I can confirm that the Minister is aware, and I think it is the Ann Alice Rayner Fund, and in fact I have made an application for one or 2 individuals who fell outside of Income Support guidelines, and was successful. As to whether officers are aware, well, I could not speak for every officer because this is slightly outside of our remit, but in a situation where a person was needing extra help which did not fit in with Income Support, special payments or whatever, officers would normally refer people to the Citizens Advice Bureau and I am aware that the Citizens Advice Bureau have details of various trusts and funds, including the Ann Alice Rayner Fund.

4.7 Deputy G.P. Southern:

Just for clarity's sake, when the Minister said that he will arrange for the equivalent to these Level 3 of Income Support personal care component, does this apply to all cases or does it just apply to those who previously were in receipt of attendance allowance, or does it apply to new cases?

Senator F. du H. Le Gresley:

It will apply to new applications but they have to be over the age of 3-years old and under school-leaving age. After school-leaving age they are entitled to claim income support in their own right.

[16:30]

4.8 Deputy R.G. Le Hérissier:

Following on from my previous question, would the Minister not accept, given Digital Jersey's most ambitious project of getting at least 2,000 people within that sector by 2020, that should be one of the courses or the kind of skills that make people fit for the digital industry? That should be the kind of priority that should be reflected in the way he deals with income support supporting courses, rather than - good though it be - merely engaging in job substitution and putting some quite highly qualified people in jobs which tick the box but do not necessarily help the long-term development of Jersey's skills.

Senator F. du H. Le Gresley:

Given that the Deputy is the Assistant Minister for Education, Sport and Culture I am sure he will be making representations if he believes that Income Support should be supporting candidates who wish to study I.T. (information technology) or relevant I.T. skills and receive effectively 3 years from job-seeking. Unfortunately I will not be supporting that. The reason being, of course, if you are studying I.T. then you should be computer literate and therefore distance-learning is the obvious solution.

4.9 Deputy M. Tadier:

Given the statistics which have been released that more and more households are facing both relative poverty or the financial pinch, will the Minister concede that now is the time for his department to consider removing the Social Security cap?

Senator F. du H. Le Gresley:

I smile because the Deputy manages to get this question in no matter what question he asks me, so he is quite clever in that respect. We are talking about relative poverty and then we are talking about removing the upper-earnings limit which is a cap that applies to employers paying Social Security contributions up to £152,000, from memory. So, I suppose what the Deputy is asking me is removing the cap will perhaps create more income if employees are required to pay more Social Security contributions but that will only put money into the Social Security Fund. It will not put money into tax-funded benefits such as Income Support, which is there as the safety-net for people in relative poverty. So the answer is no.

4.9.1 Deputy M. Tadier:

Does the Minister not think that that money could also be used to fund health initiatives such as free G.P. visits and affordable dental care which should have a very tangible effect on those who currently cannot afford to go to those because they are perceived as luxuries?

Senator F. du H. Le Gresley:

I agree with that point.

4.10 Deputy J.A. Hilton of St. Helier:

Can the Minister tell the Assembly what major legislation he hopes to bring to the Assembly before his term of office finishes?

Senator F. du H. Le Gresley:

Yes, I think I can probably get through a list of about 12 items and there may be more. One of the first items will be the regulation changes to do with raising the levels of housing component for people who are not in the new Housing Company's accommodation. We will have a new scale which we will have to put into legislation. We will be amending the Employment (Jersey) Law 2003 to deal with maternity/paternity rights, family-friendly legislation. We will be looking at bringing in the new characteristic of gender discrimination. I am running out of thoughts at the moment, may I sit down? Thank you. **[Laughter]**

The Deputy Bailiff:

I thought you were going to run out of time, Minister. We are in time for one more question. Deputy Southern.

4.11 Deputy G.P. Southern:

What efforts, if any, are made to ensure that placements on Advance to Work or Jobs Fest are made on the usual terms and conditions and that unpaid overtime or unusual hours are not imposed?

Senator F. du H. Le Gresley:

The Deputy has already had an answer to this in a written answer. You have not had an answer? I am sorry, I do apologise.

Deputy G.P. Southern:

I had a response but there were no answers in it. **[Members: Oh!]**

Senator F. du H. Le Gresley:

I was quite pleased with this response; I thought it was one of our better ones. **[Laughter]** Can I just say, and I know I am going to run out of time so I will carry on speaking, but Jobs Fest was an extremely successful ...

The Deputy Bailiff:

You have done perfectly, Minister. Thank you very much. [Laughter]

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy J.A.N. Le Fondré:

Just to return to matters regarding the Bishop of Winchester, does the Chief Minister consider that either the Anglican clergy or the States of Jersey can retain any confidence in the Bishop who it appears distorts in the eyes of the truth what appear to be matters of a personal agenda? Will he identify to the pastoral visit with whom he is meeting that such concerns have been expressed both in this Assembly and in the wider community?

Senator I.J. Gorst (The Chief Minister):

Sometimes I wonder whether I am empowered to speak on my own behalf, let alone on behalf of every Member of this Assembly the way the current law is written. As I said earlier to the Deputy's question, I am aware of the deep disquiet and the concerns, certainly with regard to some of the ways the diocese perhaps, and the Bishop, being more particular, has acted. I will be taking those issues up with the pastoral visit and the 2 Bishops undertaking that visit.

5.2 Senator S.C. Ferguson:

Would the Chief Minister advise Members whether he intends to alter the constitution of the Jersey Appointments Commission and, if so, when? If he does, would he elaborate on the reasons for change?

Senator I.J. Gorst:

I was asked this question, I think, last time in questions without notice and my answer has not changed.

5.3 Deputy R.G. Le Hérissier:

It is an extension on what I asked him previously. Would the Chief Minister not acknowledge that this continuing debate about the States of Jersey and the Bishops that, firstly, it does a disservice to other churches on the Island who are also performing a vital role, if one is of their persuasion? Secondly, would he not accept that the logical way to deal with it is to have a proper separation of church and State so that we can focus on the real issues that have arisen?

Senator I.J. Gorst:

I would not and do not take that view. I look forward to the Deputy lodging his proposition which is going to suggest that we in this Assembly are going to disestablish the Church of England from the Crown.

5.4 The Connétable of St. John:

Could I have the Chief Minister's view on his Ministers filibustering when it comes to answering questions as we have just seen previously with his predecessor who was on his feet? Thank you.

Senator I.J. Gorst:

I did not take a record of how many questions the Minister for Social Security managed to get through but it seemed to be a reasonable amount. Perhaps I could carry on his answer. If I am not mistaken I think he was going to congratulate the work of the Jobs Fest, the number of people who have got into work for that period, the number of employers that have engaged and we hope that those jobs will continue and become permanent. I think it is an excellent scheme and I think we should be considering schemes like it out into the future.

5.5 Senator S.C. Ferguson:

Would the Chief Minister explain to the Bishops, and particularly the Bishop of Winchester, that his demands on local churches for money are grossly unfair given that the local communities upkeep the local churches and it is not incumbent upon the established church to in fact upkeep their own churches?

Senator I.J. Gorst:

I cannot speak, as you kindly reminded me, on behalf of the Bishop of Winchester ...

The Deputy Bailiff:

But this is what you were asked, whether you were going to say it to him.

Senator I.J. Gorst:

I can simply say I know that the Bishop of Winchester is aware of that because I have explained it to him on a number of occasions in the past in the same way that I did to this Assembly, and why I believe that the association between church and State is so important and an integral part of our parochial system.

5.5.1 Senator S.C. Ferguson:

The Chief Minister has not answered my question. Would he explain to the Bishops that the local communities upkeep the churches? It is not the church establishment that has to; my rates pay for my local Church of England church. I do not begrudge it as a Methodist but **[Laughter]** I feel that some of the demands made by the U.K. on the local churches are grossly unfair. Will he please explain it to them?

Senator I.J. Gorst:

I have to visiting Bishops in the past and I will continue to do so. Perhaps we ought to mark the occasion when Senator Ferguson finds that levies upon her are acceptable and she is pleased to pay them.

5.6 Deputy M. Tadier:

Does the Chief Minister agree that we live in an increasingly cosmopolitan society where the Church of England does not have a monopoly on the religious expression or belief of the more general populous? If we are to continue in this very archaic way of having a designated religious person in the States Assembly, then we should also consider extending that to those of the Muslim, Catholic, Hindu and Humanist faiths, or non-faiths, as it may be, so that we can also create some spaces for an Imam, for a Humanist and for a Canon perhaps of the Catholic church to be able to express their views in this Assembly on behalf of their individual communities.

Senator I.J. Gorst:

I may not agree entirely with all that the Deputy said but I think his sentiment is a fair one: that we are a welcoming community, that we are a community made up of individuals and communities of differing religious opinion. We should welcome that and not find it something the reverse of. Having said that, we are a community with a long Christian heritage and we should not throw that out or seek to change things without good reason. The Deputy may not be aware, perhaps it was before he was elected to this Assembly, but I brought an amendment to the then Deputy of St. Martin's proposal to review the non-elected positions of this Assembly which withdrew the role of the Dean from that review. The Assembly at that point agreed with me and my position has not changed.

5.6.1 Deputy M. Tadier:

The Chief Minister said that we are an Island with longstanding links to the Church of England; relatively speaking, not that long in terms of history. Does the Chief Minister agree that as an Island historically we have got much greater and longer-lasting links with Pagan tradition and by that logic we should be therefore appointing some kind of druid to speak on behalf of the greater Island's cultural heritage in this Assembly and not the privileged status of a very elite Church of England? **[Laughter]**

Senator I.J. Gorst:

I think I said everything that I needed to say in answer to the first question. I would simply say that I used the term "Christian" and not any specific denomination.

5.7 Deputy G.C.L. Baudains:

I wonder if the Chief Minister could advise us whether he has come to any conclusion regarding his Minister for Planning and Environment and if not whether he might consider seeking advice from the Bishop when he meets him. **[Laughter]**

Senator I.J. Gorst:

The thought had not occurred to me, which is an interesting one.

Deputy G.C.L. Baudains:

Perhaps he would consider answering the question while he is at it.

5.8 Deputy M.R. Higgins:

Changing the subject entirely, can the Chief Minister tell me the state of the discussions with Guernsey regarding bringing in lower duties on cigarettes which were revealed to the public on the Politics programme, I think, by the Assistant Minister for Treasury and Resources? Does he feel that it is right that we are not only putting the price up but then going to make things difficult for them by not allowing them to bring cigarettes in that are duty-free?

[16:45]

Senator I.J. Gorst:

It is not an issue that I am close to so that I could answer with any authority. However, it is an issue which will be discussed and raised by the Minister for Treasury and Resources tomorrow during the Budget debate.

5.9 Deputy J.A. Hilton:

Does the Chief Minister agree with the editorial about the budget in today's *J.E.P. (Jersey Evening Post)*? Does he also agree with me that it is a little bit misleading to quote a figure of £500 million for the development of the hospital when in fact we will be debating a figure of around £290 million?

Senator I.J. Gorst:

I am a politician that is more relaxed about what I read in the media than perhaps some other Members of the Assembly. I did not agree with the sentiment of the editorial perhaps until we got to the final paragraph which seemed to indicate, contrary to the preceding number of paragraphs, that it was the right budget for Jersey at this time because we will be putting money back into the pockets of lower and middle earners, will be investing in infrastructure for the future, will be creating a hospital that we can be proud of where we know that Islanders will be getting the care that they deserve, that we will be dealing responsibly with providing social housing into the future and that we will be dealing with our waste in an appropriate manner. I think that this Budget is the best Budget that I have ever seen since I have been elected to this Assembly and I am proud and I

am grateful for the work that the Treasury and Resources Department has put in in bringing forward this Budget. **[Approbation]** Perhaps I hope that tomorrow's editorial may reflect that rather than the sentiments reflected today.

5.10 Deputy S.G. Luce of St. Martin:

Tomorrow some growers from Guernsey are in the U.K. making representations about the possible reintroduction of L.V.C.R. (Low Value Consignment Relief) for their home-grown products. Since I asked the Chief Minister this question a few weeks ago, could he tell us whether he has made any inquiries or had any discussions with either Guernsey or the U.K. on this matter recently?

Senator I.J. Gorst:

Tomorrow there is an All-Party Parliamentary Channel Islands Group meeting of which Jersey is a part and Senator Bailhache will be attending representing Jersey at a political level. As part of those meetings there is also going on showcasing of particular industries and sectors in Jersey and in Guernsey. The Guernsey Growers Association are represented and will be showcasing the work that they do and that is the context in which they will be raising that particular issue.

5.11 The Connétable of St. John:

Will the Chief Minister review the immigration policy given that non-E.U. (European Union) citizens have to have work permits yet E.U. Member States have free movement to Jersey but not necessarily have free movement to the U.K. and work permits?

Senator I.J. Gorst:

We have only recently agreed the new Control of Housing and Work (Jersey) Law 2013 and as we said at the time it needs to be given time to work. I think we are already seeing it work from the questions that I had and the answers that I was able to give earlier today. Therefore, it does not seem to me that now is the appropriate time to review that work as it has only just come into legislative force.

The Connétable of St. John:

A supplementary?

The Deputy Bailiff:

There are 3 Members to go, I think we will not get to you, Connétable. Deputy Le Hérissier.

5.12 Deputy R.G. Le Hérissier:

Given the relatively short tenure of our recent Human Resources Directors and presumably given the fact we are now searching for a new one, could the Chief Minister tell us how he intends to deal with this and whether he feels the process being put in place will lead to a much more stable position?

Senator I.J. Gorst:

As I said when the Deputy asked a very similar question at the last sitting, we are fortunate to have recruited prior to the departure of the Human Resources Director, a deputy director from on-Island from the private sector who was an excellent candidate in I.T. and is currently in the acting role. I see no reason why that particular person should not carry on into the future and do a very good job on our behalf.

5.13 Deputy G.C.L. Baudains:

The Chief Minister failed to answer the first part of my previous question: what is his current position regarding the Minister for Planning and Environment?

Senator I.J. Gorst:

Sorry, perhaps I should apologise for the flippant response that I gave but it was too good to miss with regard to the Bishop giving me advice. As I have said, and said at the last States sitting, it is only right when issues come to light that a proper process should be followed. That process is being followed and those concerned should be given time to consider and to make their case. We are in the middle of that process now. I hope to be in a position to speak more publicly about that within the next 10 days or so.

The Deputy Bailiff:

That brings questions without notice to an end. There is nothing under J and nothing under K. Can I just give notice to Members that P.157, Machinery of Government: committee system has been lodged by Deputy Baudains and P.158, Access to Justice in Jersey: review has been lodged by the Chief Minister.

PUBLIC BUSINESS

6. Committee of Inquiry into Historical Abuse: appointment of Chairman and members (P.149/2013)

The Deputy Bailiff:

We now come to Public Business. The first item on the agenda is P.149 Committee of Inquiry into Historical Abuse: appointment of Chairman and members. Members will understand that I am not going to preside over this proposition and the Deputy Greffier will take over from me.

The Deputy Greffier of the States (in the Chair):

Very well. As the Deputy Bailiff announced, the last item is P.149 of 2013, Committee of Inquiry into Historical Abuse and I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 6th March 2013, in which they agreed that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely historical child abuse in Jersey and that the committee should be chaired by a senior legally-qualified person from outside Jersey, and to their Act dated 16th July 2013, in which they appointed Mrs. Sally Bradley Q.C. (Queen's Counsel) to chair the inquiry; and to note that as a result of ill-health Mrs. Sally Bradley Q.C. is unable to take up the position of Chairman, and to appoint instead Mrs. Frances Oldham Q.C. as Chairman of the Committee of Inquiry and Professor Alexander (Sandy) Cameron C.B.E. (Commander of the Order of the British Empire) and Ms. Alyson Leslie as members of the Committee.

6.1 Senator I.J. Gorst (The Chief Minister):

Perhaps Members will permit me to start by sending my good wishes and the good wishes of this Assembly to Mrs. Bradley for a full and speedy recovery. **[Approbation]** I am sure she knows that we are disappointed she has not been able to undertake this work on our behalf. Having said that, I am very grateful once again for the work that the Greffier and those involved have undertaken to speedily find a replacement of equal quality and equal calibre. I believe that Members, having read the C.V.s (Curriculum Vitae) attached to the proposition, will be able to have confidence in Mrs. Oldham to carry out and act as Chair of this Committee of Inquiry. Therefore, having said that, I believe that the proposition, the process which the Greffier kindly wrote to me about at length, which is also attached to the proposition, the C.V.s of the individuals, I

hope that Members will approve the appointment of these 3 individuals this afternoon so that the Committee of Inquiry can get underway in the new year. Perhaps I could just point out that there has been a slight difference in that the previously-appointed Chairman was able to meet with the Jersey Care Leavers and at least one other interested party prior to the appointment coming to this Assembly. The Chairman that I am proposing today has not been able to do that and felt that that perhaps was not the right course of action for her and the committee. Therefore, Care Leavers, no Member of this Assembly and no interested parties have at this point met the proposed Chairman or the proposed committee members. So I hope that Members will unanimously support this appointment this afternoon.

The Deputy Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Deputy Tadier.

6.1.1 Deputy M. Tadier:

It really does follow on from the comments of the Chief Minister. I do need to put this on record. It does not necessarily represent my own view but it is just to perhaps convey a little further at least what some of the members of the Care Leavers thought. It has been noted that the process was different insofar as the last proposed Chairman did meet with the Care Leavers. They were very happy with her appointment and it is obviously an unfortunate turn of events that due to illness she was not willing to carry on. I have certainly met this lunchtime with the Greffier. At this point it is important to say again that we have been fortunate to have the Greffier who has undertaken this process, yet again, having to source some more individuals who are clearly very busy and also who nonetheless have been able to step up to the challenge of this Committee of Inquiry. It is important, I think, to put on record to say that they do not oppose this appointment but simply they have noted that there was a different process that took place and they would have preferred it if they could have met her in advance to reassure them. This said, I am not affected by the same concerns because I know that in the process of the next couple of weeks there will be an opportunity for the stakeholders to meet with the team and then to draw their own conclusions, so I put that on record. Apart from that, I hope that the expectations will be met from all parties. In one sense this is a situation where there are no real winners but hopefully it will nonetheless be a cathartic process in the long run. I should also raise just one issue with another conversation I had with a constituent today, which was talking about when the call is made for evidence for people to come forward, clearly that will have to be done in a very sensitive way. This individual said that it is important that psychological support is put there and that we also have to be sensitive about the fact of who is giving that support. There is a deep mistrust with some members who have been affected historically with the abuse and we can never really put ourselves in their position. We simply have to try and emphasise the best as we can and know that even sometimes when there is no good reason necessarily for them to distrust or mistrust, that will nevertheless be a consideration. So I do support this next phase and I commend all those who have been involved in that. I think as a Jersey community we will need to be tentative to the period that is coming up because it will not be an easy period. We need to show both sensitivity and understanding and let the Committee of Inquiry get on to do its job.

6.1.2 Senator F. du H. Le Gresley:

I just rise, having seconded the proposition, to congratulate the Greffier on the work that he did arranging the selection of this eminently suitable Chairman and panel and also the other members of the selection panel who assisted him in that task. I am sure it is the wish of all Islanders that this inquiry is conducted in a non-adversarial way and that people are able to tell their story without fear or favour of being criticised. My wish is that this inquiry is concluded as soon as possible so that we can put this sorry episode behind us, but it is very important. I remember standing, not quite in

this seat but in that seat next to me, as a young States Members bringing the proposition that we should have a Committee of Inquiry, and it is very welcome that I rise today to second this proposition. I wish the panel well. Thank you.

6.1.3 Deputy M.R. Higgins:

Again, I welcome the inquiry and I would like to congratulate the Greffier, who we all have confidence in, on the work that he has done in coming up with a panel.

[17:00]

The only thing I do have to ask is just one thing. Looking through the biography of the panel members I noticed that 2 of them have done extensive work in Scotland and I was just wondering whether the 3 panel members are well-known to each other or have they acted independently. Does anybody know the answer to the question?

The Deputy Greffier of the States (in the Chair):

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

6.1.4 Senator I.J. Gorst:

I do not know the answer to the Deputy’s question off-hand. If I filibuster then it might get sent through to me while I am doing that but I do not intend to do that. Can I say that I am grateful to Deputy Tadier for the work that he has put into getting us to where we are today? Even this afternoon he has acted as a go-between and I am grateful for that. I want, though, to reiterate his comments that we hope that this inquiry will be conducted in an appropriate way and that we as States Members will need to act and speak sensitively and in an understanding fashion while the inquiry is going on because I would expect that largely our work, when we appoint the panel today, is done, until the report is written. I think that that will be very important: that we do not seek to interfere in any way with the work that the panel does. I know from a conversation with the Greffier that the Chairman does intend that the work of the committee be undertaken in a non-adversarial fashion and that she intends that there will not be cross-examination of witnesses or those telling their stories. I think that that is very important. I hope that that message will mean that all those who today are approaching this issue with uncertainty and are a little fearful perhaps of telling their story for the first time, will overcome that and recognise that their story is important, what happened to them is important, because it will help us to learn for the future. If I could just now answer Deputy Higgins’ question. I have been informed that those individuals have never met each other before. Therefore, as I said previously, it will not be an easy year for our community. We as Members will have to support our community and be careful how we interact but I believe that it will be a very important year for our community to come to terms with what has happened in our past and that will be important for us setting a future. I hope that Members will unanimously support the appointment of these individuals to the Committee of Inquiry and therefore they will be able to start their work in short order in the New Year. Thank you.

The Deputy Greffier of the States (in the Chair):

The appel is called for on P.149. I invite Members to return to their seats and the Greffier will open the voting.

| POUR: 38 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Senator P.F.C. Ozouf | | | | |
| Senator A. Breckon | | | | |
| Senator A.J.H. Maclean | | | | |
| Senator B.I. Le Marquand | | | | |
| Senator F.du H. Le Gresley | | | | |
| Senator I.J. Gorst | | | | |

| | | | | |
|-----------------------------|--|--|--|--|
| Senator P.M. Bailhache | | | | |
| Connétable of St. Helier | | | | |
| Connétable of St. Clement | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of Grouville | | | | |
| Deputy R.G. Le Hérisier (S) | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of St. Ouen | | | | |
| Deputy of Grouville | | | | |
| Deputy J.A. Hilton (H) | | | | |
| Deputy J.A.N. Le Fondré (L) | | | | |
| Deputy of Trinity | | | | |
| Deputy S.S.P.A. Power (B) | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy M. Tadier (B) | | | | |
| Deputy E.J. Noel (L) | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy G.C.L. Baudains (C) | | | | |
| Deputy of St. John | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Mary | | | | |
| Deputy of St. Martin | | | | |
| Deputy R.G. Bryans (H) | | | | |
| Deputy R.J. Rondel (H) | | | | |

The Bailiff:

That concludes the business for today. The States will adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:04]