

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd OCTOBER 2023

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ADJOURNMENT 171

[9:30]

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

The Bailiff:

We start with the roll call issue, as to whether or not the Connétable of Trinity, who is dealing, we are told, with a Parish matter can be marked excuse or en défaut.

Deputy M. Tadier of St. Brelade:

First of all, thank you for allowing me to speak in this way . You could have gone straight to the appel of course, or not at all. The point to make here is that this is not a personal matter against the Constable. I get on well with the Constable. The underlying issue I think is the fact that if we had simply been informed of the fact that he is on Parish business that is fine, we could all have accepted that. I think the problem is we are being asked to excuse the Constable. This is where of course it gets back to the point of this whole roll call thing that we do twice, and I know P.P.C. (Privileges and Procedures Committee) a re looking at it, and of course they are looking at the way that works is maybe problematic in itself. But the excuses that we are starting to hear is ... I am just waiting for somebody to stand up and say: "I am sorry but the Deputy is detained because the dog has eaten her homework or his homework." That almost seems to be the level that we are descending to because in the past there was a lot of discernment and discretion that Members placed on themselves and they would never ... if they were away on holiday and missed a plane, for example, and I know that is not what we are talking about in this instance, but I think it might save us these kind of situations in the future, you would just take it on the chin. If you book a holiday to come back just one day before the States Assembly and you live in a small island, which is surrounded by sea by its very nature, and you know that there is fog sometimes and that planes get delayed and boats get delayed, you normally make arrangements so that you can get back here in time. If circumstances transpire that you cannot get back here, I think you just take that on the chin and say: "Okay, I may not be able to make today" and you explain that to your constituents if you need to. So I am very worried about the way this is rolling, but specifically in this circumstance. I have got every respect for the difficult jobs Constables do because in many ways they do twice as much work in the sense that they have got 2 roles, and they decide to be States Members. In being a States Member your job is to be here. There are other officials in the Parish who should be able to deputise and act for you in that instance. If Constables cannot in all cases juggle that job they may need to think about whether or not the roles are separated, and that if they want to be a Constable and a Deputy they may have to face 2 elections. I think the Constable who stood as a member of a party should be well *au fait* before he got elected with those dual roles. So I do not think we should be voting to excuse the Constable. I think we should just ... in fact the demand for him to be excused should really be withdrawn and we should just acknowledge the fact that he will be a bit late today because he has got other political issues to attend to.

Connétable D.W. Mezbourian of St. Lawrence:

Deputy Howell made it quite clear that the Constable did not ask her to ask for him to be excused by the Assembly this morning. She stood up of her own free will to make the suggestion. I believe that was an error on her part. The Constable recognised that he is not excuse. I am sure we have all been in the situation where we have been a little late into the Chamber because something has cropped up, and we recognise that we will be marked as défaut. We turn up maybe half an hour later when we have dealt with whatever we have needed to deal with. Whether that is a personal matter or whether, in the case of Deputies, previously Senators or Constables, it was a constituency matter. My view is that the Constable should be marked as défaut. Whether Deputy Howell wants to withdraw her request for him to be marked

as excuse is up to her. I am sure Deputy Tadier will not know that the Deputy has indicated that she wishes to speak. Regarding Members being stuck on the mainland or wherever because of cancelled flights or because the car breaks down, et cetera, we make the decision when somebody stands up to propose that someone is excused for those reasons. But in this instance, I would urge that if Deputy Howell is not going to withdraw the request for excuse, that we vote that the Constable of Trinity is *défaut* because he did not request it, because he recognised that it is not a reason for him to be *défaut*.

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

I did make an error. He did not ask me to ask for him to be excuse, but I just remembered him asking ... I just was asking but I ... thank you, I withdraw.

The Bailiff:

Do Members agree that Deputy Howell can withdraw the request? Very well, the Connétable is *défaut*. There is nothing under A.

[9:45]

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

I wonder if it would be appropriate for me to ask whether the Assembly is prepared to allow P.78, Funding for the Jersey Reds, to be debated at this sitting?

The Bailiff:

You wish to take that matter out of order because normally we would deal with it at the beginning of Public Business.

Deputy L.J. Farnham:

I am thinking that if the Assembly were to allow it, it gives Members a bit more time to prepare for it rather than wait and perhaps prepare in the risk the Assembly say later on that they are not prepared to accept it. I propose we make that decision now, and take it as the last item of business on the agenda in line with the Order Paper.

PUBLIC BUSINESS

1. Reduction of Lodging Period - Funding for Jersey Reds (P.78/2023)

The Bailiff:

Very well, I think your first proposition, Deputy, must be that the Assembly, notwithstanding the current Order Paper, deal with this issue as the first item, and then you would have to make the proposition to deal with the waiving of Standing Orders and the lodgement of time. Is the proposition, the States is master of its own business in this respect, that we deal with the matter now before questions seconded? **[Seconded]** Does any Member wish to speak on that proposition? All those in favour of dealing with the matter now kindly show. Those against? Very well, we will move straight and deal with the question of dealing with Jersey Reds. Deputy Farnham, you have lodged your funding proposition, P.78. There is a need under Standing Order 80 to suspend the Standing Order 32 so the proposition can be listed for the current meeting, and that the lodging period be reduced in accordance with Standing Order 26(7) to allow the matter to be debated as the last item of business. The first question, I think, Deputy, is: do you accept the amendment lodged by Deputy Feltham?

Deputy L.J. Farnham:

Yes, Sir, I do.

The Bailiff:

Deputy Feltham, would you therefore wish this proposition from the Deputy to be dealt with for your amendment as well?

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

Yes, Sir.

The Bailiff:

If you would like to make the proposition then we will assume we are dealing with your proposition and the amendment from Deputy Feltham.

1.1 Deputy L.J. Farnham:

First, I would say that I accepted Deputy Feltham's amendment because I think it is helpful to the proposition there is a business plan attached as well, which is self-explanatory. Members will know that the situation for the Jersey Reds came as a shock to many of us, only being announced in the media on Thursday, which has not left much time to address the matter as one would perhaps hope to, given the short period of time we have to rescue or salvage the situation. Having talked to representatives from the club and their sponsors over their weekend, it is clear that there is a very limited window of time available to us to provide a solution, if that is indeed the wish of this Assembly. To achieve that and the Assembly to ask to request the Minister to take the necessary steps to do that we are going to need to debate it at today's sitting. It is to that end that I crave Members' indulgence and ask that we allow the debate to go ahead and suspend the relevant Standing Orders.

The Bailiff:

So the proposition is to suspend Standing Order 32, which provides for the required lodging period for a matter such as this and, then, to allow the lodging period to be reduced in accordance with Standing Order 26(7). Do you wish to take both of those together, presumably?

Deputy L.J. Farnham:

Yes, please, Sir.

The Bailiff:

Is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? No Member wishes to speak on the proposition. Those who favour kindly show. Those against? Very well, we will debate the funding of the Jersey Reds at the end of the Order Paper.

Deputy L.J. Farnham:

Thank you, Sir, and I thank Members.

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Minister for Economic Development, Tourism, Sport and Culture regarding the Impact Jersey project (WQ.322/2023)

Question

In relation to the Impact Jersey project to date, will the Minister state –

- (a) the total number of applications received;
- (b) the number of applications subsequently to have been given funding; and
- (c) the total amount of funding distributed to applicants?

Answer

a)

70 applications have been received as part of the Open Programme.

b) and c)

The judging process is now underway with recommendations for awards taken to the Steering Committee in October, this will determine the successful applicants with funding distributed shortly thereafter. Awards will be up to £75,000 per applicant.

2.2 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding an update on the negotiation of purchase for the site of the Seaside Café, Grève de Lecq (WQ.323/2023)

Question

Following the States Assembly's approval of 'Negotiation of purchase for the site of the Seaside Café, Grève de Lecq' ([P.53/2023](#)), will the Minister provide Members with an update on the progress of negotiations?

Answer

Independent valuations have been sourced by Jersey Property Holdings and provided to the Minister for Infrastructure who has had initial conversations with the owner's agent. The next step is to continue discussions with the owner.

2.3 Connétable of St. Lawrence of the Minister for Health and Social Services regarding non-private outpatients waiting to have scans. (WQ.324/2023)

Question

Will the Minister state the number of non-private outpatients waiting to have an:

- (a) MRI (Magnetic resonance imaging) scan;
- (b) Ultrasound scan; and
- (c) any other scan;

on 31st July 2021, 2022, and 2023?

Answer

It should be noted that Radiology waiting lists were not historically managed using Trakcare and, as such, data cannot be produced in the same manner as other areas. Going forward, HCS' analytics team will work with Radiology to improve their ability to report on waiting lists.

Historical snapshot data, i.e., the number of patients waiting on a specific date in the past, is therefore not available and so we cannot provide the data for the years and dates identified.

If data on the number of appointments undertaken each year by type of scan is required, this can be provided, however, time would be needed to prepare any analysis.

As of 15 September 2023, the Radiology Department has the following number of examinations/scans waiting to be performed:

Scan	No. of examinations waiting
CT	638
MRI	1115
Ultrasound	2392
X-ray	1164

Please note that this data does not differentiate between first appointments, those which may have been cancelled or postponed and are waiting to be rebooked, or 6 month follow ups.

2.4 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding ‘Mydeposits Jersey’. (WQ.325/2023)

Question

Will the Minister undertake to liaise with mydeposits Jersey to identify the number of certificates that have been issued for rental deposits which they have protected where the date the landlord passed the deposit on to mydeposits Jersey was not within 30 days of the landlord having received that deposit?

Answer

I have discussed this matter with mydeposits Jersey and can provide the following breakdown of the number of deposits received within and outside of the 30-day deadline:

	2020-21	2021-22	2022-23	Total	Percentage
Less than 30 days	2,182	2,186	1,979	6,347	82%
Over 30 days	387	546	433	1,366	18%

The majority of deposits are protected within the 30-day deadline, but there are instances where this is not the case. Whilst there may be reasons why a landlord or agent may not meet the 30-day deadline, and it may be an honest mistake, it is imperative that tenants’ deposits are afforded the protection of the tenancy deposit scheme. Where a tenant believes that their deposit has not been protected, they should contact Environmental Health who will investigate and take action to ensure that the deposit is protected in the scheme. Landlords and tenants can

also seek advice from Citizens Advice Jersey, who partner with mydeposits Jersey to provide support and guidance.

I am concerned about potential non-compliance with the tenancy deposit scheme requirements, and the broader requirements of the Residential Tenancy (Jersey) Law 2011. In the immediate-term, I am in discussion with the Law Officers Department to ensure appropriate action can be taken against non-compliance with the legislation, and to ensure that tenants receive the statutory protection to which they are entitled under the Law. I am, moreover, seeking within my residential tenancies proposals to provide relevant authorities with sufficient powers to enforce compliance when an offence has been committed, which will include tenancy deposit protection arrangements.

2.5 The Connétable of St. Martin of the Minister for Social Security regarding engagement with pharmacists on their needs and concerns to accessibility and financial support. (WQ.326/2023)

Question

Will the Minister outline what engagement, if any, the Departments of Customer and Local Services and Health and Community Services have had with pharmacists in the rural parishes in order to establish whether they have any specific needs or concerns that may require alternative arrangements for pharmacies outside the urban centres, particularly with regard to accessibility and financial support?

Answer

The Government have undertaken extensive consultation with community pharmacies during the latter part of 2022 through to March 2023 when an investment package was agreed. Consultation and negotiations were conducted via the Jersey Chemist Contractors Negotiating Committee who sought the views of all members including pharmacies outside the urban centres. Dispensing fees were increased as part of this agreement, including the maintenance of a two-tier dispensing fee which supports smaller pharmacies with low dispensing volumes by paying a higher rate for the first 50,000 items.

Discussions are currently underway regarding the creation of a new overarching agreement to govern commissioned services where support for small pharmacies in remote areas has already been highlighted specifically for discussion.

2.6 Deputy R.S. Kovacs of St. Saviour of the Minister for Social Security regarding Income Support distributed in 2022. (WQ.327/2023)

Question

Will the Minister advise how much of the £73.1 million of Income Support distributed in 2022 was paid in rent component for individuals to –

- (a) Andium Homes;
- (b) tenants of Housing Associations or Trusts; and
- (c) tenants in private sector accommodation;

and will the Minister further provide the corresponding figures requested in (a), (b) and (c) above for each year since the introduction of the Income Support scheme?

Answer

Details of the allocation of income support costs to accommodation costs are available on the open data site. See Income Support Statistics - Income Support Annual Expenditure - Accommodation - Government of Jersey Open Data

The following information is taken from the website and is provided from 2012 onwards:

Year	Annual allocated accommodation cost (£000's)		
	Andium (and Housing Dept pre 2014)	Housing Trust Rental	Private Rental
2012	14,570	3,058	8,070
2013	15,064	2,957	9,054
2014	15,323	3,171	10,131
2015	15,995	3,399	10,118
2016	16,460	3,330	9,521
2017	16,612	3,233	8,904
2018	16,795	3,455	9,127
2019	17,088	3,807	9,215
2020	18,701	4,339	11,281
2021	19,066	4,086	9,470
2022	19,203	3,948	7,372

Comparable analysis prior to 2012 is not available.

Accommodation support forms part of total income support regular benefit expenditure. Departmental records show a total annual income support expenditure for 2022 of £69.4M, rather than the £73.1 million quoted in the question. This figure does not include other areas of income support expenditure such as special payments.

To allocate benefit costs across different income support components, a detailed analysis is undertaken as explained on the open data website, and copied below for information

The value of Income Support paid to a particular household depends not only on the mix of components that it is entitled to, but also on the other income received by the household. It is therefore not straightforward to report on the value of each component in the total expenditure for Income Support. However, to enable an analysis of the estimated total costs by component, a method of allocating costs within the various components has been developed. This method divides the actual Income Support benefit received by a household in proportion to the gross value of each of the components that the household is eligible for, to allocate a specific net value to each of the components. The mix of Income Support claims changes over time and the values of some components can change during the year. This analysis includes data taken from each month of the year to ensure that trends in the take-up of Income Support and rate changes

during the year are represented, and provides approximate net values for the cost of each component group.

2.7 Deputy G.P. Southern of St. Helier Central of the Chair of the States Employment Board regarding measures of minimum levels of service in crucial public services during strikes. (WQ.328/2023)

Question

In light of the UK Government's move to introduce legislation to allow it to set minimum levels of service in crucial public services that must be met during strikes to ensure the safety of the public, will the Chair advise what consideration, if any, has been given to the possibility of equivalent measures in Jersey?

Answer

The Government of Jersey currently have Non-Impairment of Service Agreements (NISA) in place within Justice and Home Affairs to ensure the safety of the public.

There are no legislative plans or consideration of similar proposals.

2.8 Deputy M. Tadier of St. Brelade of the Minister for Justice and Home Affairs regarding the work permits of the two Filipino fishermen who died on the L'Ecume II fishing trawler. (WQ.329/2023)

Question

Will the Minister advise what type of work permits were held by the two Filipino fishermen who died on the L'Ecume II fishing trawler, and whether they were brought to Jersey on those work permits or if those permits were changed after their arrival?

Answer

The Deputy will be aware that the tragic events on the L'Ecume II are subject to a live criminal investigation.

With the above in mind, it would not be appropriate to disclose this information publicly whilst the investigation is ongoing.

2.9 Deputy T.A. Coles of St. Helier South of the Chief Minister regarding the amount spent by the Government on adverts, articles and supplements in the Jersey Evening Post. (WQ.330/2023)

Question

Will the Chief Minister state the amount spent by the Government on adverts, articles and supplements in the Jersey Evening Post over the last five years, broken down by year and quarter?

Answer

The following table provides a breakdown of Government spend on adverts, articles and supplements in the Jersey Evening Post over the last five years, including non-ministerial departments for the period spanning 2019 to 2022:

Comment			
2019	Q1	£6,750.40	
	Q2	£33,136.56	
	Q3	£6,838.38	
	Q4	£13,026.98	
	Total	£59,752.32	
2020	Q1	-£22,813.95	£29,809 Fort Credit *
	Q2	£5,862.51	
	Q3	£63,390.75	
	Q4	£40,825.54	
	Total	£87,264.85	
2021	Q1	£25,372.78	
	Q2	£26,001.29	
	Q3	£50,972.06	
	Q4	£45,805.95	
	Total	£148,152.08	
2022	Q1	£20,611.87	
	Q2	£26,282.97	
	Q3	£60,161.14	
	Q4	£39,915.84	
	Total	£146,971.82	
2023	Q1	£12,140.00	
	Q2	£40,342.00	

*The negative balance in the first quarter of 2020 is primarily due to a credit note of £29,809 applied against an invoice from Fort Regent, with other invoices contributing to amounts lower than the credited amount.

The data has been extracted from the Supply Jersey/Ariba purchasing system, encompassing all government departments and non-ministerial departments. Please note that these figures are determined by the timing of invoice processed and do not necessarily align with the placement dates of advertisements. The figures highlighted in yellow show Covid limited activity.

2.10 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding systems and data analysts, communications, PR and marketing staff employed within Government. (WQ.331/2023)

Question

Will the Chair advise how many people are employed within Government in the following positions –

- (a) system and data analysts; and
- (b) communications, PR and marketing staff;

and will she further identify the relevant departments responsible for their employment?

Answer

(a) System and data analysts

The information supplied is taken from Resource Link (the core HR information system) searching on analyst role profiles. We have excluded technical analysts (such as chemical) and focussed on data and information analysts following clarification with the Deputy. The information is at 1st September 2023.

A search was conducted on ‘analytics, analysis, data analysis’.

01 September 2023		Categories	
Department / Job Title	Total Headcount	Data Roles	Systems and Technical Analysts
Chief Operating Office	19	3	16
Children, Young People, Edu & Skills	10	10	
Customer and Local Services	10	4	6
Department for the Economy	1	1	
Health and Community Services	10	10	
Infrastructure and Environment	2		2
Justice and Home Affairs (including Police)	10	9	1
Strategic Policy, Planning and Perf	23	22	1
(Stats Jersey = 16)			
(Public Health = 7)			
Treasury and Exchequer	13	7	6
Total	98	66	32

Chief Operating Office

The Chief Operating Office includes Modernisation & Digital and People & Corporate Services. Modernisation & Digital is responsible for providing government departments with the technology, data and digital tools to better serve their customers and drive the digital transformation of public services. The directorate covers both change programmes and business as usual ‘run-type’ activities.

In the change programmes the analyst roles are Business Analysts who analyse and re-design business processes and define system requirements. The number of business analysts can fluctuate based on programme and project needs, but we have 9 permanent roles that align to a Business Analyst. Business Analysts work on projects such as the Electronic Patient Record, Connect, and Service Digitisation.

In running the business, M&D is also responsible for corporate data, and we have 4 data quality analysts who review and correct data in our corporate data sets such as name and address. Additionally, we have 5 analysts that carry out duties in information security, reviewing threats and managing access and control.

CYPES

These roles analyse predominately school place planning, education attainment, demographics modelling and data returns from different sectors.

CLS

These roles split between business analysts, examining business process efficiency and improvements and data analytics for customer statistics, usage and reporting.

HCS

The roles cover demographic reporting, service level and quality reporting, analytics into service usages, compliance reporting and service planning including surgeries and discharge rates.

I&E

The two roles analyse the GIS (Geographic information system).

JHA

Roles cover crime analysis, risk analysis and service performance. Includes States of Jersey Police.

SPPP

Roles include public health analytics, statistics, and researchers.

Treasury & Exchequer

Roles include financial analysis and reporting, commercial and supply chain analysis, Revenue Jersey analytics, group financial reporting, treasury management and corporate compliance.

(b) communications, PR and marketing staff

01 September 2023	
Department / Job Title	Headcount
Children, Young People, Education & Skills	5
Public Health (Cabinet Office)	2
Infrastructure and Environment	2
Justice and Home Affairs	2
Health and Community Services	2
New Healthcare Facilities Programme	1
Cabinet Office Communications Directorate	34

Press Office and internal communications	11
Digital and marketing officers	5
Videographers & graphic designers	5
Departmental resources	9
Emergency Services comms officers	2
Corporate leadership	2
Grand Total	48

CYPES: Participation and engagement, student marketing and education campaigns.

Cabinet Office: public health campaigns.

I&E: Carbon neutral campaigns, public notices and infrastructure communications.

JHA: Major incidents and financial intelligence unit.

HCS: Internal and operational communications, patient communications and incident management.

Roles exclude other bodies where they have their own communications, PR and marketing services outside of the Government.

2.11 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding the Jersey Teacher Training students now employed as Early Career Teachers. (WQ.332/2023)

Question

Will the Minister detail how many of the 23 JTT (Jersey Teacher Training) students enrolled in 2022, and who completed their training in 2023, are now employed as ECTs (Early Career Teachers) in Jersey schools and colleges?

Answer

24 students started the Jersey Graduate Teacher Training Programme (JGTTP) in September 2022. Of these, 19 students who studied full time in the 2022/23, are now employed as teachers in Jersey schools and colleges.

Fewer than five students started studying in September 2022 on a part time basis and are not due to complete their training until 2024. Additionally, fewer than five students who enrolled in 2022 did not complete the training.

Due to the low numbers involved it is not possible to give the exact numbers of those studying part time, or those who did not complete the course, as it could risk the identification of individuals. The above figures do however confirm that 79% of those who started in September 2022 are now working as teachers. This number is expected to rise when those studying part time complete the course next year.

2.12 Deputy M.B. Andrews of St Helier North of the Minister for Justice and Home Affairs regarding domestic abuse cases since 2018. (WQ.333/2023)

Question

Will the Minister provide the number of cases involving domestic abuse that the police have been called to each year since 2018?

Answer

The below figures reflect the following data:

- Domestic incident logs (iLogs) – calls and reports from members of the public which, on closing of the log, have been identified as domestic related.
- Domestic incident reports – these are recorded episodic domestic abuse incidents which have been reported by a number of avenues and can reflect a series of domestic abuse.
- Recorded crimes – these are formal Home Office recorded crimes which will be assigned a Home Office outcome and reported.

	2018	2019	2020	2021	2022	2023*
Domestic ILogs	907	1,179	1,170	982	1,002	719
Domestic incident reports	1,126	1,327	1,228	1,151	1,084	830
Recorded, counted domestic crimes	444	520	432	432	417	349

**2023 figures reflect volumes recorded between 01/01/2023 to 20/09/2023*

2.13 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding Government funding distributed to charities. (WQ.334/2023)

Question

Will the Minister advise the amount of Government funding distributed to charities for each year since 2018?

Answer

While funding provided to registered charities is not specifically tracked, the majority of the distributions will be in the form of grants which are reported in the Annual Report and Accounts. The table provided in **Appendix 1** consolidates the grants disclosures from 2018 – 2022. This is a full list including entities that are not registered charities.

The table in Appendix 1 will not include any payments to charities as part of a service contract which would be paid out of departmental expenditure and not separately reported. For example, Family Nursing and Home Care are a registered charity providing a service on behalf of the government which is invoiced and paid as a supplier.

To answer this question fully, all government expenditure would need to be analysed against the register of charities. Prior to undertaking this exercise, the Minister would be happy to meet with the Deputy to discuss the request and further understand what he would like to receive.

**Appendix 1 – Consolidated Grant Expenditure Disclosures from the States of Jersey
Annual Report and Accounts 2018 - 2022**

Grantee	2018	2019	2020	2021	2022
	£	£	£	£	£
Association of Jersey Charities	2,145,526	-	-	-	-
Digital Jersey	1,521,256	1,662,651	1,725,000	2,025,000	2,225,000
Jersey Competition Regulatory Authority	209,000	150,000	-	691,000	897,000
Jersey Financial Services Commission	165,977	622,993	-	-	-
Jersey Finance Limited	5,070,000	5,120,000	5,100,000	5,620,000	5,747,000
Channel Islands Brussels Office	343,753	290,663	357,019	318,823	263,909
Data Protection Commissioner	-	1,669,918	-	-	-
Association Bureaus des Iles Anglo-Normandes	91,337	110,693	-	-	-
Government of Jersey London Office	525,000	550,000	553,000	594,000	621,000
Visit Jersey Limited	5,000,000	4,900,000	4,628,000	5,650,000	5,750,000
Jersey Heritage Trust	2,998,000	2,818,000	4,404,800	4,503,000	5,528,750
Jersey Sport Limited	1,372,940	1,327,439	897,309	1,956,433	1,962,424
Jersey Business Limited	734,000	738,280	1,437,000	1,568,335	860,000
Jersey Arts Trust	572,000	572,000	-	-	-
Serco (Jersey) Limited	468,220	425,268	582,925	413,528	436,356
Jersey Arts Trust	463,600	358,400	386,250	-	-
Jersey Arts Centre Association	449,800	529,946	510,500	602,000	640,000
Jersey Products Promotion Ltd	264,157	205,000	215,000	217,500	221,500
Super League Triathlon Jersey Ltd	250,000	250,000	-	270,000	-
The Jersey Opera House	198,400	528,600	555,000	572,000	366,000
Royal Jersey Agricultural and Horticultural Society	172,000	163,000	-	-	-
Battle of Flowers Association	145,000	155,000	84,478		177,145
CT Plus Jersey Limited	125,000	-	-	-	-
Jersey Consumer Council	92,400	87,000	90,900	88,825	112,000

Jersey Rugby Football Club	75,000	125,000	250,000	150,000	50,000
Beaulieu School	2,157,056	2,170,095	2,209,063	2,314,719	2,389,474
De La Salle College	1,840,762	1,770,836	1,911,216	1,952,898	1,945,445
FCJ Primary School	362,924	331,053	327,600	304,190	322,342
Jersey Childcare Trust	133,800	133,800	133,800	133,800	133,800
Digital Jersey	-	1,099,635	538,999	366,000	217,000
Citizen's Advice Bureau	224,134	263,634	271,015	271,015	270,575
Overseas Aid Grants	10,083,317	10,093,150	11,729,901	11,682,235	13,960,226
The Jersey Employment Trust	1,068,496	1,029,592	1,029,592	1,029,592	1,104,592
The Jersey Employment Trust	835,296	800,492	800,492	800,492	800,492
FS - Jersey Employment Trust (JET) - Acorn	-	-	-	552,144	256,192
Jersey Advisory and Conciliation Service	363,118	354,900	354,900	354,900	354,900
Autism Jersey	-	-	1,000,000	-	-
Victim Hub	-	-	78,700	-	-
Bailiff's Covid 19 Appeal	-	-	1,035,187	170,000	-
Jersey Island Genetics Ltd	-	-	180,000	182,500	185,000
Jersey National Park Ltd	-	-	100,000	150,000	200,000
Art House Jersey	-	-	300,750	515,000	915,000
Fisheries Scheme	-	-	251,000	186,332	22,394
Charities Commissioner Costs	-	-	191,852	110,278	
Jersey Community Foundation Limited	-	-	538,721	1,096,125	560,050
Association of Jersey Charities	-	-	374,112	1,388,268	1,523,936
Shelter Trust	-	-	-	1,443,080	1,443,580
The Womens' Refuge	-	-	-	256,342	215,322
Home Call	-	-	-	102,799	102,799
FS - Citizen's Advice Bureau	-	-	-	50,000	-
FS - Unemployment Support Scheme	-	-	-	209,593	166,641
FS - Trinity Youth Centre Trust	-	-	-	620,751	207,579
Eden House	-	-	-	691,300	-
FS - Every Child Our Future	-	-	-	59,785	-
FS - Jersey Cheshire Home	-	-	-	67,000	-

FS - Brook Jersey	-	-	-	181,000	-
FS - Baptist Facility	-	-	-	158,338	6,512
FS - Enable Jersey Changing Facility St Brelade	-	-	-	87,000	
Bureau de Jersey Ltd	-	-	-	100,000	100,000
Jersey Office of the Information Commissioner	-	-	-	500,000	250,000
Jersey Bus Tours	-	-	-	129,175	-
FS - Shelter Trust	-	-	-	190,000	-
FS - Jersey Heritage	-	-	-	359,241	1,206,222
FS - The National Trust of Jersey	-	-	-	527,813	1,638,612
FS - Royal Jersey Agricultural	-	-	-	196,587	298,413
Normandy Trader Freight Services Ltd	-	-	-	107,470	
Issued by Ports of Jersey	-	-	-	83,794	684,823
Best Start Partnership	-	-	-	-	116,269
Technology Accelerator Fund	-	-	-	-	230,000
FS - Jersey Scouts	-	-	-	36,000	366,812
FS - Beaulieu School	-	-	-	1,055,000	445,378
FS - Local Church - Ebenezer	-	-	-	-	11,000
FS - The Jersey Race Club	-	-	-	15,000	14,500
FS - Healing Waves Ocean Therapy	-	-	-	19,000	392,208
FS - Jersey Association of Youth and Friendship	-	-	-	30,000	-
FS - Jersey Cricket Limited	-	-	-	-	300,000
FS - Jersey Biodiversity Centre	-	-	-	34,000	-
FS - Padel for All Limited	-	-	-	-	425,350
FS - Durrell Wildlife Conservation Trust	-	-	-	-	980,000
FS - Jersey Biodiversity Centre	-	-	-	-	22,193
FS - Jersey Air Cadets	-	-	-	-	203,600
FS - Jersey Consumer Council	-	-	-	18,000	19,000
ERF - Tantivy Blue Coach Tours Ltd	-	-	-	117,776	75,344

ERF - Jersey Business Ltd (Covid)	-	-	-	-	1,460,000
ERF - Digital Jersey Ltd (Covid)	-	-	-	-	251,450
ERF - Jersey Bus Tours	-	-	-	-	12,413
ERF - St Brelades College	-	-	-	-	31,006
ERF - Jersey Lavender Ltd	-	-	-	-	15,795
ERF - La Mare Vineyards Ltd	-	-	-	-	14,258
ERF - Waverley Coaches	-	-	-	-	41,386
ERF - Jersey Finance Ltd (covid)	-	-	-	-	299,000
ERF - Airline Services(CI) Ltd	-	-	-	-	47,494
ERF - CRES Reallocation	-	-	-	-	1,082
ERF - C I Travel Group	-	-	-	92,854	
ERF - Individual - Mr Sayers	-	-	-	145,678	
ERF - Polar Cars Ltd	-	-	-	211,157	29,880
ERF - Europcar Jersey	-	-	-	211,841	(213,019)
ERF - Spellbound Holdings Ltd	-	-	-	120,480	29,756
ERF - Visitor Accommodation Support Scheme (VASS) - Various	-	-	-	6,259,860	1,224,566
ERF - Fixed Cost Support Scheme (FCSS) - Various	-	-	-	3,105,361	149,811
Total significant grants awarded	40,521,269	41,407,037	45,134,081	66,394,008	64,336,537
Payments made under significant schemes	2018	2019	2020	2021	2022
	£	£	£	£	£
Countryside Enhancement Scheme	107,799	134,293	132,897	-	-
Area Payments to Individuals	552,796	567,795	1,508,538	813,779	1,499,134
Quality Milk Payments to Individuals	553,629	399,174	542,428	484,745	912,690
Nursery Education Fund	1,686,565	1,705,509	1,604,824	2,171,059	2,869,496
Grants to individuals (Jersey College for Girls)	163,928	207,672	202,229	-	12,917

Grants to individuals (Victoria College)	81,439	44,186	134,279	10,480	47,397
Various employment schemes	435,108	283,476	216,625	681,215	140,261
Post-Covid Culture & Physical Activity Projects	-	-	-	-	250,433
Total significant grants awarded under States of Jersey Grant Schemes	3,581,264	3,342,106	4,341,820	4,161,278	5,732,328
Total other Grants and Subsidies	740,375	1,136,705	766,698	1,169,000	1,024,464
Grand Total - Grants and Subsidies awarded	44,842,908	45,885,848	50,242,599	71,724,286	71,093,329
Adjustment to accrued grants in prior year	(100,364)	(1,145,526)	470,252		(952,234)
Total Grants and Subsidies expense recorded	44,742,544	44,740,322	50,712,851	71,724,286	70,141,095

Notes:

- The grants disclosure note in the Annual Report and Accounts ordinarily only lists grants of £75,000 or more. Over 2021 and 2022 more detail was provided to list out more of the grants issued through the Fiscal Stimulus Fund and Economic Recovery Fund.
- Some rounding has been applied where figures were published to the nearest £000.
- FS prefix denotes payments identified as made under the Fiscal Stimulus scheme.
- ERF prefix denotes payments identified as made from the Economic Recovery Fund.
- See page 258 in the [States of Jersey Group 2022 Annual Report and Accounts \(gov.je\)](#) for the grant expenditure disclosure.

2.14 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding civil litigation cases taken against the Government or a Minister. (WQ.335/2023)

Question

Will the Chief Minister state the number of civil litigation cases taken against the Government or any Minister in that capacity each year since 2018?

Answer

The following table contains the number of healthcare and failure-to-remove (“FTR”) claims (i.e. civil proceedings instituted in the Royal Court of Jersey) since 2018.

It does not include:

- any civil litigation which is pre-action;
- any employment/discrimination claims issued in the Jersey Employment and Discrimination Tribunal;
- any human rights related claims;
- any employer liability (“EL”) claims, which are typically dealt with by insurers.

	2018	2019	2020	2021	2022	2023
Healthcare claims	2	4	3	3	1	5
FTR claims	0	0	2	0	1	0

2.15 Deputy T.A. Coles of St. Helier South of the Minister for Treasury and Resources regarding personal tax audit investigations. (WQ.336/2023)

Question

Will the Minister provide information on the number of personal tax audit investigations that have been undertaken over the last 10 years, broken down by income bands of £20,000 –

- £20,000 - £40,000
- £40,000 - £60,000
- £60,000 - £80,000
- £80,000 - £100,000
- £100,000 - £120,000
- £120,000 - £140,000
- £140,000 - £160,000
- £160,000 - £180,000
- £180,000 - £200,000; and
- £200,000+?

Answer

WQ.254/2023 provides information about Revenue Jersey's wider compliance programme. Revenue Jersey does not hold the information requested in the specified format. Data on personal income tax audits is available from 2021.

In 2021, over £5.5 million in additional income tax was assessed against 105 personal taxpayers.

In 2022, over £2.3 million in additional income tax was assessed against 84 personal taxpayers.

2.16 Deputy T.A. Coles of St. Helier South of the Chief Minister regarding the shipping costs relating to all chemical and microbiological analysis. (WQ.337/2023)

Question

Further to the response provided to [Written Question 203/2022](#) will the Chief Minister provide the shipping costs relating to all chemical and microbiological analysis not carried out on Island, over the last five years?

Answer

As the Deputy is aware, the response to WQ 203/2022 provided certain information regarding the cost of chemical and microbiological analysis by departments over a five-year period in instances where it wasn't possible for the analysis to be undertaken on Island. It was noted that the figures provided in that response excluded shipping costs, however.

The task of identifying shipping costs specifically for all chemical and microbiological analysis is not straightforward. The main providers of this service are used across the Government of Jersey for numerous purposes. In seeking to respond to this question, officers have extracted preliminary data in respect of the service providers involved, but further analysis would be required to identify specific transactions which relate to the shipping of chemical and microbiological materials. The preliminary data does not of itself give any broad indication in this respect. Further exploration of this preliminary data would likely require cross-referencing with the relevant courier in the case of each individual transaction where a chemical or microbiological material were transported.

Whilst work will continue to seek to provide as much relevant information to the Deputy as is possible, practical constraints could be prohibitive. Officers would be pleased to meet the Deputy in person to discuss and further explain the difficulties of extracting the specific data to address the question. A further public response could then be provided following that meeting.

2.17 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding prescribed opioid medications. (WQ.338/2023)

Question

In respect to prescribed opioid medications, will the Minister state –

- (a) what safeguards are in place to monitor and prevent addiction;
- (b) what opioid prescription guidelines are followed;

- (c) when the prescription guidelines were last reviewed; and
- (d) if records are kept regarding opioid prescriptions, and if they are, publish these for the last five years?

Answer

- (a) what safeguards are in place to monitor and prevent addiction;

Safeguards currently in place include the following:

- Services will follow the relevant guidance, which includes safeguards – available through professional bodies such as:
 - the Royal Pharmaceutical Society
 - the Royal College of General Practitioners
 - the Royal College of Nursing
- Annual practice prescribing review meetings and 1:1 prescriber reviews include a focus on opioid prescribing.
- Information about opioid prescribing is reported to GP practices. This includes the following data:
 - Amount of all opioid prescriptions
 - Amount of high dose opioid prescriptions
 - Amount of oxycodone prescriptions
 - Amount of Tramadol prescriptions
 - Amount of Dihydrocodeine prescriptions
- Information is provided to allow practices and prescribers to highlight areas of practice for review.
- HCS has a team of Clinical Pharmacists who review medicines prescribed to inpatients to ensure that they are appropriate for individual patients. High risk medicines are prioritised, which includes opioids.
- Patients who have been administered Naloxone (which reverses the effects of opioids) are also reviewed as a priority, as this can indicate that a patient has received an overdose.
- HCS has implemented an Electronic Prescribing system, which produces alerts if more than one opioid is prescribed at a time, so that prescribers are aware that they are prescribing another opioid.
- HCS has a Medicines Optimisation Committee which provides oversight and assurance of the safe, effective and economic use of medicines within HCS.
- The Pharmaceutical Benefit Advisory Committee (PBAC) is responsible for making recommendations to the Minister for Social Security for changes to the Approved List of Pharmaceutical Preparations (the ‘Prescribed List’).

(b) what opioid prescription guidelines are followed;

It is useful to first describe what an opioid medicine is, as there are many different opioids of differing potencies:

- Opioids are a type of medicine that will help relieve pain. Weak opioids such as codeine and dihydrocodeine are used to treat mild to moderate pain. Strong opioids such as morphine and oxycodone are more effective for severe pain.
- The brain produces naturally occurring opioids to relieve pain. Most opioids medicines act at the brain’s opioid receptors meaning that they mimic the actions of naturally occurring opioids to relieve pain.
- Opioid tolerance can occur when a person taking opioid medication begins to experience a reduced response to the medication – meaning that an increase in the medication dosage is required to produce the same effects.
- Opioid dependence occurs when the body adjusts its normal functioning around regular opioid use. Unpleasant physical symptoms can occur when the medication is stopped.

Prescribers will use various resources to aid with their prescribing. With specific regard to opioids. This includes:

- Guidance produced by the Faculty of Pain Medicine of the Royal College of Anaesthetists
- Guidance from the National Institute for Health and Care Excellence (NICE)

(c) when the prescription guidelines were last reviewed; and

The guidelines are produced by national bodies who will update them when appropriate.

(d) If records are kept regarding opioid prescriptions, and if they are, publish these for the last five years?

The number of prescription items dispensed by the Hospital Pharmacy – for outpatient and discharge prescriptions:

2018	2019	2020	2021	2022	2023
6747	5809	6211	6532	6456	4859

The number of prescription items dispensed by Community Pharmacies:

Year	2018	2019	2020	2021	2022	2023 (7 Months)
Total number of prescription items dispensed for an opioid	56,927	56,737	56,535	56,194	56,566	32,547

Further information

How opioid prescribing can lead to addiction:

- Opioids produce pain relief – and for some people – a sense of heightened wellbeing (euphoria).
- Experiencing euphoria after taking opioids may be a warning sign of vulnerability to opioid addiction. This can occur in people taking opioids as prescribed.
- Other contributing factors to addiction may include family history and environmental and lifestyle factors.
- The decision to prescribe a medicine – including opioid medicines – is a clinical one, which is the responsibility of the prescriber. This includes responsibility for reviewing the effectiveness of medicines and an understanding of any side effects.
- Prescribers should only prescribe enough of a controlled drug to meet a patient’s clinical needs for no more than 30 days.

Details on addiction and signs of:

- Addiction is different to dependence.
- Addiction is features tolerance and withdrawal but is also accompanied by cravings, lack of control, overuse and continued use despite harm.
- Addiction is also associated with problematic behaviours including dose escalations - which are not prescribed.

2.18 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding Government policy on the provision of community and postal services. (WQ.339/2023)

Question

Following the recent announcement that four post offices in Channel Island Co-operative Society stores are due to close, and the lack of provision of a mail plane following a decision by Royal Mail, will the Chief Minister –

- (a) state what the Government policy is regarding the provision of community and business postal and post office services; and
- (b) if an impact assessment has been undertaken in developing the Government policy, and if not, why not?

Answer

The provision of community and business postal and post office services is an operational matter for Jersey Post. The Government's relationship with Jersey Post is managed via the shareholder management function within the Department for Treasury and Exchequer. As the Shareholder Representative, the Minister for Treasury and Resources approves Jersey Post's annual business plan and maintains regular engagement with Jersey Post. The Government supports the provision of community and business postal and post office services where these are operationally and commercially viable.

The decision to close four post offices was, accordingly, an operational decision taken following discussions between the Channel Islands Co-operative Society and Jersey Post. Full assessments for each branch were undertaken by Jersey Post. I am advised that Jersey Post will be advertising for replacement Post Offices at Pontac, Beaumont and Georgetown and is not seeking to close branches.

It is important to note that, after these four closures, there will be two main branches and 12 community branches operating across the Island.

2.19 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding Government communications. (WQ.340/2023)

Question

In light of concerns relating to communications on the part of Government or by Government officers and the recent disclosure of the number of staff in and cost of its communication function, will the Chief Minister –

- (a) undertake a review into the cost, structure, and quality of the Communications function within the Cabinet Office as a matter of urgency, as well as the social media policy for Government officers;
- (b) for the purposes of the review, compare the cost and numbers of staff employed in Government communications with other small jurisdictions and if not, why not; and

if not, why not?

Answer

As part of the ongoing development of the Cabinet Office, Ministers will continue to keep under consideration the whole Cabinet Office function and how this can most effectively support the work of Jersey's Government and the services it provides, ensuring that important information is provided to the public in a clear, open and understandable manner. This will include, for example, public health information, internal communications, as well as communicating Government policy and its implementation.

Work is already being undertaken by the Interim Chief Executive and will include looking at examples of good practice in other comparable jurisdictions so that improvements can be made across the Cabinet Office, and value for money achieved for taxpayers.

The review of protocols, which includes the social media policy for Government officers, is ongoing and part of business-as-usual activity. This reflects one of our public sector values which is “Always Improving”.

2.20 Deputy M.R. Scott of St. Brelade of the Minister for Treasury and Resources regarding the ceiling for Income Tax thresholds. (WQ.341/2023)

Question

Will the Minister explain the basis on which the ceiling for income tax thresholds is set, or calculated, and how this is regarded in the context of policy concerns of the Comptroller that ‘cliff edges’ in the imposition of taxation should be avoided, notwithstanding marginal relief?

Answer

It has been the standing policy of successive governments to uprate the main income tax exemption thresholds annually by the lower of June RPI and average earnings (reported in August). The Single Person’s exemption threshold – the principal tax allowance (proposed to be £20,000 for 2024) which will exist within Independent Taxation – has been maintained at a level which exceeds a full States “old age pension” (currently around £13,180). It, along with other allowances, was uprated significantly to compensate for the introduction of GST on food at the same time as the introduction of the Food Cost Bonus and Income Supplement.

Marginal Relief ensures that no cliff edge arises in the application of Jersey income tax. For example, in 2024 a person who has income of £20,001 would have a tax liability of 26 pence; income of £20,100 would generate a tax bill of £26 and so on.

2.21 Deputy R.J. Ward of St. Helier Central of the Chair of the States Employment Board regarding the Education Partnership between the States of Jersey and the NASUWT (National Association of Schoolmasters Union of Women Teachers). (WQ.342/2023)

Question

In respect of the Education Partnership between the States of Jersey and the NASUWT (National Association of Schoolmasters Union of Women Teachers) signed in September 2014 ([Education Partnership](#)), will the Chair confirm whether it is still in place and adhered to; and, given the start of discussions on terms and conditions (T&Cs) with the Unions will the Chair provide details as to –

- (a) how this agreement affects these discussions;
- (b) whether all teaching unions have equal involvement in the development of T&Cs;
- (c) whether discussions in respect of T&Cs and pay for lecturers at Highlands College include all unions or just one single union;
- (d) the extent to which unions are able to attend meetings and have their voices heard; and
- (e) how the final agreement will be decided across all unions?

Answer

I can confirm that the Education Partnership as referenced by the Deputy is no longer operational with the last meeting between representatives of the Government of Jersey and the NASUWT under the terms of the Partnership undertaken in 2018. Therefore, to answer question A, the agreement does not affect the discussions on terms and conditions with the teaching unions.

(b)

The NASUWT and NEU have equal involvement in the development of the T&C's.

(c)

Separate meetings will be held for Lecturers as they do not form part of the bargaining group for Teachers. Highlands College Lecturers have a single recognition agreement with NASUWT.

(d)

Representatives have been given time off to attend the terms and conditions review – this was agreed and supported by the Group Director of Education. Meetings did not take place during their summer holidays.

(e)

It is envisaged that the parties will work in partnership in reaching agreement and prior to any changes being made to Terms and Conditions.

2.22 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding meetings between CYPES and the teaching unions. (WQ.343/2023)

Question

Will the Minister provide details of the meetings which have taken place between CYPES and the teaching unions with regard to Terms and Conditions since 2014, to include the following –

- (a) the dates and attendees at each meeting;
- (b) the extent to which the [Education Partnership](#) affects (or has affected) any discussions;
- (c) whether lecturers at Highlands College are represented by all unions or one single union; and

the scheduled dates for any future meetings?

Answer

(a) Discussions which focus on contractual changes to teachers' terms and conditions are led by Employee Relations (part of People and Corporate Services). CYPES Officials are asked at times to support Employee Relations colleagues as requested. CYPES Officials do not retain a record of all these meetings.

In 2019, CYPES Officers supported Employee Relations with the delivery of (the earlier titled) Education Reform Programme, which sought to achieve agreement to redistribute funds for the additional pay offer to Teachers and to employees on the Teaching Assistants' Framework.

Five meetings were held and the attendees at each meeting are listed below:

Meeting 1 - 18th September 2019

Director Policy & Planning (CYPES)

Strategic Director Employment Relations (GOJ)

Unite Union representatives x 2

Prospect Union representatives x 2

NEU representatives x 2

NASUWT representatives x 4

NAHT representative

Director Standards & Achievement (CYPES)

Business Partner – Finance (T&R)

Head of Facilities Management (CYPES)

Senior HR Business Partner for Children, Young People, Education & Skills (COO)

Meeting 2 – 10th October

Director Policy & Planning (CYPES)

Strategic Director Employment Relations (GOJ)

Unite Union representative

Prospect Union representatives x 2

NEU representatives x 3

NASUWT representatives x 3

Business Partner – Finance (T&R)

Head of Facilities Management (CYPES)

Senior HR Business Partner for Children, Young People, Education & Skills (COO)

Programme Consultant Total Reward Review (People Services)

Meeting 3 – 21st November

Director Policy & Planning (CYPES)

Strategic Director Employment Relations (GOJ)

NEU representatives x 2

NASUWT representatives x 3

Prospect Union representatives x 2
Unite Union representative
Business Partner – Finance (T&R)
Director Standards & Achievement (CYPES)
Senior HR Business Partner (CYPES)
Head of Facilities Management (CYPES)
Project Officer (CYPES)

Meeting 4 – 4th December

Director Policy & Planning (CYPES)
Strategic Director Employment Relations (GOJ)
NEU representatives x 2
NASUWT representatives x 2
Prospect representative
Business Partner – Finance (T&R)
Director Standards & Achievement (CYPES)
Head of Facilities Management (CYPES)
Project Officer (CYPES)

Meeting 5 – 12th December

Director Policy & Planning (CYPES)
NEU representatives x 3
Unite Union representative
NASUWT representatives x 4
Prospect representative
Strategic Director Employment Relations (GOJ)
Business Partner – Finance (T&R)
Senior HR Business Partner (CYPES)
Project Officer (CYPES)

In addition, I can confirm that Officers in CYPES and Employee Relations meet on a quarterly basis with all unions working in schools to explore numerous issues raised, including working conditions; changes to operational practices; and progress with the Education Reform

Programme. These meetings do not discuss agenda items focusing on contractual terms and conditions related issues.

Quarterly meetings have been held of the below dates:

26 January 2022

23 May 2022

13 July 2022

30 November 2022

22 February 2023

14 June 2023

Scheduled:

27 September 2023

8 November 2023

21 February 2024

Additionally, the Minister for Children and Education has attended meetings as per below list:

19th July 2022 – Education Partnership Discussion

NASUWT Representatives x2

Chief Minister

Assistant Chief Minister

Minister for Children and Education

Director General Education

Head of Office Education

31st August 2022 - National Education Union, Chief Minister and Minister for C&E

NEU Representatives x3

Chief Minister

Assistant Chief Minister

Minister for Children and Education

Chief Officer CYPES

Group Director Education

Group Director Chief Operating Office

21st October 2022 – National Associate of Head Teachers

NAHT Representatives x2

Chief Minister

Assistant Chief Minister

Minister for Children and Education

Chief Officer CYPES

Group Director Education

Group Director Chief Operating Office

(b) The Education Partnership as referenced by the Deputy is no longer operational, with the last meeting between representatives of the Government of Jersey and the NASUWT under the terms of the Partnership taking place in 2018. These Partnership meetings ran alongside the concomitant Education Forum, through which officers met with the other teaching and education leadership unions.

As no meetings have taken place since 2018, the Partnership agreement does not impact on the current terms and conditions review with the teaching unions.

The scope of work as detailed in the Terms of Reference for the Partnership (agreed in 2014) included a focus on:

- improvement agenda (including performance management, Further Education and skills strategy);
- workforce rewards strategy (including pay and allowances);
- workforce modernisation (including non-pay conditions);
- culture change (professional agency).

Dates of meetings, attendee, minutes of meetings and Partnership Notes can be found at the link provided in the Deputy's question above.

The key areas of work explored by the Partnership were as follows:

- Curriculum
- Autonomy in schools
- Development of a staff survey
- Development of the Jersey Premium
- Assessment Framework
- Moderation
- School Starting Age
- Jersey School Review Framework

- Development of best practice reports to reduce teacher workload
- Jersey Special Educational Needs Code of Practice

The work of the Education Partnership primarily centred on reform issues within Education. Reference was made in the January 2017 Partnership Note on the wider benefits of the Education Partnership to the workload modernisation agenda.

(c) Highlands College Lecturers have a single recognition agreement with NASUWT. The NEU provided no data referencing members within Highlands College in the recent strike notification.

Dates for future meetings regarding Terms and Conditions are outlined below:

27/09/2023

18/10/2023 - Scheduled IA day, to be reviewed/ amended

08/11/2023

29/11/2023

10/01/2023

31/01/2024

21/02/2024

2.23 Deputy R.J. Ward of St. Helier Central of the Minister for Economic Development, Tourism, Sport and Culture regarding the closure of post offices. (WQ.344/2023)

Question

Will the Minister advise what discussions, if any, have taken place between his department, Jersey Post and the Channel Island Cooperative Society regarding the closure of post offices within certain stores; and whether any impact assessment of these closures has been undertaken by the Minister?

Answer

The Government's relationship with Jersey Post is managed via the Minister for Treasury and Resources and the Department for Treasury and Exchequer. Jersey Post has kept the Department for Treasury and Exchequer updated during its discussions with the Cooperative Society and full assessments for each branch were undertaken by Jersey Post, the Department for the Economy was not involved in these discussions. Jersey Post's assessments identified minimal impact due to low transaction levels and close proximity to other branches.

2.24 Deputy L.V. Feltham of St. Helier Central of the Minister for Infrastructure regarding affordability of major planned Government capital projects. (WQ.345/2023)

Question

Will the Minister advise –

- (a) if he believes some major planned Government capital project may now be unaffordable;
- (b) what advice, if any, he has received from the Minister for Treasury and Resources, or Treasury officials regarding the affordability of the planned programme of capital projects;
- (c) what discussions, if any, he has had, or his department has had, with other Ministers or departments about delaying or changing capital projects that are in progress or planned;
- (d) how he proposes that capital projects are prioritised; and

provide a list of all current and planned capital programmes or projects identifying the status of each, including whether the projects have been delayed, paused, stopped, or are on track, and the current RAG (Red/Amber/Green) status for each project or programme?

Answer

- (a) **If he believes some major planned Government capital project may now be unaffordable;**

I remain committed to delivering the current and immediately planned Capital projects and do not anticipate that these will become undeliverable or unaffordable. However, I feel it is important that our aspirations for longer term projects currently under consideration should be suitably tempered, bearing in mind the current, and foreseeable, financial climate.

Capital projects must, of course, continue to be funded efficiently, whilst providing islanders with the best quality and most cost-effective buildings and infrastructure achievable. Balancing these priorities with emerging and unforeseen requirements, the capacity of the construction sector, the vast scope of the projects, and the increased cost of living, is something that must be carefully considered.

- (b) **What advice, if any, he has received from the Minister for Treasury and Resources, or Treasury officials regarding the affordability of the planned programme of capital projects;**

I believe this series of questions stems from comments I made at a recent Scrutiny Hearing. As such, I should, perhaps, explain the background to them.

When first elected, I was surprised by the extent of the capital projects then under discussion. There appeared to have been little joined up consideration of the potential overall cost which struck me as being unrealistic.

Since that time I have been, and remain, in constant dialogue with the Minister for Treasury and Resources, and other Ministers where relevant, regarding the affordability of this, longer

term, programme of capital projects; the intention being to develop a more realistic decision making process than that which appeared to exist at the time of the most recent election.

(c) What discussions, if any, he has had, or his department has had, with other Ministers or departments about delaying or changing capital projects that are in progress or planned;

Please refer to my response to the previous question. There are no plans to alter capital projects that are currently in progress or under immediate consideration.

(d) How he proposes that capital projects are prioritised; and

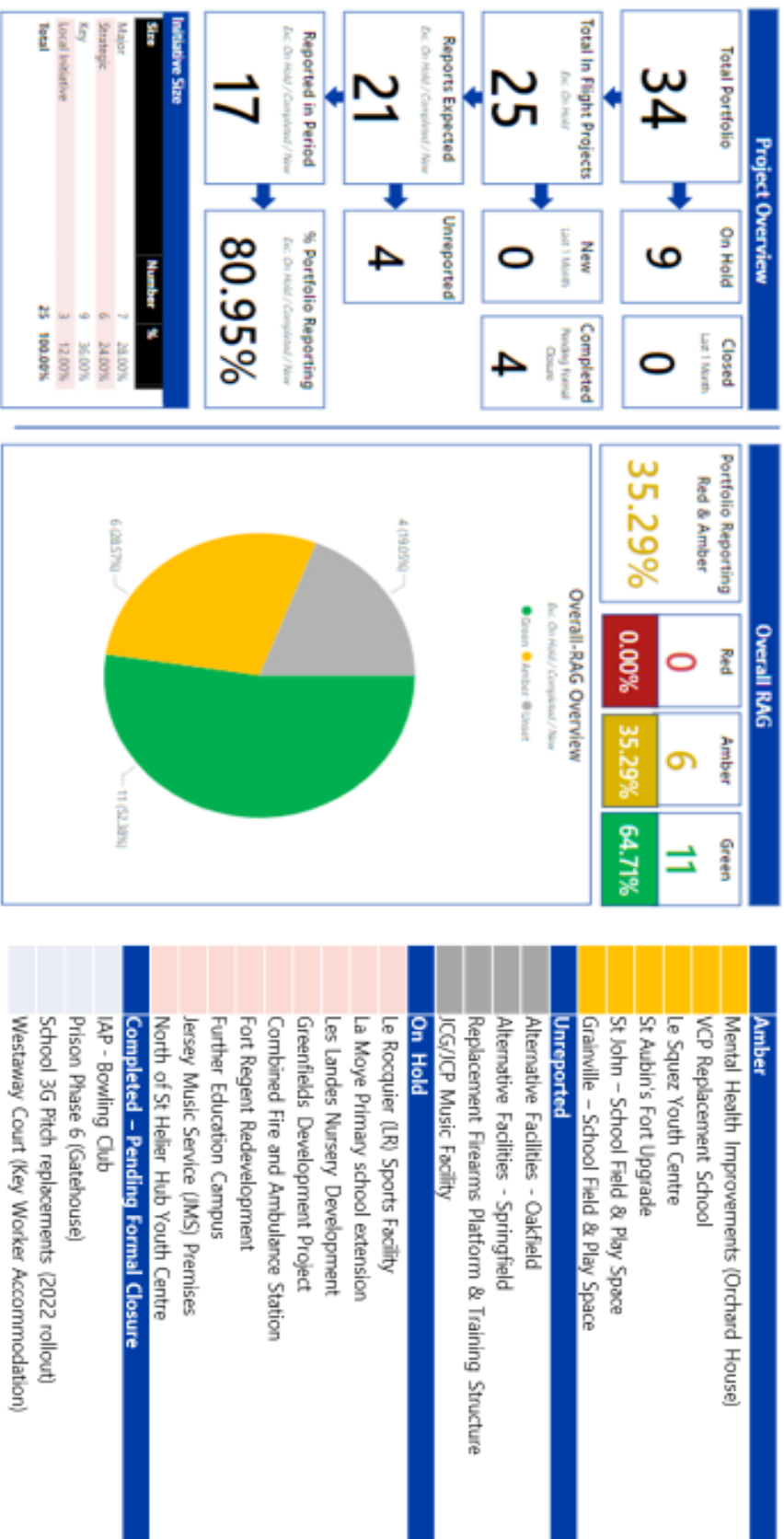
Provide a list of all current and planned capital programmes or projects identifying the status of each, including whether the projects have been delayed, paused, stopped, or are on track, and the current RAG (Red/Amber/Green) status for each project or programme?"

In terms of capital project priority, it is our intention to focus on developing a more concise and cohesive view of the necessary, longer term, capital projects, assessing the priority of their requirement (based on operational need) and the funding likely to be available, in order to develop a schedule and approximate timetable for their delivery.

For the avoidance of doubt, it should be stated that the Council of Ministers is a consensus body and no changes are made without discussions and agreements on the implications of any changes to the capital programme. In addition, that the New Healthcare Facilities Programme remains exactly as it has been presented since its inception.

The RAG status of projects delivered by the Infrastructure & Environment Department is set out below.

Construction Portfolio – Performance Overview





Project by Stage – Capital (Build) Framework

Preparation & Briefing	1a Initial Procurement	1b Pre-Feasibility Study	1c Feasibility Study	1d Procurement and OBC	Concept Design	Spatial Coordination	Technical Design	Building & Construction	Handover & Closure	Use & Benefit Realisation
G MEDTSC PB.2 Revitalisation of Jersey Markets	<input type="checkbox"/> Greenfields Development Project	A St John – School Field & Play Space	<input type="checkbox"/> Fort Regent Redevelopment	<input type="checkbox"/> Denberry House SARC	<input type="checkbox"/> Grainville – School Field & Play Space	G Prison Phase 6b (Cell block demolition)	<input type="checkbox"/> Alternative Facilities - Oakfield	<input type="checkbox"/> School 3G Pitch replacements (2022 rollout)		
A VCP Replacement School	<input type="checkbox"/> North of St Helier Hub Youth Centre	A Le Squez Youth Centre	G Jersey Opera House		<input type="checkbox"/> Les Landes Nursery Development	<input type="checkbox"/> Alternative Facilities - Springfield	<input type="checkbox"/> Prison Phase 6			
G Prison Phase 8 (Pre-release Unit)	<input type="checkbox"/> Le Rocquier (LR)	A St Aubin's Fort upgrade			<input type="checkbox"/> La Moye Primary school extension	G Mont a L'Abbe (MAL) school Extension	<input type="checkbox"/> IAP - Bowling Club			
	<input type="checkbox"/> Further Education Campus	G Overdale (NHF)			<input type="checkbox"/> Replacement Frearms Platform & Training Structure	G Office Accommodation Project	<input type="checkbox"/> Westaway Court (Key Worker Accommodation)			
	<input type="checkbox"/> Jersey Music Service (JMS) Premises					A Mental Health Improvements (Orchard House)	G North of St Helier School (Rouge Boulton Site Re)			
	<input type="checkbox"/> Combined Fire and Ambulance Station					G End Quenault Centre (NHF)	<input type="checkbox"/> JCG/JCP Music Facility			

2.25 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding the appointment of three Independent Advisors and two clinical experts to support the Government of Jersey's New Healthcare Facilities Programme. (WQ.346/2023)

Question

Further to the announcement that three Independent Advisors and two clinical experts have been appointed to support the Government of Jersey's New Healthcare Facilities Programme, will the Minister –

- (a) explain the process followed for their selection;
- (b) advise whether they are being remunerated and, if so, to what extent; and
- (c) detail the total estimated annual cost?

Answer

a) Recruitment processes

For the Independent Advisors to the Ministerial Group, a full, open recruitment process was undertaken to appoint the Independent Advisors to the Ministerial Group. This process was overseen by the Jersey Appointments Commission.

For the Clinical Expert Advisors, a recruitment process was undertaken among Health and Community Services staff. The basis for this was to appoint an individual who was already an established HCS clinician. Following receipt of applications and completion of the interview process, it was agreed that two Consultants could share the role.

b) Remuneration

Each Independent Adviser to the Ministerial Group has been engaged for circa 15 days' work per year with associated remuneration of £12,000 per year.

Each Clinical Expert Advisor has been engaged for eight hours per week to support the programme, which equates to two Programmed Activities in terms of consultant work planning arrangements. This is remunerated in line with employment terms and conditions for the clinical adviser substantive roles on the Jersey Consultant Salary scale. Individual amounts cannot be disclosed.

c) Total cost

The total cost for the Independent Advisors to the Ministerial Group is £36,00 per annum.

The total cost for the Clinical Advisers is equivalent to 30 consultant days per annum, which is considerably below the remuneration for the clinical adviser to the previous hospital project.

2.26 Deputy M.B. Andrews of St Helier North of the Minister for the Environment regarding the migration from petrol and diesel vehicles to electric vehicles. (WQ.347/2023)

Question

Will the Minister confirm, as part of Jersey's plan to be net zero by 2050, whether the migration from petrol and diesel vehicles to electric vehicles is expected to result in a reduced number of middle and lower income households owning their own vehicles and, if so, advise what target figure is envisaged?

Answer

The emissions reduction trajectory modelled for the Carbon Neutral Roadmap focused on a reduction in private vehicle journeys being made across the whole economy. There is no specific target for middle and lower income households.

It is the use of the vehicle that contributes to Jersey's on-Island greenhouse gas emissions rather than vehicle ownership. Although it is hoped that car ownership will decrease, the Carbon Neutral Roadmap does not set a target for a reduction in car ownership, nor is there any expectation that such a reduction in vehicle ownership – were it to occur – would be concentrated in any one income group. The Carbon Neutral Roadmap emissions reduction model allowed for a 7.5% modal shift away from private vehicle journeys by 2030, but we have an aspiration of reaching 10%.

The transport sector is the largest source of on-Island greenhouse gas emissions and the Carbon Neutral Roadmap lays out the three broad ways to reduce greenhouse gas emissions associated with transport as: reducing the need to travel (for example, through the provision of services closer to our homes); shifting journeys to less carbon intensive forms of travel (for example, making active travel and public transport easier, safer, cheaper and more convenient to use); and improving the emissions performance of the vehicles that we use.

The Sustainable Transport Policy adopted in 2020 has the central premise that 'We agree that fewer vehicle journeys will be good for Jersey'. It put forward the Jersey Mobility Hierarchy in which car journeys should be given the lowest priority, with walking, cycling and public transport given preference.

Through reducing the need for travel and shifting more daily journeys to active travel and public transport over the long term it is hoped that more people will be able to meet their transport needs without the need for, or expense of, a privately owned vehicle, or that families can meet their transport needs with one car rather than two.

Access to shared mobility solutions – such as electric car clubs or e-bike rental services – have provided attractive alternatives to car ownership in other locations, that have appealed to a range of socio-economic groups. The provision of such services is being supported through planning policies and is something we are investigating further through the current trial of the Evie subsidised subscription that is being funded through the Climate Emergency Fund.

2.27 Deputy R.S. Kovacs of St. Saviour of the Minister for Social Security regarding the housing component of Income Support. (WQ.348/2023)

Question

Following the response to [Written Question 327/2023](#), will the Minister provide details of how many individuals received the housing component of Income Support in each year from 2012 to 2022 (inclusive) broken down for the following accommodation providers –

- (a) Andium Homes;
- (b) tenants of Housing Associations or Trusts; and
- (c) tenants in private sector accommodation?

Answer

The information requested in written question 327 is available on the open data website.

The information requested in this question is also available on the open data website

[Income support Accommodation Types.](#)

The open data information is summarised below

Year	No of households with open IS claim at year end		
	Andium (and Housing Dept pre 2014)	Housing Trust Rental	Private Rental
2012	3,058	575	1,883
2013	2,972	579	1,971
2014	2,971	602	2,030
2015	2,914	625	1,941
2016	2,880	580	1,862
2017	2,833	582	1,756
2018	2,784	621	1,697
2019	2,734	633	1,674
2020	2,839	673	1,916
2021	2,810	655	1,568
2022	2,826	607	1,285

Note that to provide public data within appropriate data protection principles, categories of accommodation which cover less than 10 households are not reported on specifically but are shown in the data tables with the standard comment (less than 10 (<10)). These categories are

not included in the totals shown. Comparing against the detailed data held in individual records, this has undercounted the total number of households in the table above by around 50 a year.

2.28 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding process and charges on waste. (WQ.350/349)

Question

Regarding the new taxes outlined in page 44 and 46 of the [Proposed Government Plan 2024-2027](#), will the Minister –

- (a) explain the intended process and charges for –
 - (i) domestic liquid waste;
 - (ii) domestic household waste; and
 - (iii) revenue to replace Road Fuel Duty with a Vehicle Tax;
- (b) explain how, if at all, the above is consistent with minimising the effect of the Cost of Living crisis on residents, and how he would address the effect of extra taxes, especially on low fixed income households; and
- (c) confirm which department will oversee the revenue from these new taxes, and where the income is intended to be used?

Answer

As indicated on page 44 of the Proposed Government Plan 2024 – 2027, the additional tax measures with regard to waste charges will be announced in future plans. Development of these proposed policies has not commenced and work on replacing fuel duty is at a very early stage. The Assembly will be asked to approve the application of existing resources to work on the development of ‘user pays’ charges in relation to all aspects of waste, including commercial and domestic liquid and solid waste, in debating part (b) of the Proposed Government Plan 2024-2027 proposition.

The Fuel Duty Replacement policy, outlined on page 46 of the Proposed Government Plan 2024 – 2027, will be developed in 2024, subject to States Assembly approval. It is anticipated that the tax will not be introduced until 2026 at the earliest. Ministers expect to focus on three potential options: a form of Vehicle Ownership Charge or a Road User Charge; or a hybrid option.

Ministers will, of course, keep in mind the prevailing cost of living at the time these charges and taxes are being brought to the States Assembly.

Generally speaking, I expect any new taxes to be administered by Revenue Jersey, within the Treasury and Exchequer department. User-pays charges are more likely to be administered by a sponsoring department. Generally speaking, income from general taxation ought to be paid into the General Revenues to help pay for all public services. It would be more usual to earmark user-pays charges for specific purposes. The Fiscal Policy Panel has advised against hypothecating future taxes.

2.29 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the intended process and charges on waste. (WQ.350/2023)

Question

Regarding the new taxes outlined in page 44 and 46 of the [Proposed Government Plan 2024-2027](#), will the Minister –

- (a) explain the intended process and charges for –
 - (i) domestic liquid waste;
 - (ii) domestic household waste; and
 - (iii) revenue to replace Road Fuel Duty with a Vehicle Tax;
- (b) explain how, if at all, the above is consistent with minimising the effect of the Cost of Living crisis on residents, and how he would address the effect of extra taxes, especially on low fixed income households; and
- (c) confirm which department will oversee the revenue from these new taxes, and where the income is intended to be used?

Answer

(a) Development of these proposed policies has not yet commenced. As of the debate on the Proposed Government Plan 2024–2027, the Assembly will be asked to approve the application of existing resources to work on the development of user-pays charges in relation to all aspects of waste disposal. This project is at an early stage and specific details have yet to be decided. Any proposed charges will be included in subsequent Government Plans.

Work on replacing fuel duty is at a very early stage and sits with the Environment Minister.

(b) The need to invest in the Island’s liquid waste infrastructure has been clearly articulated in the bridging Liquid Waste Strategy and is long overdue. It is necessary to ensure the sewage network continues to function and can accommodate new buildings and homes in future. The scale of investment needed for this essential work requires a suitable funding mechanism. Ministers will, of course, keep in mind the prevailing cost of living and impact before bringing proposals to the States Assembly.

The unpopular nature of these charges has caused a delay of more than a decade in bringing them forward. The intention is to introduce charges that only reflect the amount of money required for the additional work to bring the drainage network up to standard. The Government will be mindful of the impact on families and the hospitality industry. It is important that charging mechanisms remain simple and consistent, but support is in place if necessary. This is why Government maintains various targeted schemes that are designed to help those on lower incomes to deal with financial pressures.

(c) Under current arrangements, any new revenue is administered by Revenue Jersey, within the Treasury and Exchequer department with income from general taxation paid into the general revenues to help pay for all public services. As stated in my response to part (a), this project is in its infancy and decisions about how charges will be implemented has not yet been decided. For clarity, whatever mechanism that is introduced to bring these charges will be used to support the maintenance of drains.

2.30 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding MRI scans. (WQ.351/2023)

Question

Will the Minister advise –

- (a) the number of MRI scans undertaken using the hospital MRI scanner, broken down per annum by both public patients and private patients for the last 10 years; and
- (b) whether she is aware of any private MRI scanners in the Island?

Answer

- (a) Please see data requested below. Note that these are the number of exams performed, not the number of patients and that up to around February/March 2017 we only had one MRI scanner.

	MRI Public Exams	MRI Private Exams	Total Exams
2023	3343	1895	5238
2022	4685	2608	7293
2021	4523	2939	7462
2020	3710	2067	5777
2019	4020	2429	6449
2018	4364	2439	6803
2017	3916	2258	6174
2016	3810	2149	5959
2015	3821	2297	6118
2014	4013	2235	6248
2013	4101	1956	6057

- (b) Other than the two MRI scanners at the General Hospital, we are aware of a private extremity MRI scanner at Strive Health Club.

2.31 Deputy M. Tadier of St. Brelade of the Minister for Children and Education regarding entries for Modern Foreign Languages for GCSE. (WQ.352/2023)

Question

Will the Minister provide the number of entries for Modern Foreign Languages for GCSE for each of the last 5 years, including overall numbers broken down by school; and will she further provide the numbers as a percentage of overall school population?

Answer

Please see table below.

Background notes

The GCSE exam data that we hold is a record of results data and it is extracted from SIMS through a standard reporting module that provides pupil exam results. This module is predicated on the DFE's reporting practice that records GCSE results for pupils in year 11 where the exam may have been taken in year 11 or a prior year.

The Department does not hold exam **entry** data in a form that enables this question to be answered without very significant manual intervention that would take longer than then the time that we have available.

See below breakdown of Exam results by year with the caveat that some of those results may refer to exams that were taken in a previous year.

The table displays data for % of Year 11 population, not overall school population, as the secondary schools cater for different age ranges such as 11-16, 11-18, 14-18.

The following subjects have been included:

- Dutch
- English for Speakers of Other languages
- French
- German
- Italian
- Mandarin
- Polish
- Portuguese
- Russian
- Spanish

Academic year	School Name	Number of Year 11 pupils	Pupils in Year 11 with one or more result in a Modern Language	The total number of results for Modern Languages	Percentage of pupils in Year 11 with one or more result in a Modern Language
2018/19	Grainville	115	45	83	39.1%
	Haute Vallée	107	88	130	82.2%
	Hautlieu	131	121	130	92.4%
	Jersey College for Girls	103	97	119	94.2%
	Le Rocquier	159	61	80	38.4%
	Les Quennevais	107	45	56	42.1%

	Victoria College	94	83	99	88.3%
	Total	816	540	697	66.2%
2019/20	Grainville	134	58	79	43.3%
	Haute Vallée	98	60	85	61.2%
	Hautlieu	141	101	117	71.6%
	Jersey College for Girls	97	92	117	94.8%
	Le Rocquier	138	31	40	22.5%
	Les Quennevais	127	49	55	38.6%
	Victoria College	99	76	86	76.8%
	Total	834	467	579	56.0%
2020/21	Grainville	113	41	59	36.3%
	Haute Vallée	99	58	87	58.6%
	Hautlieu	131	89	96	67.9%
	Jersey College for Girls	110	107	154	97.3%
	Le Rocquier	133	54	61	40.6%
	Les Quennevais	139	57	65	41.0%
	Victoria College	94	77	88	81.9%
	Total	819	483	610	59.0%
2021/22	Grainville	114	40	57	35.1%
	Haute Vallée	123	53	67	43.1%
	Hautlieu	110	96	104	87.3%
	Jersey College for Girls	96	91	99	94.8%
	Le Rocquier	142	64	76	45.1%
	Les Quennevais	142	52	60	36.6%
	Victoria College	90	81	92	90.0%
	Total	817	477	555	58.4%
2022/23	Grainville	119	45	61	37.8%
	Haute Vallée	101	40	54	39.6%
	Hautlieu	129	93	103	72.1%

Jersey College for Girls	100	84	104	84.0%
Le Rocquier	130	60	77	46.2%
Les Quennevais	159	57	67	35.8%
Victoria College	82	76	80	92.7%
Total	820	455	546	55.5%

2.32 Deputy R.J. Ward of St. Helier Central of the Chair of the States Employment Board regarding a ‘Betterment clause’ in pay settlements with Unions. (WQ.353/2023)

Question

Will the Chair advise which, if any, of the Unions who have settled a pay claim this year have a ‘Betterment clause’ as part of their agreement, should other groups receive a higher pay settlement?

Answer

Pay negotiations remain confidential and sensitive to the parties involved. Two pay groups remain in dispute and, as the negotiations continue, the States Employment Board cannot comment on the arrangements of pay negotiations.

What I can confirm is that the policy of the States Employment Board is to not enter into betterment clauses as this undermines the integrity of negotiations between individual pay groups.

We cannot disclose specific agreements that may prejudice on-going or future pay negotiations.

A review of the agreement with the Jersey Prison Officers Association (related to any agreements with other uniformed services for 2023) was agreed given the status of the Uniformed Services Review, although this was not a betterment clause.

2.33 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding the estimated subsidy for 2023 for the current bus provider. (WQ.354/2023)

Question

Will the Minister advise the estimated subsidy for 2023, in pounds sterling, for the current bus provider?

Answer

The contract payments from the Government of Jersey to Liberty Bus are paid to ensure that the fares paid by passengers maintained at a low level. Fares are significantly below the break-even level, therefore representing a subsidy to the travelling public.

As outlined in my response to Written Question 164/2023, the bus operator contract is currently in the process of being re-procured, with tender documentation expected to be issued to a shortlist of organisations which have successfully completed a pre-qualification process.

In view of this, the information requested is currently considered commercially sensitive. At this stage, putting the predicted subsidy amount into the public domain is likely to be detrimental to the Government's negotiating position and ultimately to the public interest.

2.34 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding bus service contract negotiations. (WQ.355/2023)

Question

Will the Minister provide details of the current bus service contract negotiations for 2023, 2024 and 2025?

Answer

The Island's Bus Operator Contract is currently being tendered in accordance with the Public Finances Manual, with the appointment of an operator expected to take place in late spring / early summer 2024.

The bus contract's operations and procurement team have been working closely with policy officers to ensure that the future bus contract will be aligned to the principles agreed in the Sustainable Transport Policy, as well as the Government's current ambition for decarbonisation as outlined in the Carbon Neutral Roadmap.

2.35 The Connétable of St. Brelade of the Minister for Children and Education regarding policy to protect children from activist driven agendas. (WQ.356/2023)

Question

Will the Minister explain how she develops policy to protect children under her care from activist driven agendas promoted by some sections of society?

Answer

Children and young people are protected in the following ways:

- The States, CYPES and therefore schools are obliged to take account of [The Education \(Jersey\) Law, 1999](#) and Curriculum in the development of their policies.

The Law mandates the States to promote the holistic development of Jersey's children, encompassing their spiritual, moral, intellectual, cultural, social, and physical growth (SMSC). This fosters values, morals, character, and responsibility, making young people culturally aware. This is taught mostly through the culture and ethos of the school, and through the Citizenship curriculum (PSHE).

- Schools (both Government and Independent) are held to account for their policies regarding Safeguarding which are closely scrutinised in school reviews using the [Jersey Schools Review Framework](#). The document also ensures reviewers place as a priority:

‘The effectiveness of the school’s curriculum to raise pupils’ awareness and so keep them safe from the dangers of abuse, sexual exploitation, radicalisation and extremism’.

- The Education (Jersey) Law mandates the Minister to appoint the Jersey Curriculum Council (JCC), outlining its roles and purposes. The JCC independently advises the Minister on the statutory Jersey Curriculum, conducts necessary research, and shares findings with schools. This research includes assessing local and global groups or organisations and communicating results to schools. Headteachers report any concerning activities directly impacting schools to the Education Department and ensure scrutiny of individuals, groups, or curriculum materials used to deliver the curriculum.
- Departmental policies result from thorough examination of high-quality national and global research, involving extensive consultations to ensure a comprehensive consideration of various perspectives in the best interest of children and young people.
- Children and young people are also protected by the Teacher’s Code of Conduct cited within the [Teacher’s Terms and Conditions](#), which requires that teacher’s must not *‘endeavour to exert an undue influence with regard to personal attitudes, opinions or behaviour which are not connected with the work of the school’*.

2.36 Deputy L.V. Feltham of St. Helier Central of the Minister for Social Security regarding progress on delivering MSS P5: Conducting a review of our benefits landscape. (WQ.357/2023)

Question

Will the Minister provide an update on progress delivering MSS P5: Conducting a review of our benefits landscape, to ensure that benefits are well-targeted, modern and effective, as set out in her [Delivery Plan](#), including –

- (a) the actions identified following completion of the MSS P5.1 review, including details of the work plan developed, and progress against that work plan;
- (b) what specific groups were included in the work undertaken on MSS P5.2, the findings of this review, or work to date if the review is ongoing; and
- (c) outlining the work undertaken on MSS P5.3 to ensure that the IT system delivered by the Transform Project will support and deliver any future changes to benefits that the States Assembly may decide upon?

Answer

(a) Previous answers to Members' questions (WQ.162/2023, WQ.75/2023, OQ.30/2023, QWON.21/3/23 and WQ.152/2023), have provided details of the areas identified by the high level review.

This information is repeated below:

- The impact of relevant quarter rules on local residents with short gaps in contribution record.
- The impact of relevant quarter rules on parents seeking to claim parental benefit for a second child.
- Provision of death grant for still born babies.
- Home carers allowance rules for parent with more than one child with a long-term health condition.
- Income Support rules in respect of critical skills courses and part time work requirements; asset limits across all benefits.
- The level of special payments for funeral costs.
- Means tested pensioner benefits – asset and income tests; overall application process.
- Gluten free vouchers – future eligibility criteria.
- Jersey Dental Fitness Scheme – value of benefit.
- Overall cost of proposed changes.

Early in 2023, following comments from the general public and States members, the 2023 workplan was expanded to include a major project to support the reduction in the cost of GP surgery fees; a few months later it was also agreed to incorporate the project to implement a free GP surgery offer to children and young people aged under 18.

In addition, decisions of the Assembly have led to further actions being added to this work stream as follows:

- P.24/2023 - review of financial support for provision of flooring in social housing properties
- P.52/2023 - financial support for parents of neonatal babies
- P.59/2023 - amendment to Christmas bonus provision
- P.64/2023 - extension to cold weather bonus scheme (to be debated 3/10/2023)

The principal focus of work to date in this area has been the delivery of the GP schemes for both adults and children and the expansion of the Pension Plus scheme which was successfully launched in September, extending access to a wider group of pensioners and improving the benefits available under the scheme.

In addition, a detailed review has been completed in respect of existing benefit legislation to identify areas that may need amendment to support the implementation of the major Transform programme. This is designed to deliver a new, highly customer-centred benefit administration system and associated processes

Other work that is currently ongoing includes:

- amendments to Christmas bonus legislation to support the recent States decision
- possible amendment to Cold Weather bonus legislation (subject to States decision on P64 as amended)
- review of income support special payments to include funerals and flooring provision as noted above
- review of Jersey Dental Fitness Scheme

(b) The high level review process initiated in early 2023 considered both the structure of benefits and their recipients in a holistic manner. Two main groups have been identified for the early action which has been completed: the work to provide additional support in respect of GP costs is particularly pertinent to individuals with health conditions. It also provides support across groups who currently access means tested benefits but and to those with incomes a little above this level who may have been affected by recent price rises and the increase in bank lending rates. In addition to this wide group, additional support has been targeted at lower income pensioners with the recent changes to Pension Plus. In particular, the scheme has been expanded to include those with modest savings of between £30,000 and £64,000. The income test (income below the income tax limit) remains in place for now but changes to the future income test will be considered in 2024.

(c) As set out above, a detailed review has been completed in respect of existing benefit legislation to identify areas that may need amendment to support the implementation of the major Transform programme. This is designed to deliver a new, highly customer-centred benefit administration system and associated processes. The specification for the IT system to be delivered by the Transform programme includes requirements to enable GOJ to be able to deliver new services or update and amend existing services quickly and easily. Similarly, a major emphasis has been made on the need for the solution to produce comprehensive datasets regarding the use of services and capture feedback from customers to support future policy development. It should be noted that the process to implement a major IT project will often include a period of “change freeze” during which it is not possible to accommodate new design into the planned system. The detailed timetable for the implementation of Transform may need to include a period during which additional changes cannot be made.

As set out in both the 2023 ministerial delivery plan and the 2024 ministerial plan, this work will continue into 2024. Further details will be provided in the 2024 delivery plan.

2.37 Deputy L.V. Feltham of St. Helier Central of the Minister for Social Security regarding the cost of delivering MSS P1.5. (WQ.358/2023)

Question

Will the Minister provide details of the total cost of delivering MSS P1.5 from her [Delivery Plan](#), from 2022 to date, breaking down expenditure by staff costs, contractor costs, costs of products, and any other costs incurred, such as promotional costs?

Answer

For the benefit of other Members, this question relates to the Minister’s commitment set out in her delivery plan as follows:

“Implementing a scheme to provide community access to period products for those who need them in Jersey in 2023. Develop a permanent scheme for community access to period products by the end of Q3 using data and feedback from the ongoing pilot scheme and recent public consultation.”

The cost of the pilot scheme up to August 2023 are set out below:

Product Costs (Sep 22 to Aug 23)	£25,308
Promotion	£13,200
Dispensers	£6,600
Fitting of dispensers	£1,300
Total	£46,408

The pilot phase has been extended to April 2024 to give the scheme more time to mature and embed.

2.38 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding the 3 options for sustainable health funding outlined in the Proposed Government Plan 2024-2027. (WQ.359/2023)

Question

Regarding the 3 options for sustainable health funding outlined on page 96 of the [Proposed Government Plan 2024-2027](#), will the Minister provide details on the following –

- (a) how each of the options will be financed;
- (b) how the Government will engage with healthcare providers; and
- (c) what reforms are proposed for the Health Insurance Fund?

Answer

Page 96 of the Government Plan states that options related to future funding of our whole health and care system will be developed during 2024, and that three factors will be taken into account

when developing those options: the future funding of health and care services (who pays); the financing of health and care services (how do we raise the money) and contracting (how do we engage our providers to deliver better value). Those three factors are not presented as options in or of themselves.

The development of future funding options which are relevant to Jersey's unique circumstances is scheduled to continue over the entirety of 2023 and as described in the Government Plan, will continue into 2024. At the point at which potential options have been developed, the Minister for Health and Social Services is committed to ensuring they are subject to public and provider consultation.

In response to the questions (a) to (c):

(a) 'how each of the options will be financed'

Each of the options that are developed will clearly set out how they will be financed - as financing is clearly a key component of any option. The financing details will be shared by Ministers when available.

(b) 'how the Government will engage with healthcare providers'

The format for consultation is dependent in part on the scale of change envisaged in particular options, the details of which are not yet known. Ministers are, however, agreed that a period of consultation with both providers and the public is required before any final proposition is developed for the Assembly.

(c) 'what reforms are proposed for the Health Insurance Fund?'

It is likely that some of the options will impact the Health Insurance Fund to some extent, but as detailed above, this is not yet known.

2.39 Deputy G.P. Southern of St. Helier Central of the Minister for Children and Education regarding the Skills Development Fund outlined in the Proposed Government Plan 2024-2027. (WQ.360/2023)

Question

Will the Minister provide further details in relation to the Skills Development Fund outlined on page 96 of the [Proposed Government Plan 2024-2027](#); and will she also advise whether consideration has been given to a "green" skills fund to assist with environmental change and development?

Answer

It is proposed that the Jersey Skills Development investment be used to:

- provide training to target specific current and future skills gaps (priority given to those with Entitled/Entitled for work status) as identified by the labour supply/demand model, vacancy data and feedback from employers

- provide numeracy and literacy upskilling for Islanders in the workforce. Addressing these skills gaps will be increasingly essential.
- attract more people with Entitled/Entitled for work status into careers in Jersey (e.g. school students, graduate returners, retirees)
- incentivise apprenticeship pathways if evidence supports a future skill gap
- develop pilot/new projects to close potential future skills gaps, including seed funding tertiary education pathways accessible to Jersey’s workforce. This includes upskilling the workforce to meet the needs of the green agenda

The administration of the skills development investment will include a systemised approach of Government, Employers and training providers working together as a group to identify skills priorities. To support the identification of future skills gaps, the Jersey Supply and Demand model will be utilised to provide a data driven approach, working towards achieving the ambitions of Jersey’s future economy. Economic insights, labour market intelligence, national and global developments and expert industry insights will all contribute to the data provided to the group. The green transition is now a major driver of economic growth and job creation. Green skills investments have already been piloted successfully through Skills Jersey engagement with industry leads:

- Jersey Construction Council (JeCC) - Heat Pump and Water Regulations Training 2023
- Jersey Motor Trade Federation (JMTF) - electric and hybrid vehicle training 2020 (this investment included upskilling tutors at Highlands College to aid continuous delivery on Island.)

The Jersey Supply and Demand model provides estimates of the mismatch between workers and jobs. Through across Government, CYPES and the department for the Economy will continue to analyse data and identify skills demands for the future workforce. This includes areas where environmental change and development are primary factors and green skills can be part of the solution.

2.40 Deputy G.P. Southern of St. Helier Central of the Minister for Housing and Communities regarding the level of subsidy in the assessment of “affordable” homes as outlined in the Proposed Government Plan 2024-2027. (WQ.361/2023)

Question

Will the Minister advise the level of subsidy, both as a percentage and in real terms, that he intends to use in the assessment of “affordable” homes as outlined on page 75 and 76 of the [Proposed Government Plan 2024-2027](#); and will he further advise whether, in light of current inflation in the housing market, he considers that there should be larger subsidies for social housing, and if not, why not?

Answer

It is the Minister for the Environment who will be ultimately responsible for establishing the final agreed level of subsidy to be offered on developments outlined in the Government Plan, through the determination of planning applications. Such applications will be judged in light

of all material considerations and the prevailing market and affordability conditions at that time.

In terms of my position as Minister for Housing and Communities, I will provide advice and guidance to support the evaluation of affordable housing contributions on these sites, with a focus on ensuring that the schemes and levels of subsidy – or assistance – will have an adequate impact on improving affordability for prospective purchasers. The Government Plan provides a minimum percentage of the number of homes only.

In terms of the level of subsidy offered for social housing in light of inflation, the first focus must be on those on the lowest incomes, and our income support system provides financial assistance for housing costs which is already uncapped for social housing. In terms of the social rents policy specifically, I have already committed to undertake a review of this as part of the development of my long-term housing strategy, as set out in my Roadmap for Improved Access to Social Housing, published earlier this summer.

2.41 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding the Vaccination Centre at Fort Regent. (WQ.362/2023)

Question

In relation to the Vaccination Centre at Fort Regent, will the Minister –

- (a) state how many staff (both clinical and non-clinical) are employed there;
- (b) provide the number of vaccinations administered daily, broken down into Flu and Covid vaccines;
- (c) advise how much it is costing per day to run the Centre;
- (d) confirm whether the Centre was closed during the Summer, and if it was, advise who made the decision to re-open it and what discussions were undertaken, if any, with regards to offering Flu and Covid vaccines at GP surgeries instead; and
- (e) provide the total cost of the Vaccination Centre from 2020 to date, broken down per year, alongside the expected total cost for the rest of this year?

Answer

- a) There are 11.2 full time equivalent clinical staff who administer vaccines both within Fort Regent but also via a home visit service to residential care homes and those who are housebound. There are also 16.4 full time equivalent non-clinical staff who plan for future campaigns, collate operational data, prepare the home visit service, and support the running of the operational service at the Fort. Additionally, one Zero hours General Practitioner (GP) is available for clinical advice and guidance as required. Since 2021, workforce headcount has reduced in line with the more targeted approach we now have towards COVID vaccination delivery.

COVID vaccination activity has changed over time, from mass vaccination of the whole population in 2021, to a more targeted approach focussing on the groups at most risk, such as

those aged 65+. Jersey’s vaccination programmes are aligned to those in the rest of the British Isles, as we follow the guidance of the national Joint Committee on Vaccination and Immunisation (JCVI).

b)The table below provides details of COVID and Flu vaccines administered since the beginning of the 2023 winter vaccination campaigns, by day. The COVID autumn booster campaign commenced on 12 September and Flu was introduced on 19 September. The data below is a sample of uptake to date, and the winter vaccination campaigns are ongoing.

Date	COVID	FLU
12-Sep	523	
13-Sep	498	
14-Sep	275	
15-Sep	323	
16-Sep	143	
19-Sep	366	286
20-Sep	290	230
21-Sep	320	258
22-Sep	304	232
23-Sep	261	197

Demand for vaccinations is highest as new campaigns are launched or when new cohorts are opened. As demand reduces, the team redirect focus and resource to the community settings including the housebound and outreach clinics.

c)Average cost per day, Jan-Sep 2023: £6,179.87. The Jersey Audit Office review of the COVID-19 Test and Trace and Vaccination Programmes (May 2022) found that the cost of administering each vaccine was similar to Scotland and lower than the cost seen in England.

d)The main COVID vaccination service was temporarily suspended during a period of low activity over the summer months. Appointments for those immunosuppressed and undergoing any treatment continued. Staff were redeployed to other areas of Government to provide valuable support where needed during this time. A limited number of staff were not redeployed in order to plan the autumn winter vaccination campaigns and for bespoke bookings by Islanders at higher risk.

Jersey continues to align the vaccination strategy with the rest of the British Isles, however in a post-pandemic environment, the next step is to remodel and develop the delivery system for COVID and influenza vaccination and positive discussions are currently ongoing with primary care.

e)Comparative running costs since commencing COVID-19 mass vaccination centre:

2020	2021	2022	2023 YTD	2023 Forecast
£192,304*	£5,003,110	£2,971,368	£1,424,902	£2,088,482

* *The first COVID vaccine was administered on 13 December 2020.*

2.42 The Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding the £675m estimated cost for the acute hospital at Overdale. (WQ.363/2023)

Question

Following the publication of the Government Plan 2024 -2027, would the Minister provide a detailed breakdown of the £675m estimated cost for the acute hospital at Overdale?

Answer

The £675 million estimated in the Government Plan represents the full cost of the Acute Facility at Overdale (apart from an additional £35 million that will be required in 2028 for its completion) and a meaningful start on the Ambulatory facilities at Kensington Place/Gloucester Street and the Health Village in St Saviour. As explained to the Assembly on previous occasions we intend to reveal the total spend for this programme per year, but do not intend to break this down between the sites in order to best protect our commercial position with contractors.

2.43 Deputy M.R. Scott of St. Brelade of the Minister for Health and Social Services regarding implementing the recommendations of the 2022 Review of Health and Community Services (HCS) Clinical Governance Arrangements within Secondary Care. (WQ.364/2023)

Question

Will the Minister advise what progress is being made in implementing the recommendations of the 2022 [Review of Health and Community Services \(HCS\) Clinical Governance Arrangements within Secondary Care](#) and provide –

- (a) the reason for the distinction between mental and physical health within the scope of the report;
- (b) the rationale for separating the crisis team from the home treatment team and the evidence on which this decision was based;
- (c) clarity on why an individual has been engaged to look at clinical governance in mental health, separate from the clinical governance team based in the general hospital; and
- (d) evidence of any consideration given to the possible creation of a silo in these areas that could increase risk of error?

Answer

A progress report on the implementation of the recommendations of the 2022 Review of Health and Community Services Clinical Governance Arrangements within Secondary Care is available on gov.je as part of the meeting papers for the HCS Advisory Board meeting on 4 October 2023; see '[BeOurBest Monthly Report, August 2023](#)'.

In relation to the specific questions asked:

- a) The scope of the report does not clearly differentiate between physical and mental health. The report looked at quality and safety across Health and Community services, which included mental health and social care. Mental health was specifically referenced as a dedicated external review had recently been undertaken in that area, which was clearly relevant to the scope of the report and made specific recommendations in this area (as was the case with Maternity). The quality and safety arrangements within mental health and social care services were discussed with the author as part of the preparation of the report, and certainly many of the overarching recommendations from the report apply to these areas.

- b) The decision to separate the crisis team from the home treatment team was made through the redesign of community mental health services, which occurred during 2022. Modern models of community mental health delivery (including crisis and home treatment teams) differ significantly in different places; the redesign of the community mental health system aimed to create a model that would work well for Jersey (rather than just replicating any model from the UK) and involved a vast amount of input from clinical staff from across the services, as well as reference to standards and evidence (including the Core Fidelity Standards for Crisis services).

An explicit aim of the redesign, reflecting consistent feedback from service users and carers, was to improve crisis response and enhance consistency of care during this time. Crisis assessment and home treatment can be seen as quite discrete aspects of care, and the work undertaken during the redesign identified the potential to improve both of these by separating the functions (as has happened in other jurisdictions). In particular this allows the crisis service to focus specifically on responding in a timely way to (unplanned) crisis presentations, whilst the Home Treatment Team is able to maintain planned interventions (including acute & assertive home treatment) to an identified caseload of people and also accept 'step up' cases from the Community Mental Health Team for brief periods of intervention. These services also moved from being solely for working age adults to all adult services as part of the redesign. Linking the crisis and initial assessment parts of the service also aimed to increase assessment capacity (and therefore move towards a standard of all referrals being seen within 10 working dates, which is significantly different from the previous model) and bring together the Authorised Officer / Mental Health Law Assessment function with the Crisis & Assessment Team, better utilising their skills and experience.

- c) For the purposes of answering the questions, it is assumed that the question is referring to the Quality & Safety Manager role that is dedicated to mental health services.

As with other Care Groups, the Quality & Safety role is partially based within the HCS Quality & Safety Team, and is line managed within that team (not within the mental health care group). By nature of the role, the post holder spends much of their time based within and working directly with mental health services and has specific expertise & experience relating to this area. It is important to stress that good clinical governance is the responsibility of the Senior Leadership Team in mental health services (as in all other care groups within HCS) - the role of the Quality & Safety Manager is to support this.

- d) In terms of governance, the local Care Group governance arrangements report into HCS-wide quality and performance review structures, through to the new Advisory Board. This helps ensure that our approach to clinical governance is consistent, open to check & challenge outside of the care group, and that the HCS Senior Leadership Team (and Advisory Board) have oversight across all HCS services. This ensures mental health service performance and clinical quality issues are very much in view, alongside all other parts of HCS service delivery.

Finally, due to the nature of the clinical work and learning from previous Serious Incidents, it is essential that consistently improved joint working occurs between the hospital and mental health services – these are the potential silos that most impact on patient care. This has resulted in a number of initiatives over recent months – such as joint training, the development of a joint programme of work focussing on the care of patients with dementia or delirium within the hospital setting, and a planned joint consultant event that is looking specifically at the interface between the services and how we can deliver effective, multi-team care to patients who require this.

2.44 Deputy M.R. Scott of St. Brelade of the Minister for Health and Social Services regarding delivering updated operational policies across all areas of healthcare in accordance with the Quality and Improvement in Healthcare process. (WQ.365/2023)

Question

Will the Minister detail what progress is being made in delivering updated operational policies across all areas of healthcare in accordance with the Quality and Improvement in Healthcare process, in particular in the area of mental health, and provide the following information –

- (a) a copy of the rapid tranquiliser policy used by the inpatient department and, if none is available, advice on when this will be produced and published;
- (b) the official operational policy for inpatient care;

- (c) an explanation of the process by which the crisis team operational policy was constructed, and what feedback was obtained from clinicians and staff working in mental health;
- (d) details of the ethical conduct policy for managers within health and an explanation of who is responsible for enforcing policy; and
- (e) the process used to define mild, moderate and urgent cases within mental health, and who has responsibility for determining the categorisation of cases in the absence of a published operational policy for mental health?

Answer

- a) The Rapid Tranquilisation policy was signed off by the Medicines Optimisation Committee on 12 September 2023 and is currently being registered for publication on the intranet. The policy in its current form is available on the [website](#).
- b) The Inpatient Care Improvement Programme commenced in June 2023, and therefore all inpatient policies are being reviewed and rewritten as part of that work.

The current inpatient policies that are currently in use, overdue for review and being redeveloped are:

- Seclusion Policy
 - Observation Policy
 - Management of Leave (mental health inpatients) and Missing Persons Checklist
- c) The development of the Crisis and Assessment Team model and standard operating procedure was undertaken as part of the Community Redesign Programme during 2022. This work was driven by feedback from service users, carers and staff. It involved a number of working groups (with representation from the relevant clinical teams) and 2 large workshops which all community staff (and relevant key stakeholders) were invited to. The programme resulted in the development of a new model and service / team structure. At the second workshop the proposed draft service models and staffing mix were presented in detail, with discussions and opportunities to feedback. Engagement with service users and carers was also part of this work, including presentation at a number of partnership / service user forums and an open public event. Once the final model was agreed, an HR management of change process was followed to allocate staff to the new models.

In addition to the 2 large workshops that took place in 2022, a third ‘initial implementation review’ workshop was held this year. Over 70 staff and partners attended and provided an opportunity for feedback and sharing ideas on the experience of the new model to date.

- d) The States Employment Board has issued the Codes of Practice for all public servants, available on [gov.je](#).

The objectives of these Codes of practice are to:

- enshrine a consistent and clear expectation of all public servants as to the standards expected of them
- provide a strategic document for standards to be applicable throughout the policy frameworks of all organisations for whom public servants work
- define a minimum standard for all public servants
- place duties on each public servant

The States Employment Board will administer these codes through a Scheme of Delegation.

The Codes of Practice include the code on Standards in Public Service. These Standards help employees to:

- make informed decisions
- promote standards and ethical behaviour in public service
- be clear about the absolute standards to which they are held

The sixth standard is ‘Ethics’: “Public servants should act to promote good ethical decision-making and effective decisions through demonstrating trust, responsibility, fairness and caring; in line with good citizenship. Decisions must be objective and seek to demonstrate advancement and a contribution to the objectives of our organisations. “

In addition, there are professional codes of conduct for Health and Care Workers and managerial staff. It is the responsibility of the individual to work within their code of conduct and any breaches are dealt with by the line manager and professional lead supported by HR.

- e) The terms ‘mild and moderate’ relate to the nature of the illness, whilst ‘urgent’ relates to the prioritisation of response. Within the mental health Crisis & Assessment Team, response times are classified as Emergency / Crisis (4 hours); Urgent (72 hours); and Routine (10 working days)

The guidance for this prioritisation is set out in the Standard Operating Procedure for the services as follows:

Priority	Description
Emergency / Crisis Referrals	<p>Identified current high risk of self-harm/suicide or harm to others</p> <p>Presentation with likely acute & severe mental illness, agitated or disturbed behaviour</p> <p>Current incident of harm to self resulting in ED attendance</p> <p>Referrer, service user or carers requesting emergency assessment with rationale</p>

	Mental Health Legislation assessment requested to consider detention (including Article 36 detention by police)
Urgent	Immediate risk not present but significant concern (including risk to self / others, vulnerability or safeguarding concerns) requiring prioritisation over routine assessments Significant concerns expressed from referrer or other agencies, but not crisis / immediate
Routine	Non-urgent referral for assessment – no immediate risk identified

Whilst this provides guidance for staff, clearly the decision around prioritisation is an individual clinical one that incorporates presentation, initial triage assessment, history, and risk.

2.45 Deputy M.R. Scott of St. Brelade of the Minister for Health and Social Services regarding turnover in mental health staff. (WQ.366/2023)

Question

Will the Minister provide details of the turnover in mental health staff for each of the last three years. including a breakdown between clinicians and non-clinicians?

Answer

The table below shows the turnover for mental health services for the years 2020, 2021, 2022 and 2023. The figure for 2023 is part year to date, the previous year's shown are the 12 months to the end of December each year.

The non-clinical figure is high because there are very few employees in this category (ranging on average between 27-33 employees) so a small number of leavers has a big impact on turnover percentage.

Turnover % based on FTE				
	2020	2021	2022	2023
Clinical	6.2%	7.1%	7.8%	4.5%
Non-clinical	3.9%	17.8%	15.7%	19.2%
Total	5.9%	8.3%	8.8%	6.4%

3. Oral Questions

3.1 Deputy L.J. Farnham of the Minister for Treasury and Resources regarding availability of joint taxation returns (OQ.190/2023)

In line with the adoption of paragraph (b) of proposition P.32/2023 (Removal of compulsory independent taxation for existing married couples and civil partnerships) by the States Assembly in July of this year, will the Minister advise how he is ensuring that joint taxation remains available for married couples and civil partners?

Deputy I. J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for Treasury and Resources):

The vote on P.32 left us with a circle to square. Let us hope we do not do that again today. The proposed Government Plan confirms that Ministers are working to provide an option for couples who were resident in Jersey and who were married or in a civil partnership before 1st January 2022 to file a joint tax return. Following discussions with officials last week on the work needed to facilitate joint filing, I will now be proposing to lodge a new proposition to replace P.41 with a view to debate early in 2024, and we will be engaging with States Members ahead of that lodging.

3.2 Deputy R.S. Kovacs of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding regarding the levels of funding provided to Jersey sports clubs (OQ.186/2023)

Given the recent success of the Jersey team at the Worlds Bowls Championships, alongside other sports clubs securing medals at world class championships, will the Minister confirm if clubs that represent the Island on a high level are awarded the same level of funding as Jersey Reds; and will he further provide a breakdown of what the £370,000 provided to Jersey Reds was intended for?"

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

Deputy Stephenson will act as rapporteur on this question.

Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):

Jersey has some incredible local athletes who represent the Island in many sports around the world and put Jersey on the map. But the simple answer to this question is that, no, they are not all treated the same, and certainly not the same as Jersey Reds have been in the past. It is an area of frustration for me personally, and Members will be aware that I have committed to a review of Government's delivery of sports policy, and that will be published later this year. This will identify where delivery of sport can be improved to better support clubs and athletes across many, and all, sporting disciplines. We will also be producing an elite sports strategy, which will seek to identify how we can support and fund pathways for local athletes in a fair and even way across sports. Turning to the second part of the question about Jersey Reds. Two payments were made during 2023; the first was in June and consisted of £130,000 to meet June's wage costs, when an additional £90,000 provided for other immediate costs. A further payment of £150,000 was made directly by government in August to meet the club's urgent cash flow constraints and underwrite operations until September. The Council of Ministers considered further requests for funding during September and concluded it was not in the best interests of the Island to provide further support.

3.2.1 Deputy R.S. Kovacs:

Does the Minister consider that what the last funding was intended for Jersey Red has been achieved and were the Council of Ministers aware, at the time of funding being agreed, that the club's financial position is at risk of collapsing?

Deputy L. Stephenson:

Can I ask the questioner if she means the emergency payments that we have just referred to?

Deputy R.S. Kovas:

The last funding that was agreed at that time.

The Bailiff:

The last funding that was agreed so, therefore, the payments to which you have just made reference, I believe.

Deputy L. Stephenson:

Yes, those fundings were emergency payments, as I said, to meet those emergency costs in that instance to pay wages and the other immediate costs. The Government made it very clear that Jersey Reds' directors should be working to find more sustainable continued ways to fund the club going forward.

3.2.2 Deputy L.J. Farnham:

Having provided essential emergency funding for the Jersey Reds, why did the Government then decide to effectively write off that emergency funding by not providing further funding and, furthermore, not informing the club that they were not going to provide that emergency funding until 8 days after the Council of Ministers made a decision; that is just one day before the club's deadline?

Deputy L. Stephenson:

The emergency payments were given at what we recognise was a difficult time for the club and were designed to prevent an unstructured collapse of Jersey Reds. We were very conscious that there were people's jobs and livelihoods depending on these wages. At that moment in time it became clear that there was an opportunity to look at a potential way forward, in the hope that there may be a sustainable way forward. Some work was completed to look at what that could amount to, which the Deputy himself has now shared some of that work from Santander who are joined to his proposition. A decision was taken that those payments gave us the opportunity to not just pay the wages of those players and prevent that unstructured collapse, it gave the club time to consider where else it may get funding from as well. Also it gave Government time to assess that work that was being completed, looking at future business models. Government then made a decision based on that evidence. It was a very clear decision around the Council of Ministers' table and I think there are many, many holes in that business plan that we will come on to later today. There was a second part of the question, which I have now forgotten. Apologies.

Deputy L.J. Farnham:

It was just to ask why, given the urgency of the situation and the full knowledge that the Reds were in financial difficulty, the decision was not communicated until 8 days after it was taken by the Council of Ministers.

Deputy L. Stephenson:

As soon as the decision was made, efforts were undertaken to try to contact one of the main parties in these discussions who had been liaising with Government on this matter. Unfortunately, that person was away, I believe. Teams calls were offered and reached out but that meeting could not happen until the following Wednesday, due to their diary commitments.

3.2.3 Deputy L.J. Farnham:

In follow up to that, claiming that the Government were not able to get hold of anybody from the Jersey Reds, I would have to suggest that the Deputy is inadvertently misleading the Assembly. But I would say that the chairman and the management of the Jersey Reds trading company, the company that are responsible and receive the ...

The Bailiff:

Deputy, this has to be a supplemental question. So far you are giving information to the Assembly, and you are not asking a question.

Deputy L.J. Farnham:

Were on standby on tenterhooks, I believe, for all of that week and were not contacted at all. Why was the chairman of the club, the person responsible for this, not contacted?

The Bailiff:

Why was the chairman of the club not contacted?

Deputy L. Stephenson:

I do not have all the details of how officials reached out to those individuals. What I would say is that there is a pattern of behaviour over the past year of finding it very difficult to sometimes get hold of some of these individuals involved and to have discussions with them. One of the individuals who the discussion was to take place with could not be there and wanted to be there face to face, is my understanding. I cannot say any more than that. What I would add is that the Government's position on future long-term funding amounting to hundreds of thousands of pounds has been very clear for a year ... since November last year, so almost a year. When I sat in a meeting with 2 of the directors of that club I made my position clear. There have since been formal letters to that effect and numerous correspondence on the matter. It was no surprise to the directors of Jersey Reds that this Council of Ministers would not be supporting their repeated requests for government public funding. [Approbation]

[10:00]

The Bailiff:

I have Deputies Southern, Mezéc, Tadier, Feltham and Scott. I will not take any more after that because that would take us well over the time limit.

3.2.4 Deputy G.P. Southern of St. Helier Central:

At the time of the emergency payment, as it is described, did the Minister have sight, in any way, a viable business plan?

Deputy L. Stephenson:

The emergency payment ... well, no, because there is no viable business plan. It is a very simple answer. [Approbation]

3.2.5 Deputy G.P. Southern:

So, in effect, the Minister was throwing good money after bad.

Deputy L. Stephenson:

What the Government was seeking to do was to prevent an unstructured collapse of a very well-loved organisation that means an awful lot to Jersey, and there is no denying that. We have seen an awful lot of outpouring of support, passion, and love for Jersey Reds. There are benefits socially and economically, although we may not all agree on what those figures may be to the Island. There were also people's jobs at stake here. We believed, at that moment in time, that we were acting responsibly with public money to try to look at what the options could have been. We made very, very clear our Government position on that and where we would be going with it, but it was a very justified decision.

3.2.6 Deputy S.Y. Mézec of St. Helier South:

In respect of the emergency funding, which was agreed and was paid, can the Assistant Minister inform the Assembly whether or not all of the objective financial advice from Treasury officials that the Government received was in support of those payments being made?

Deputy L. Stephenson:

The advice that Ministers received from officers was that we could go ahead with the payments as we wanted to in that situation. I believe there is a letter of instruction that is being put together from an accounting officer. There were 2 different departments involved - Treasury and Economic Development - and the Economic Development accounting officer ... there is a letter of instruction that relates to one of the payments, and forgive me if I have confused which one it may be. The Minister for Economic Development, Tourism, Sport and Culture will be able to provide more information on that.

3.2.7 Deputy S.Y. Mézec:

The question was not about whether payments could be made. Of course, they could. It was about whether they should be. If letters of instruction were issued, that sounds to me like advice was given by officers that payments should not be made and that politicians had to formally overrule those officials on that. So can the Assistant Minister confirm whether or not the objective advice given from those Treasury officials or government officials, who were given letters of instruction, was that the Government should not proceed with providing that emergency funding?

Deputy L. Stephenson:

Yes, the very nature of a letter of instruction means that that accounting officer was not comfortable with that decision. But it is well within the rights of Ministers to be able to make decisions beyond that.

3.2.8 Deputy M. Tadier:

I have recorded the words that Government basically agreed to pay the wages of players to prevent an unstructured collapse of the club. So I am tempted to ask whether the Government were happy to see a structured collapse of the club? I do not know why they were so interested in what kind of collapse the club had, so long as it did collapse. But my question is: to what extent does the Assistant Minister think that this sets a precedent. So what we have got here is Government has decided to pay a business, the wages of the employees of that business, to stop it collapsing, but then say: "But we are not going to give you any more money because we do

not think we should be funding you.” Does that set a precedent to other businesses and potentially other sports clubs in Jersey who might find themselves in that situation in future?

Deputy L. Stephenson:

In relation to the Deputy’s first comments, which were not actually part of any question as far as I could work out, one of the conditions that, I was very keen to ensure, these emergency payments helped to provide was to separate the amateur club from the Jersey Reds. We learned in the process of these discussions that that had not happened yet. Despite they were maybe working in that way, the legal documents had not been signed. It was to be a condition of that. I am frustrated to learn this morning that despite that being a condition it has still not happened. Regarding a precedent being set; I believe, as I said at the beginning, the answer to this question, the way Jersey Reds have been treated by previous Governments over many years has been a very unique situation all through setting all kinds of precedence. We are yet to see others achieve any kind of funding at similar levels as well.

3.2.9 Deputy M. Tadier:

I suppose it is a question of where the Government sees its political policy and ideology with regards to the funding of what we have seen as a very successful sport club, which many think has brought elite sport to Jersey, economic benefit, and also an ability for people to watch high quality sport in the Island, maybe those who are too poor to travel. So does this Government see itself as an interventionist Government, or laissez-faire Government, when it comes to the funding of sport or perhaps more generally?

Deputy L. Stephenson:

This Government has made its position very clear over the past year that it does not see its place as being to fund a private business, whether that is a sporting business or otherwise in this way. Previous grant documents relating to payments under the previous Government actually refer to grants being to secure Championship rugby in Jersey. Now I am not sure how a Government can secure anything like that, and I would question the wording of those documents. They also refer to needing to find a sustainable model. The last grant agreement refers to it being the final payment that Jersey Reds can expect.

3.2.10 Deputy L.V. Feltham:

In the Assistant Minister’s original answer, she referred to the development of an elite sports strategy. Could she inform the Assembly what the purpose and the intended outcomes of that strategy are?

Deputy L. Stephenson:

Absolutely. The strategy is in development at the moment, but it is basically looking at how we support and find pathways for our local athletes to ensure that we reduce some of the inequalities that currently exist in the system and ensure that people who are competing in Jersey or have the potential to compete at higher levels have the support systems around them that they need. There is currently a large gap with regards to this, and we can help to build a better support system around them, from looking at their nutrition and their mental health right the way through to their strength and conditioning, and enabling a more joined-up way of working across lots of sports and different pathways.

3.2.11 Deputy L.V. Feltham:

Does the Minister agree that the Jersey Reds does provide some of that support system that she just referred to?

Deputy L. Stephenson:

No. Jersey Reds is a professional club and brings professional players to the Island to work in jobs at Jersey Reds. Obviously all of those players are going through a very tough time at the moment, and I would never want to speak negatively about them. They have brought some great rugby to Jersey and been an important part of that, but they are not players from Jersey, I think with the exception of one player from Jersey who I believe has not played for a long time. But the strategy is focusing on providing opportunities for local people, for our local young people, growing up in Jersey and being able to see opportunities and achieve their potential at an elite level of sport if they are able to.

3.2.12 Deputy M.R. Scott of St. Brelade:

Will the Assistant Minister please advise, did she consider briefing the relevant Scrutiny Panel on the payments that she was giving to avoid the unstructured collapse, and what measures were considered at the time such as ... other than buying time, such as having a Treasury rep on the board, changing the chair or having a member of the business community on the board as conditions in order to, perhaps, take better control of the management of the club.

Deputy L. Stephenson:

There were lots of scenarios played out and questioned and challenged throughout the conversations. This is not a decision either to grant the emergency payments or to not provide further funding that was taken lightly or quickly. There was an awful lot of work carried out. We discussed all of those points. I even raised things like crowdfunding and others. To be perfectly honest, the reaction from those involved with the club was lukewarm at best. But being quite frank, there was no appetite for any kind of change at all.

Deputy M.R. Scott:

Part of my question has not been responded to.

The Bailiff:

Which part?

Deputy M.R. Scott:

About briefing Scrutiny.

The Bailiff:

Yes, briefing Scrutiny.

Deputy L. Stephenson:

Yes, absolutely. More than happy to brief Scrutiny.

The Bailiff:

But was consideration given to briefing Scrutiny?

Deputy L. Stephenson:

Apologies, I do not know but I will find out the answer to that and let you know.

3.2.13 Deputy M.R. Scott:

With respect to the impact on the amateur club, can I please just confirm: is the Assistant Minister saying that the assurances given that the amateur club has been protected from this financial chaos is not based on anything solid?

Deputy L. Stephenson:

My understanding is that the legal structures that are currently in place, the formal signing of the document to officially remove the amateur club from any link to Jersey Reds at all, has not been actioned despite it being a condition of that first emergency payment. What I have done is sought to find out what this means for the amateur club. I am very confident, and the club is confident, that it is a satisfactory situation currently, even if the Jersey Reds company does go into liquidation. They are confident that it would not have an impact on them. My understanding is that the structure, the company that Jersey Reds is linked to that links to the amateur club, only holds immovable assets. So it is things like rugby balls, for example. The fixed assets of the amateur club, which let us remember is all of the assets for the rugby club; the pitch, the clubhouse, the land, et cetera, is all in a separate company, which has no link into the Jersey Reds.

[Additional information provided by Deputy L. Stephenson to States Members after the conclusion of this Oral Question, is included below for completeness]

Members Information

Jersey Rugby Football Club is an association incorporated under the "Loi (1862) sur les teneures en fideicommis et l'incorporation d'associations". The Club's constitution is in regard to this and as per the AGM the elected official are:

Chairman: Daniel McAlister

Treasurer: Andrew Allan

Secretary: Thomas Ellis

The Committee as often referred to is the Committee of Jersey Rugby Football Club (JRFC) the incorporated association.

- RFC is the members club.
- Pitches 4 & 5 (Field 789) often referred to as the back pitches are crown owned land for which Jersey Rugby Football Club extended the lease in the Royal Court on Friday 14th July 2023 until June 2055.
- Jersey Rugby Football Club Holdings Limited owns the Land (Pitches 1 & 2) and Buildings of Jersey Rugby Football Club.

Jersey Rugby Football Club the association is the owner of:

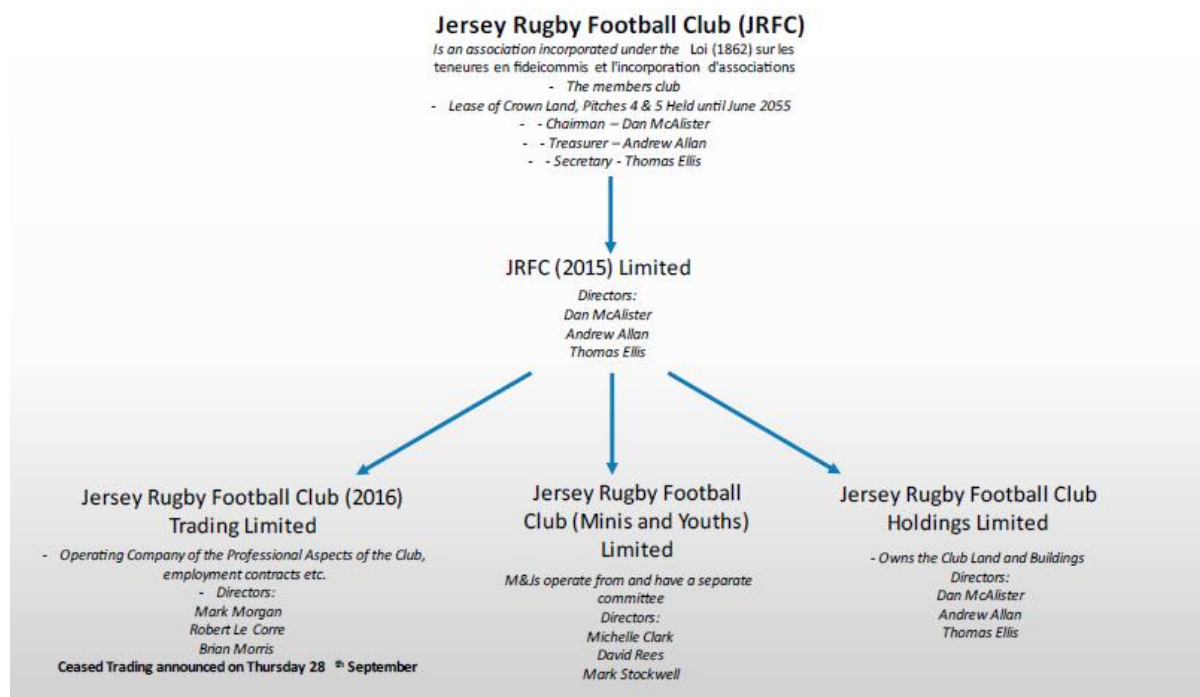
- Jersey Rugby Football Club (2015) Limited

Jersey Rugby Football Club (2015) Limited is the owner:

- Jersey Rugby Football Club (Minis and Youths) Limited - Company from which the Minis and Juniors operate and have a separate Committee and Board of Directors for the company.

- Jersey Rugby Football Club Holdings Limited - Company which own/holds the Land (Pitches 1 & 2) and Building.
- Jersey Rugby Football Club (2016) Trading Limited - Company which was carrying out the Jersey Reds professional operation in years gone by including Employment contracts etc.

(Directors Mark Morgan, Robert Le Corre and Brian Morris) Company announced as ceasing trading on Thursday 28th September 2023. Jersey Rugby Football Club was not informed of this information until the morning of Thursday 28th September in line with when the information went into the public domain.



Jersey Reds (2022) Limited was incorporated on 24/06/2022 and is not part of the above arrangements. Directors: Brian Morris, Mark Morgan, Mark Chown and Gordon Crawford.

All information above in terms of Entities and Directors is in the public domain and free to access from the JFSC Registry Website.

FAQ

Q: Are JRFC and Jersey Reds 2 separate Legal Entities?

A: Jersey Rugby Football Club (2016) Trading Limited and Jersey Reds 2022 Limited are the two entities under which Jersey Reds have been operating these are separate Legal Entities (Legal Persons) to that of Jersey Rugby Football Club which is made up of as below:

- Jersey Rugby Football Club (Fideicommiss) (JRFC) The members club
- Jersey Rugby Football Club (2015) Limited
- Jersey Rugby Football Club Holding Limited (Owner of the Land and Building)
- Jersey Rugby Football Club (Minis and Youths) Limited (The M&Js operating company).

This means Jersey Rugby Football Club can continue to operate. However, there are a significant number of facilities that were used by both parties and therefore several suppliers have had to be engaged/re contracted due to the Reds ceasing trading.

Q: Were JRFC involved in the proposition or information provided in the proposition being put before the states assembly tomorrow (3rd October 2023)?

A: JRFC has had no involvement or contact regarding the information being tabled in the proposition other than one email this morning asking for approximate number of current club membership, M&Js and number of RFU qualifications for a meeting being held with the Government (no mention of a potential proposition).

The Business Model Review document provided in the proposition disappointingly shows that conversations were had between the Jersey Reds Board and Santander in Late June 2023 with the review document and none of the information surrounding a potential unstructured collapse of the professional club communicated to JRFC.

The document also makes several assumptions which JRFC have not been involved in such as a 3G pitch to be funded by Santander and the assumption that if this was agreed that revenue from this would be solely for Jersey Reds.

Q: What does this mean for Membership Fees?

A: Membership fees are paid to JRFC (The members club) these are to support the local community rugby club. The membership remains as they have done at the start of the season. Membership fees are very important to the operations of JRFC, signing up as members is a very helpful way to support the club at this time and we would be grateful for any friends/family that may wish to join to show their support.

Q: What does this mean for Sponsors of the Jersey Reds?

A: We can not provide specific comment on this as this is up to the sponsors of Jersey Reds. JRFC is honoured to have a significant number of existing sponsors and will aim to continue to provide regular events at the club. We are incredibly grateful to all the sponsors involved in rugby in Jersey over the years.

Q: Are JRFC Finances Sound?

A: JRFC Committee who took over in July 2022 had originally planned to build cash reserves and increase income over the first 3 years with the aim to be able to be fully self-sustainable without the Reds if there was ever to be a time when that occurred. Nobody wanted or expected this to happen and unfortunately the devastating news on Thursday came as a surprise to JRFC. JRFC's committee is working on plans to ensure the long-term sustainability of the club, this will be achieved through increased sponsorship, membership, and income from events. We are pleased that we finished the 2022/23 season in at the time a strong financial position as presented at the AGM and will endeavour to work hard to maintain a strong financial position. JRFC are thankful for all the supportive messages from members, sponsors past and present as well as the Government.

Q: What can members do to help?

A: We ask members to continue doing as they have done already by coming up to the club and supporting local community rugby. It was great to see so many faces on Saturday and Sunday and this support is vital. We ask you to have patience as we know there will certainly be

challenges over the coming weeks and months and we may not get everything quite right, but we will aim to do our best and keep open and honest communication with members.

3.2.14 Deputy R.S. Kovacs:

As the Assistant Minister already agreed in her answers that Jersey Red's influences can also bring back to the economy. If the Government would be to commit to give further funding to save Jersey Reds, under what conditions from the club would the Assistant Minister agree with that?

Deputy L. Stephenson:

I do not agree with further funding being given to the club at all, so I do not believe I can answer the question apart from saying I do not agree with it.

The Connétable of St. Lawrence:

May I raise the défaut on the Constable of Trinity, please?

The Bailiff:

Yes. The défaut is raised on the Constable of Trinity.

3.3 Deputy L.V. Feltham of the Minister for Infrastructure regarding the North of St. Helier Hub Youth Centre capital project (OQ.193/2023)

Further to the response to Written Question 345/2023, will the Minister advise why the North of St Helier Hub Youth Centre capital project is currently on hold and why the central St. Helier primary school project is not listed as a capital project?

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

It would appear that I owe Deputy Feltham something of an apology. As a result of the written question, I sent the Deputy a property schedule where the youth centre project appeared in a category marked "on hold". I believe the term itself was probably inappropriate. It should have been titled "work in progress". The "on hold" reference was simply referring to the fact that no physical progress has been made. This is because, thus far, it has not been possible to identify a suitable location. That said, I can confirm that basic feasibility studies have already been carried out on more than 15 properties, that attempts to find an appropriate site are ongoing, and that in recent weeks a property has been identified that shows a slightly higher degree of promise. As for the second part of the question: I am aware of proposals for 2 St. Helier primary schools, one for the east side and another for the west. Neither of them were listed on that same information sheet. That is because Property Holdings does not currently own the identified eastern site, and the western site has still to be identified.

[10:15]

However, as the Deputy might be aware, one of these school projects, the Gas Place project, is mentioned on page 65 in the main report of the 2024 Government Plan, where £13.5 million has been earmarked for 2026, and it is on page 26. I should mention that the sum of money involved covers a number of projects, and that project is included in that figure. I do apologise; the department issued a schedule and I did not study it sufficiently well. I should have identified that. That was simply an omission. So I can only apologise.

3.3.1 Deputy L.V. Feltham:

I am conscious that the funding for the St. Helier Youth Centre was secured, I think Deputy Ward, if he were here, would put me right I am sure, around 5 years ago. Also we have known about the need for a school for some time as well. I would like to seek the Minister's assurance that there are resources and enough people in his department to be able to work on these critical projects for St. Helier. Could he give the Assembly his assurance?

Deputy T. Binet:

Yes, I think I can give that assurance but, as I say, we are a little bit short-staffed so things do not happen in quite as much of a hurry as they perhaps ought to or as we would like. There is pretty much not much we can do about that.

3.4 Deputy M.R. Scott of the Minister for Health and Social Services regarding the training requirements for managers in the healthcare sector (OQ.182/2023)

Will the Minister advise whether managers in the healthcare sector are subject to compulsory training requirements, as is required for the clinical staff they manage, and if not, why not?

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

My apologies to the Assembly that I am not able to be present today. Firstly, in response to the Deputy's question, following a report produced by the chief officer for H.C.S. (Health and Community Services), which has been shared with the States Employment Board and also the Health and Social Security Scrutiny Panel, a definition of "manager" has been agreed, and we have identified that there are 45 managers in H.C.S., making up 1.7 per cent of the workforce. This definition has been used for the purposes of responding to this question. Secondly, by healthcare sector, we are assuming that this is referring to my department only and no other departments nor the private sector. What I can advise is that all managers, or all of those who have managerial responsibilities, are required to complete a variety of statutory training and mandatory training. Particularly those managers who have clinical roles, they are also expected to complete some clinical training relevant to their professional role.

3.4.1 Deputy M.R. Scott:

Could the Minister please advise if there is any formal C.P.D. (continuing professional development) points given to training and whether the training that is given is something that has an ongoing programme built around it?

Deputy K. Wilson:

I think for some individuals the concept of C.P.D. is something that people have been used to through all of their careers in terms of picking up the accreditation points that demonstrate their competence and their knowledge in their chosen area. But sadly, I do not think that this applies to everybody. It is certainly something that I would be looking to the department to enhance across all people who are involved in training and development.

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

Can the Minister advise whether diversity awareness training is something that is included, as a matter of course, for both clinical and non-clinical staff?

Deputy K. Wilson:

I think, as a matter of course, I think it varies across the piece. It is something that I have been very mindful of over the last couple of months, particularly given some of the concerns raised

by staff about some of the attitudes and cultural differences that people have experienced. So this is certainly one of the areas that we will be asking the service to concentrate on in terms of identifying how and in what way we can best address this type of training across the service.

Deputy L.M.C. Doublet:

I thank the Minister for her answer, and I wonder if she would report back to myself and Deputy Jeune, who are leading on the equality work, just to help us get an understanding of the culture and the ethos in the hospital.

Deputy K. Wilson:

I would be more than happy to do that and report that as part of our cultural programme that is going on currently in H.C.S.

3.4.3 Deputy M.R. Scott:

Is there any training that managers have to undergo on management aspects or negative management aspects, and how they might be perceived by employees, in addition to those mentioned by Deputy Doublet, such as bullying, that sort of thing?

Deputy K. Wilson:

I think not only just for H.C.S., but I think right across all of government services this might be a question more easily directed to the States Employment Board in terms of its approach to training in this area for all employees. I do not think health services in particular should be singled out in that regard. But I do believe that we have some programmes in place. Again, I do not think it is systematised or regularised. That is something that we would look to improve.

3.5 Deputy G.P. Southern of the Minister for Health and Social Services regarding the review of the Island's health and care costs (OQ.187/2023)

Will the Minister provide details of what progress, if any, has been made on the review of the Island's health and care costs, including potential options she has under consideration for funding, financing, and contracting, to include options for the Health Insurance Fund; and will she explain what additional funding, if any, has been provided to address immediate pressures?

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

To the first part of the question, I can confirm that we are making good progress and are on schedule with the work in this area. But as made clear in the Government Plan 2023 - 2025, the work is intended to continue throughout 2023. I think there is a lot to talk about in response to this question, and I think given the time constraints that we have around oral questions it is difficult to go into any detail at this moment. But I would be more than happy to answer this in more detail as part of supplementary questions. To the second part of the question, the department is anticipating underlying financial pressures of up to £35 million and, as set out in the Government Plan, a financial recovery programme is in place, which will work to reduce these pressures over a 3-year period. In the meantime, an additional £21 million is allocated in 2024 to maintain existing services. This sum will reduce to £14.5 million in 2026 and 2027 as savings and efficiencies are realised as part of that recovery programme.

3.5.1 Deputy G.P. Southern:

If I could point the Minister to the short statement on page 96 of the Government Plan, it says: "The work will continue into 2024 to develop potential options for change which we will focus on." What potential options focus on funding, who pays, financing, how do we raise the money

as needed, and contracting, how do we engage our providers to deliver better value? Can the Minister give us some guidance on what those issues might be.

Deputy K. Wilson:

The first thing to say is that we have established a Ministerial group to direct this work, and that comprises of myself, the Minister for Treasury and Resources, the Minister for Social Security and the Assistant Minister for Social Security. We are at, at the moment, is that we have got a draft national health account, which has been prepared for us. For the first time, we have got a picture of what public and private health spending is in Jersey. We will also, people will know, have conducted a poll to ascertain some of the broad public attitudes to future healthcare financing. We are also undertaking a forecasting exercise, which is currently in the process of being finalised, which sets out what these challenges will be for Jersey over the next 20 years or more. We have also undertaken some informal briefings with the Health and Social Security Scrutiny Panel on the output so far, and we will continue to do this until the work is complete. But at this moment in time, the final stage in the development of the options, I am expecting to consider advice from the Health Economic Unit in the coming weeks, and then I will be in a position to provide more information on that basis.

3.5.2 Deputy S.Y. Mézec:

When it comes to the sustainable funding of Jersey's health and care costs, can the Minister outline what importance she gives to the principle of equity and how any discussion of equitable funding for health and care costs is featuring as they come up with their long-term funding proposals?

Deputy K. Wilson:

I think if we pursue the objective of health for all, then, clearly we need to make sure that we are providing equitable care and services for Islanders. The way that we do that, I think, we still have to explore what options we have got available to us. I think some of those conclusions will be reached through this work.

Deputy S.Y. Mézec:

The question was about equitable funding of services not the equitable delivery of services.

Deputy K. Wilson:

I think that will be in relation to how we use the intelligence that comes from the work that we are doing to address the issue of equity. At this moment in time, I am not in a position to be able to give any further detail, but clearly that is something that I will be mindful of.

3.5.3 Deputy S.Y. Mézec:

The Minister will hopefully be aware of a previous attempt by a Government to find a sustainable funding option for healthcare, which involved the introduction of a health tax, which was an inequitable funding solution because it sought to tax those with the broader shoulders proportionately the least, and those with least incomes proportionately the most. Will the Minister, bearing in mind the effects that poverty can have on health outcomes, rule out a similar funding model and make sure that when we fund our health and care costs that we abide by the principle from each according to their ability to each according to their need?

Deputy K. Wilson:

I think I have just outlined that we have got a whole host of intelligence and information that we need to take account of. I am mindful that there will be different perspectives on what the issues of equitable funding, the approach to taxation, the approach to sustainability, and I would not want to be pressured into making any particular comment on that at this stage, but other than to assure the Deputy that, given all of the concerns that people are raising around this particular issue, we need to consider a way forward, in the round really, and making sure that we are providing services that are equitable and fair across the piece.

3.5.4 Deputy G.P. Southern:

“A way forward in the round.” How about some details, Minister? Are you prepared to commit yourself to stating who is going to fund the health service we have and how you are going to finance the health service that we have in the future. Will you do that before we debate the Government Plan, which commits us to all sorts of things? When are we going to see any detail about what future health system we are going to have?

The Bailiff:

Deputy Southern, through the Chair, please. “Is the Minister prepared” and all of the other things that you managed.

Deputy K. Wilson:

I think what I would like to assure the Deputy about is that there is really good progress being made with this work. It is vital. It is a complex exercise. People have attempted to do it before and never followed through. I very much want to make sure that we conclude the work in the remaining months but we still have a full range of evidence and data that we have got to pull together. I think that when we bring some proposals to the Assembly, in terms of future options, it will be well-informed and help the Assembly make the right way forward. This will not be my decision alone.

[10:30]

Deputy G.P. Southern:

If I may, Sir, will that mean bringing some detail to the House before we debate the Government Plan?

The Bailiff:

Yes, that was part of your original question, I think.

Deputy G.P. Southern:

It was, indeed, Sir.

The Bailiff:

Are you able to answer that? Will information be made available to Members before the debate on the Government Plan?

Deputy K. Wilson:

I think I had actually said previously that this work is going to continue into 2024.

3.6 Deputy T.A. Coles of St. Helier South of the Minister for Infrastructure regarding the traffic monitoring undertaken in the vicinity of the Enid Quenault Health and Wellbeing Centre (OQ.184/2023)

Will the Minister indicate what traffic monitoring, if any, will be carried out around the vicinity of the Enid Quenault Health and Wellbeing Centre?

Deputy T. Binet (The Minister for Infrastructure):

As might be expected, traffic modelling based on the services destined for relocation was carried out at the design stage, and traffic levels in the surrounding area of the facility were monitored to inform us of the likely combined traffic flows. Since the centre opened a month ago the site manager has carried out informal monitoring of the traffic movements in the roads leading to the centre and nothing has been reported that gives rise to the need for further monitoring, certainly not at this stage. We are in ongoing discussions with the Roads Committee, as they are responsible for the roads in the immediate vicinity and of course it is they who will need to implement any additional measures going forward.

3.6.1 Deputy T.A. Coles:

Given that the Minister himself would like to see this building being used for 25 years after its current model, surely traffic monitoring of what it is being currently used for would provide better data to indicate whether it is viable in such a densely-located residential area. Does the Minister not agree?

Deputy T. Binet:

No, I do not agree. There are a lot of very busy people in the hospital project; they have kept an eye on things. There is no sign of any difficulty at the moment and we are not planning on any radical changes up there at this point in time. I should imagine if we do develop plans to change it radically then we will monitor accordingly but I do not believe in giving busy people jobs to do that are not necessary.

3.7 Deputy M.B. Andrews of St. Helier North of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospect of a Scrutiny Panel to investigate the barriers and opportunities for people accessing Jersey's labour market (OQ.181.2023)

Will the Minister state if he would support the creation of a Scrutiny Panel to investigate the barriers and opportunities for people accessing Jersey's labour market, and if not, why not?

Deputy K.F. Morel (The Minister for Economic Development, Tourism, Sport and Culture):

Ordinarily it is not for me or any other Minister to determine which areas of government should be scrutinised or how Scrutiny as a function wishes to organise itself. That is ordinarily the domain of the Scrutiny Liaison Committee and the Scrutiny chairs, so on the one hand I feel my view is unnecessary in this area, but turning to the other element of the question. If I think of it as a standing Scrutiny Panel alongside those that we have in Standing Orders, the 5 Scrutiny Panels plus P.A.C. (Public Accounts Committee), then, no, I would not support such a panel because I do not believe we have a need for another permanent standing Scrutiny Panel. I believe that those 5 panels plus P.A.C. cover off the work of Government quite sufficiently and, having worked in Scrutiny very energetically for years, I stand by that. Should Scrutiny desire to set up a Scrutiny Review Panel into this subject then, absolutely, that is exactly what

review panels are there for. They are there to be used to look into particular subjects on a temporary basis and then stand down again. But when I say I would support that, I do so by saying I would support that if that is what S.L.C. (Scrutiny Liaison Committee) wished to happen. It is their decision to make and if they wished to look into this area and set up a review panel that is entirely their decision to make and I would support that decision.

3.8 Deputy S.Y. Mézec of the Chief Minister regarding the role of the Jersey Development Company in delivering projects (OQ.191/2023)

Following the announcement that their outline application for the waterfront has been rejected, will the Chief Minister advise if Government will re-evaluate the role of the States of Jersey Development Company in delivering projects like this, and consider issuing alternative instructions for any future waterfront development, which include a greater proportion of affordable housing?

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

As the chair of the Future Places Ministerial Group, I should highlight that the current waterfront scheme was first presented as a planning application in 2021 under the guidance of the previous Government. We all want to see progress made towards the redevelopment of the waterfront, providing much-needed homes, community facilities, open space and infrastructure improvements for St. Helier. The decision highlights to me that there is a wider issue of not historically being joined up on planning and infrastructure matters, a challenge which the Council of Ministers is determined to overcome considering all elements of how we have reached our current position and, indeed, that is why we have set up the Future Places Ministerial Group. We must work together to get the waterfront development right and deliver something that Islanders will enjoy and feel that reflects our modern community and its needs. The Future Places Ministerial Group will reflect on the outcome of this planning application in discussion with S.o.J.D.C. (States of Jersey Development Company), including discussing this matter at length when we meet later this week. We do, however, need time to carefully consider what was a detailed report by the planning inspector and the conclusions of the determining panel. These discussions will consider the viability of a greater proportion of affordable housing. This will of course need to be considered alongside the level of community infrastructure and investment that we must also deliver for St. Helier.

3.8.1 Deputy S.Y. Mézec:

The Chief Minister in her answer referred to the fact that this project began under the previous Government but she has been in office for a year and there have been plenty of decisions from the previous Government that she has overturned and this could have been one of them, saving us a year of reaching this outcome which many of us regarded as inevitable. So will the Chief Minister, having apparently taken no action whatsoever in this year-and-a-bit in office to prevent this happening earlier, will she give us any assurances that work will be done to ensure that the project, this failed project, which commands no public support is properly cast aside and replaced by something which Islanders can be proud of instead?

Deputy K.L. Moore:

I think that is exactly what I just said in my previous answer. If I could repeat what I said: the planning application was submitted in 2021, a long time ahead of the election. It was put together under the guidance of a previous Government and there is no opportunity, or there has been no opportunity for this current Government to engage and modify that since the election.

The Deputy obviously has a slightly different view given his gesticulations and calling across the Assembly and I look forward to his next question.

The Bailiff:

Well, there will not be one because we come to question 9 the Connétable of St. Brelade will ask of the Chief Minister.

3.9 Connétable M.K. Jackson of St. Brelade of the Chief Minister regarding the policy intention of the Government in respect of the number of private landlords in Jersey (OQ.188/2023)

Will the Chief Minister advise whether the policies adopted by Government are intended to reduce the number of private landlords in Jersey, and if not, what measures, if any, are being taken to ensure that this is not the outcome?

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

Proposals brought forward seek only to ensure that Jersey has a well-regulated rental market, which provides safe and secure accommodation for Islanders. We are aware that some landlords may be considering their position as these improvements are brought forward. We believe our proposals, notably those in the Rented Dwellings Regulations, are proportionate and will ensure that we are able to properly implement the health and safety standards that already exist for rental accommodation in Jersey. The Residential Tenancy Law consultation earlier this year sought the views of both tenants and landlords at an early stage of policy development. The Minister for Housing and Communities is currently working through the consultation response and will be publishing his response later this autumn. We cannot always prevent individual landlords from choosing to leave the market of course, but this is our duty to ensure that we adopt a proportionate and fair approach to future changes which I believe we are doing.

3.9.1 The Connétable of St. Brelade:

Would the Chief Minister agree that the many smaller - that is in terms of properties - landlords might be a degree fed up with the arrogant attitude adopted by some States Members that they are a baying crowd in relation to their resistance to the Government's proposals? Would the Chief Minister agree that these landlords to whom I refer provide the central housing in the Island at no public cost?

Deputy K.L. Moore:

I do have to state of course that I am a small landlord myself, and of course the details of that appear in my declaration of interest, and so I can tell the Constable that I am not part of a baying mob; I have not seen them recently either. But I am aware that there are many differing views and there has been a long-standing debate on these matters and many attempts to find the right balance in terms of protecting landlords and protecting tenants also. I believe that we have now found what is a proportionate way to progress to ensure that we do both of those things. Yes, accommodation is of course greatly needed in our community. We prize providing good-quality homes so that Islanders can thrive and enjoy their life in our Island.

3.9.2 Deputy S.Y. Mézec:

In terms of the model of the private rental sector in Jersey, does the Chief Minister have a policy over whether it is preferable to have a model based on lots of small-time landlords without much professional expertise or flexibility in their financial arrangements versus a

model with fewer number of private landlords but who have larger portfolios and are therefore able to benefit from economies of scale and more professionalised services?

Deputy K.L. Moore:

I do not think the Deputy will be surprised by my answer. He will be very familiar with the fact that I believe in the free market and therefore people who wish to make investments in property and to provide accommodation to others through private enterprise is a matter for those people who are willing to enter and participate in the market. Where Government comes in is to do exactly what we are proposing to do at the moment, which is to ensure that the playing field is well-regulated and that there are appropriate rules, regulations and standards in place for both parties to participate in what is a private agreement between themselves.

3.9.3 Deputy S.Y. Mézec:

I think we will be forgiven for forgetting the Chief Minister's free market credentials given the answers we were given to the Jersey Reds' situation earlier today. But is the Chief Minister saying that she really thinks an approach where the Government does not attempt to provide some kind of strategy for providing the best private sector rental accommodation model possible is a good strategy, given that the free market approach we have had up until this point has objectively been a complete failure?

Deputy K.L. Moore:

As the Deputy states, there is an objective view. It is widely understood and agreed that an appropriate balance needs to be sought in terms of providing appropriate standards of accommodation for everybody who lives in private rented dwellings and that is exactly what we are determined to do.

3.9.4 The Connétable of St. Brelade:

Would the Chief Minister confirm that many of the smaller landlords to whom I have referred earlier have contented tenants within the properties that they rent and that they are generally better at looking after the properties than perhaps the larger institutional landlords? Would she agree with that?

Deputy K.L. Moore:

While I do agree with the Constable, I believe that there will also be a mixture in the marketplace. Of course, we also benefit in Jersey from a fantastic social housing provider and housing trusts also who operate in a responsible way. Indeed, Andium, we can all be proud of having met the Better Home Standard for 100 per cent of their properties.

3.10 The Connétable of St. Brelade of the Minister for Infrastructure regarding the carriageways of Victoria Avenue (OQ.189/2023)

Will the Minister advise whether he is content with the current state of the planted sections between the carriageways of Victoria Avenue; and, if not, whether there are any plans for improvement?

Deputy T. Binet (The Minister for Infrastructure):

I think the Constable knows my answer to this question; no, of course, I am not content with it at all but he will be delighted to know that I have already put measures in place to ensure that that does not happen again next year.

[10:45]

3.10.1 The Connétable of St. Brelade:

Does the Minister agree that since the loss of internal departmental gardening staff and the policy of outsourcing this work, standards have fallen? If so, what does he plan to do about it?

Deputy T. Binet:

I think I would refer the Constable to the answer I gave to that question originally. All of those problems have been recognised and measures are being put in place to make sure that there are improvements for next year.

3.10.2 The Connétable of St. Lawrence:

It is all very well for the Minister to stand up and say: "I think the Constable knows what I think about this" but the rest of us want to know what the Minister thinks about it. Can you please answer the question and give us an answer to the question that he was asked? Do not just answer the questioner, tell the Assembly and the public.

The Bailiff:

Sorry, what was the question, Connétable?

The Connétable of St. Lawrence:

Sorry, I did say can he please answer - that was my question- will he please answer the question? Because he responded to the questioner by saying: "The Constable of St. Brelade knows what I think." My question to ...

The Bailiff:

Well then the Minister went straight on to say he did not find it acceptable, in other words, he answered positively what the Connétable had asked him.

The Connétable of St. Lawrence:

Okay, I apologise, because I did not hear that. I will ask him to expand in that case on what he does not find acceptable.

The Bailiff:

Thank you, Connétable. Are you able to expand on what you do not find acceptable, Minister?

Deputy T. Binet:

Yes, I think so, but I think the Constable also needs to be corrected in terms of the way I answered the question, Sir, because I referred my response to you and not to the Constable. So I think I answered it correctly. I said measures have been put in place. I do not think I can really expand on that. I can tell you a little bit more about the conversation. We have had words with the team and we are going to do those things internally, so more than that I really cannot say. We are going to put the job straight for next year. Maybe the Constable could tell me quite what details she is expecting from my response.

The Bailiff:

I am afraid the Constable can only ask questions, cannot provide information, but a supplemental question, Connétable?

3.10.3 The Connétable of St. Lawrence:

Yes. The Minister finds it unacceptable but what is unacceptable? I have got no idea. We are talking about the vegetation on Victoria Avenue. Is it that it is hanging over the road? Is it the plants that are growing there? I have got no idea. There seems to have been maybe a private conversation between the Constable of St. Brelade and the Minister for Infrastructure. We are told it is being addressed but what is being addressed? What is the problem? How is it being addressed? I do apologise, in my older age I am getting a little bit hard of hearing. So I apologise to the Minister for thinking that he had directed his answer to the Constable of St. Brelade but apparently he directed it to you.

The Bailiff:

He did.

Deputy T. Binet:

I find it a little surprising that I am being required to embellish the questioner's question but I am quite happy to do that if it is helpful and say that it has been apparent that a number of the flowerbeds and the central reservation flowerbeds this year have not been well maintained; that has been recognised. We have been short-staffed, we have recruited further, and we have plans in place to make sure that that is not repeated next year.

Deputy G.P. Southern:

It is not worth following through, but a general description, they have not been well treated and it is going to be amended.

3.10.4 The Connétable of St. Brelade:

I would just ask the Minister whether he considers there is sufficient funding in the forthcoming Government Plan to accommodate an enhanced gardening offering that the Island really needs?

Deputy T. Binet:

Like most other departments, I have not been able to obtain the funding that I would really have liked but we have had some improvements in our funding. Given the constraints that we all have to suffer, I am very hopeful that we can achieve that which I have said we will do.

3.11 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding the proposed Liquid Waste Charge (OQ.192/2023)

Will the Minister advise what consideration he is giving to the form that the Government Plan's proposed liquid waste charge takes, and can he assure the Assembly that he will not propose a new tax which meets the definition of a "regressive" tax?

Deputy I.J. Gorst (The Minister for Treasury and Resources):

The development of a liquid waste charge has not yet commenced and requires States approval to do so. The Minister for Infrastructure will be in the lead, as set out in the proposed Government Plan. We will, as ever, seek to develop taxes and other levies in line with the tax policy principles set out on page 26 of the proposed Government Plan and I would expect any charge to be low, broad, simple and fair so that everyone should make an appropriate contribution to the cost of providing services.

3.11.1 Deputy S.Y. Mézec:

So does that mean therefore that we can take it from that answer that the form that the tax will eventually take will not be regressive, i.e. a tax whereas the taxable base increases the effective rate decreases?

Deputy I.J. Gorst:

Much as I would like to appropriately answer that question, I fear I am going to be in breach of the previous States decision which says that Ministers cannot consider a liquid waste charge until the Assembly has made the decision to allow it to consider it, so all I can do at this stage is fall back upon the principles as set out on page 26.

3.11.2 Deputy R.S. Kovacs:

Can the Minister explain if these taxes on liquid and solid waste are intended to be similar with what used to be the so-called toilet tax imposed on the population a few years ago? Does he agree that taxing waste would increase fly-tipping or improper disposal of the rubbish on the Island?

Deputy I.J. Gorst:

There are all sorts of arguments about taxing of solid and liquid waste. The reason that the previous Assembly, I think back in 2016, they decided something in principle and then worked through those principles and the Assembly did not approve it. So at that point the decision was made that Ministers would have to come back to the Assembly to be given permission to consider so that those questions can be answered.

3.11.3 Deputy R.S. Kovacs:

Does the Minister also agree that taxing domestic waste could also have an effect on the inflationary price of housing?

Deputy I.J. Gorst:

I am not sure, if I tried to avoid answering directly about the form of any charge, whether one could argue that a separate tax or charge for waste was inflationary on the price of housing when the drainage systems and waste systems have to be put into any house which is built. It is about the removal of that waste and I do not think that that would be directly inflationary upon the price of housing or I find it difficult to see that it would at this point.

3.11.4 Deputy S.Y. Mézec:

The Minister will remember his previous attempts to introduce a commercial waste charge which was defeated in this Assembly. Some of those who voted against it did so on the basis that it was tax based on use rather than the profitability of those businesses and hence a concern of the negative economic impact such a tax would have. Could he confirm whether he has learned the lessons from that debate and will ensure that if he does seek to come back with any proposals for a liquid waste charge that it will take into account those views expressed then and will not be one which risks causing economic damage by taxing use rather than profits?

Deputy I.J. Gorst:

Of course I could flippantly say I have learnt the lesson and that is why I said the Minister for Infrastructure will be leading. **[Laughter]** The reality is that these are complex matters and I have no doubt that the Minister and all Members of the Council of Ministers and this Assembly,

that if the States agree to allow Ministers to consider such a charge, they will be taking into consideration the matters that the Deputy raises.

3.12 Deputy T.A. Coles of the Minister for the Environment regarding the air quality monitoring being undertaken in the vicinity of the Enid Quenault Health and Wellbeing Centre (OQ.185/2023)

Will the Minister indicate what air quality monitoring, if any, will be carried out in the vicinity of the Enid Quenault Health and Wellbeing Centre?

Deputy J. Renouf of St. Brelade (The Minister for the Environment):

Historically air quality was monitored at the old Les Quennevais School site using what is known as a passive diffusion tube as part of the Island-wide air quality-monitoring programme. Diffusion tubes measure pollution cumulatively over a period of time, they do not measure short-term peaks and troughs. The site, when it was a school, had a long-term trend of good air quality. As an example, in 2020 the annual nitrogen dioxide mean average was 5.1 micrograms per cubic metre, and for comparison the E.U. (European Union) limit is 40 micrograms per cubic metre, so well underneath the E.U. standards. The diffusion tube for that site was moved to the new school when it opened in 2021, so there is an option for officers to re-site a diffusion tube at the Enid Quenault Health and Wellbeing Centre which would enable comparison with historic data from the time when it was a school. However, with limited resources and in the knowledge that previous data did not indicate a significant air quality issue at the site, the decision will depend on managing the monitoring assets that we have and putting them in places of greatest risk.

3.12.1 Deputy T.A. Coles:

Given that the building has changed purpose, so where a school would have had peak periods of a.m. and p.m. possibly would have had a larger concentration of students walking there, now to a well-being centre to cater for all Islanders coming from east and west, that the increase in traffic in the area may affect the data results. So, therefore, would the Minister then maybe put the point that the air quality may have changed and when the resource becomes available it should be there to check and compare?

Deputy J. Renouf:

As I indicated previously, I am certainly prepared to consider it. I have been to a couple of meetings, public meetings with residents with the Minister for Infrastructure, who have raised concerns about traffic issues on the site as they have changed their views. I would say that the last meeting we went to last week indicated a considerable easing of those concerns. There has been, as the Minister for Infrastructure mentioned in a previous answer, monitoring carried out during the first month of operation of the site, and the traffic issues have not been significant yet but we both will stand to react should there be changes in that situation. I think the team running the hospital have a very acute sense of the fact that they are operating in a residential neighbourhood and will certainly alert us should there be issues which in terms of air quality would relate to traffic but at the moment we do not see a huge issue that would need responding to.

3.12.2 Deputy M. Tadier:

I am not sure how the Health Department can alert us to air quality issues in Clos des Sables near the old school if the air quality monitoring is being removed. So does the Minister accept, not just as the Minister but also as a St. Brelade representative, that it stands to reason that

traffic flows will increase to the area and that residents' concerns have not diminished? At the end of the meeting which we were both at there were repeated concerns about traffic calming measures in the area. So would the Minister agree that it should not be a choice of an either/or between whether the air monitoring goes on at the new Les Quennevais School or the old one, that it very much needs an air quality control monitor now in order to assess whether the situation changes?

Deputy J. Renouf:

There are a few premises in that question that I have issue with. I do not think it is automatically the case that there will be increases in air pollution due to traffic. The traffic in the school period was dominated by peaks of traffic during the beginning and end of the school day. The traffic now is spread out over the day. That is likely to lead to greater dispersion of pollution and less likelihood of concentrations building up over short periods of time. But, as I have said twice now, I stand ready to react should there be an indication that traffic levels are building up and traffic is the key issue, since that is the source of potential pollution. The question of whether we should do it as well is fine in principle but we do have limited resources; therefore, choices have to be made. In this case the choice will be on the risk-assessment basis of where do the greatest risks lie? We are currently investigating the siting of, in fact, about to put in new sensors as part of a new sensor network around some schools in St. Helier.

[11:00]

There are some sensors going in I think around Helvetia School in relation to the traffic scheme that is being proposed there so that we can have information for that. There are also proposals to put in air quality monitors around the other schools in town. I would be very happy to brief either the Deputy or the Assembly as a whole about that new sensor network, which I think is a significant move forward and there are some things which we are very much looking forward to the results of getting that in place.

3.12.3 Deputy M. Tadier:

I feel like we are in a chicken-and-egg situation here. Les Quennevais is one of the most concentrated residential areas in the Island and certainly the most in St. Brelade. In order to say: "We will monitor the situation to see if air quality deteriorates but we will not be able to monitor it because we have not got anything to monitor it with but I am willing to react if I am asked to do so" well, the Minister is being asked to do so now, I think, by Members in the Assembly, where there was monitoring before and we know that there is change in traffic. So rather than speculating, will the Minister respond to my request, if nobody else's request, to immediately put back the air quality monitoring in Les Quennevais so that we can have real-time data to see what the changes are, whether it has got worse or better?

Deputy J. Renouf:

It is not a chicken-and-egg situation, the situation is to do with traffic. We know what the traffic situation is because it has been monitored for the last month. We also know that in a previous situation when there were a lot of traffic movements connected with the school, the data suggests that the pollution levels around the school were one-eighth of the E.U. limit; very, very much below. Therefore, we have to take a decision about where best to put resources; they can be moved around. I am certainly prepared to consider moving them around but I would have to say that this is not a decision just about putting something at Les Quennevais. It is a decision about taking it away from somewhere else, for example, the current school. So it is a choice, it is not just the case of saying: "We will just go and find another one from the

back of our pockets and find another diffusion centre and put it in there.” We might also want to take a more targeted approach and put in one of the new sensors which measures peaks and troughs rather than average sensors. So that is something that we should look at, but we will look at it in the round because we need to consider all the sites which we would want to monitor. As I say, my starting point is that the background levels at that site over many years have been below, but well below, what would be considered dangerous limits, and we have other sites which are at risk. We are monitoring the traffic so we will know if there is a potential for the main source of pollution to have increased and in that situation we can react.

3.12.4 The Connétable of St. Brelade:

Given the movement these days from hydrocarbon-powered vehicles to electric vehicles, has the Minister got evidence of a reduction in pollution levels?

Deputy J. Renouf:

That is a very broad question indeed.

The Bailiff:

Also, I am not sure it is within the terms of the original question, Connétable. I mean, this relates to monitoring carried out in the vicinity of the Edith Quenault Health and Wellbeing Centre, not general information sought about air quality or monitoring in connection with electric vehicles.

The Connétable of St. Brelade:

My point is, if I may, that in the light of more electric vehicles appearing on the market, will the effect of those vehicles reduce the potential for air pollution in the area of the Edith Quenault Centre?

The Bailiff:

Thank you very much, that is an acceptable question. Yes, Minister.

Deputy J. Renouf:

Yes, in principle, of course, certain emissions would reduce with the increase in E.V.s (electric vehicles). Not all emissions, some of them are to do with brake dust and tyre wear, but certainly the things that we currently monitor for, nitrogen oxides, particulates and one other thing I have forgotten, for the carbon compounds, then there would be a reduction of that, and that would be welcome and is indeed a generally welcome outcome of the move to E.V.s. Of course, we are also trying, and I know the health team are trying very much to encourage people to travel to the Enid Quenault Centre either by, certainly in terms of staff, bicycle or foot. There is also a bus service which has been diverted into the estate to service the hospital. Again, people are being encouraged to monitor that, so I think on lots of grounds we could hope in the future that there will be slightly less pollution in that area.

The Connétable of St. Brelade:

I thank the Minister for the answer.

3.12.5 Deputy T.A. Coles:

Given that the Minister for Infrastructure said there was going to be no formal traffic monitoring and the evidence that is currently gathered seems to be mostly anecdotal from a

member of staff, would the Minister indicate what the trigger would be to see air quality monitoring take place?

Deputy J. Renouf:

There is a very active community forum in Clos des Sables and in the estate area around that, and they have no hesitation in letting us know when issues have arisen. We have a member in the Health team who has an overall responsibility, I believe, to manage the relationships in the area, along with other work that they do. I do not have any doubt at all that if there is a spike in issues relating to traffic and therefore air quality or other things that might affect air quality that we would know about it. I repeat - repeat - that I would certainly be happy to do that monitoring work should we feel that there is a reason to move urgently in that area, otherwise it will be considered along with the general programme of siting of monitors that we are doing, and will, I am sure, become part of that programme, particularly as schools and health facilities are our priorities for us in terms of measuring air quality. So, it is certainly something we are going to watch and I am absolutely convinced that the triggers will reach us very, very quickly should that happen.

3.13 Deputy M.R. Scott of H.M. Attorney General regarding the disclosure to the public of legal advice given to States Members and Government Officers by the Law Officers' Department (OQ.183/2023)

Will His Majesty's Attorney General advise whether or not legal advice given to States Members and government officers by the Law Officers' Department on their interpretation of Jersey law and statute, and the legal reasoning for that interpretation, is disclosable to members of the public, and if not, why not; and will he advise whether there are any circumstances when disclosure could be made on the grounds of public interest?

Mr. M.H. Temple K.C., H.M. Attorney General:

The answer to the first question of whether legal advice given by law officers to States Members and government officers on the interpretation of Jersey law is disclosable to the public is no, it is not; so law officers' advice is confidential. The answer to the second question as to why it is not disclosable is because of legal privilege, and specifically law officer legal advice privilege, which is a particular type of legal privilege. In a recent decision of the Office of the Information Commissioner, law officer privilege was described as the long-standing constitutional convention that Government does not reveal whether law officers have or have not advised on a particular issue or the content of such advice without law officers' consent. The purpose of this confidentiality is to protect fully informed decision-making by allowing Government to seek legal advice in private without fear of adverse inferences being drawn from either the content of that advice or the fact that it was being sought. It ensures Government is neither discouraged from seeking legal advice in appropriate cases nor pressurised to seek advice in appropriate cases. So the privilege plays an important role in good governance because it enables law officers in complete confidence to give uninhibited and sometimes difficult advice to public law decision-makers about legal risk and legal difficulties. The third and final question about whether publication could be made on grounds of public interest, I cannot immediately, and I am thinking in a vacuum, think of a public interest which would be served by such publication. I can only think the publication would serve a third party's private interests because, for example, a person with a private cause considers that their private interests will be advanced by them being able to cite a law officer's legal opinion in support of their private cause.

3.13.1 Deputy M.R. Scott:

Given that States Members often witness great efforts being made by members of the public to understand how legal statutes might be interpreted and Jersey law might be interpreted, and as I understand from the Attorney General, that it is possible for legal privilege to be waived with consent of law officers, can the Attorney General accept that there could be grounds on public interest where it will not necessarily, in terms of just providing clarity on the situation, for the legal interpretation of statute as it is understood by law officers be disclosed?

The Attorney General:

Well I think the answer to that was probably largely covered by my second and third answers to the questions originally raised by the Deputy. But to expand on those, what is important about the interpretation of Jersey law and Jersey statutes is the decisions of the courts. Those are public, they are published on the website, and they are accessible by private individuals whether they choose to involve a lawyer in advising them on the particular question on which they are concerned or whether they seek legal aid to do so or they go to the Free Representation Unit or other organisations. But a law officer's role is not to provide a general free legal advice service to members of the public, its role is to advise States Members, government decision-makers about matters of public concern. It is not to provide some sort of private legal advice service to members of the public. If we were to do so it would make our jobs very difficult indeed because it would create conflicts of interest with those third parties and we would always be concerned and the Government Members, government officials who we advise would always be concerned whether our advice is going to be published to the public. So, that relationship of confidentiality where a client comes to a lawyer in complete confidence and can disclose everything that they need to disclose in order to give advice and that the advice that is given confidentially in return would just be undermined if our advice becomes disclosable.

3.13.2 Deputy M. Tadier:

There is a precedent in the Commonwealth, and indeed in the British Isles, for legal advice to Ministers having been disclosed. Of course that example is perhaps most high "profilely" known, if you will excuse the clumsy English, in the Goldsmith's advice to Tony Blair during the Iraq war. So, although the precedent is absolutely that in most cases legal advice remains privileged, if there is an overwhelming judgment that it is in the public interests to disclose, that can be published. So, my question to the Attorney General is under the Freedom of Information Law, I know that when it was originally drafted there were 2 categories of qualified exempt and absolute exempt, could he just remind us which category legal advice falls into, if it is the former or the latter?

The Attorney General:

It is generally the former.

3.13.3 Deputy M. Tadier:

So, given that, if it is qualified exempt, that if there is an overriding public interest, legal advice that is given to Ministers or to States Assembly Members could be released in certain circumstances?

The Attorney General:

Well that is correct but that would have to be assessed by the Information Commissioner in each case. But while I accept that war in Iraq is a matter of overriding public interest, I have

not yet come across a situation that is comparable to war in Iraq, and that is why my overriding points about the importance of maintaining confidentiality of legal advice for those whom we serve with that advice is paramount.

[11:15]

3.13.4 Deputy M.R. Scott:

Given that recently the Guernsey Government disclosed information from its law officers regarding the interpretation of the Proceeds of Crime Law in the context of international treaties and whether there is a conflict or not, would the Attorney General perhaps come back to the point of whether there could be any circumstance which is mentioned in the third part of the question? Whether that is in terms of a period of time, in terms of an interval, any circumstance in which he could contemplate that, notwithstanding some of the concerns and risks about disclosing information a certain way, whether these opinions might be, and accepting that they are opinions, disclosed and whether, in the absence of doing so, there could be a concern that Government might be perceived as avoiding challenge.

The Attorney General:

In relation to the disclosure by Guernsey law officers, I have to say I am not familiar with that particular disclosure. I do not know its details but it may have been that that disclosure was made with the consent of the Guernsey law officers; it is quite possible. In relation to the Deputy's more general question, I would concede there are possible circumstances where with our consent, yes, our advice may be disclosed. But so far I have not come across one of those with the exception of course of what I am just doing now, the advice in the Assembly, that I do give in public. But I am not aware of one circumstance in 8 years of being a law officer which has justified private advice given outside the floor of the Assembly being published.

3.14 Deputy M.B. Andrews of the Minister for Health and Social Services regarding the public provisions in place for 'sharp boxes' (OQ.194/2023)

Will the Minister confirm what public provisions are in place for the disposal of "sharp boxes" used for the disposal of hypodermic needles and other sharp medical instruments, and whether she believes such provisions to be adequate?

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

Thank you to the Deputy for his question. Sharp bins are collected and replaced by staff from all of the treating departments within H.C.S. and these include places like rheumatology, neurology and diabetes, and then they dispose of them through the accepted routes in terms of disposal of clinical waste. Users are advised of the correct process for the disposal of sharps but we are also currently reviewing the approach that we are taking because we have now got a variation in the process for those services which are now operating from the Enid Quenault Health and Wellbeing Centre. So, in direct response to the Deputy's question, I will not be satisfied until we have got a review completed of those arrangements and that we can maintain public safety in that respect. I can advise him that private establishments such as G.P.s (general practitioners) have their own arrangements for sharp disposal.

3.14.1 Deputy M.B. Andrews:

I was wondering whether the Minister would be in support of having a central location for the disposal of such waste in St. Helier because I know some people, for instance, who may be

disabled, might not have the access to go to Les Quennevais and they might struggle. I was just wondering if the Minister could provide clarity on that.

Deputy K. Wilson:

I think the Deputy raises an interesting question. I think the important thing is to reduce the period of time and the distance that these sharps need to be transported, so we are going to review the locations across the Island. I think just to centralise it in St. Helier may not be just the option that we might pursue, but I will take note of what he has considered for St. Helier in particular and, when the review has been completed, we can provide a map for Islanders as to where these facilities will be available, and that will become a lot clearer for people.

3.14.2 Deputy A. Howell:

It was just really a follow-on to say that if the Minister could look at a central location because I think now that services have been re-purposed over at Les Quennevais, it is quite a long way for people to go and quite awkward for them. So I would like to ask if the Minister could please consider this very carefully.

Deputy K. Wilson:

Yes, I will be happy to.

3.14.3 Deputy T.A. Coles:

Would the Minister be open to negotiations with the Minister for Infrastructure as the clinical waste incinerator based at La Collette could welcome deposits from private sharps boxes?

Deputy K. Wilson:

Well I think until the review is complete we do not really know what it is we need to do. But clearly, in terms of the Minister's responsibilities for waste, if there is a need to enter into those discussions, certainly I think we could work together on that.

3.14.4 Deputy M. Tadier:

Does the Minister believe that there may be a need for different approaches to be taken whether or not the sharps originate from prescription medicines or from illegal drug usage? If so, will that be taken into account about the possible placing of sharps boxes and also the confidentiality around the disposal and use of the public?

Deputy K. Wilson:

Well we already have areas where perhaps there may well be issues of confidentiality, particularly around addiction services. There is a needle exchange service that is operated by the addiction service and very clear processes and procedures in place for the disposal of sharps and how users of the service are supported to dispose of their kit safely. We have also got places in A. and E. (Accident and Emergency) and in the hospital and certain pharmacies across the Island. One of the things I think is that, because the Deputy has raised a question, we will have a look at whether this meets the requirements around safe and effective disposal and the test for accessibility for people. I personally think that to centralise things may disadvantage some people, so I would much rather talk to those who are in receipt of sharps, needing to use sharps, to be able to get their views as to what is the best way forward on this.

The Bailiff:

A final supplementary, Deputy Andrews? Thank you very much. Very well, that ends questions with notice. We now come on to a period of questions without notice. The first question period is for the Minister for External Relations. Who will be answering for the Minister for External Relations?

4. Questions to Ministers without notice - The Minister for External Relations**4.1 Deputy S.Y. Mézec:**

Not wishing to spoil the natural high I am sure that Ministers are feeling after spending a few days at Tory Party Conference but could I ask them to update the Assembly on discussions that they had with their close colleagues and comrades over those few days and if there was any particular strategy they employed in deciding how to engage with people who are likely to be in opposition in the next year?

Deputy K.L. Moore (The Chief Minister – rapporteur):

I thank the Deputy for his question. Of course Jersey attends all the party conferences under international passes because we consider it important to engage with all members of the political process in the United Kingdom. An official went to the party conference for the Liberal Democrats, and myself and the Assistant Minister for External Relations will be travelling to Liverpool on Sunday to attend the Labour Party Conference. We enjoyed a very good level of engagement in Manchester this week and were able to meet with a number of Back-Bench and Ministerial members of that party to discuss a variety of issues. Particularly at the moment it is important to talk about the C.P.T.P.P. (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) which is a matter of interest. Jersey and Guernsey were really pleased with the engagement that we had on that matter and were able to speak with, not only the Secretary of State in an informal setting, but other Ministers as well to raise our presence and to engage with them.

4.1.1 Deputy S.Y. Mézec:

Can I ask the Chief Minister if any discussions were had at this conference with members of the current Government on the Illegal Migration Act and its application to Jersey, bearing in mind that this is an Act which has been extremely contentious in the U.K. (United Kingdom) because of strong and, in my view, founded perceptions of the racist impacts that this law may have which does mention the Channel Islands? Could she explain to the Assembly if this came up at all?

Deputy K.L. Moore:

Short answer is no, that was not raised in our discussions.

4.2 Deputy T.A. Coles:

I am glad it is the Chief Minister who is answering questions for External Relations this week because it gives me the opportunity to follow on regarding Gibraltar and no longer underwriting insurance for the Crown Dependencies. Is the Minister for External Relations able to provide any updates on this and any other jurisdiction potentially stopping underwriting for the Channel Islands?

Deputy K.L. Moore:

I would like to point out that the External Relations portfolio is a concurrent matter for both the Chief Minister and the Minister for External Relations, that is a constitutional position not only here but in other places. So it is absolutely ordinary that a head of Government would speak on such matters because of course we also engage with our international partners concurrently with the external relations teams. So, to refer to the specific question in relation to insurance, unfortunately, I do not have at the moment an update for the Deputy but I will get one to him and will share that with other Members if they are interested.

4.2.1 Deputy T.A. Coles:

Can the Chief Minister please acknowledge whether or not this has made it on to the Corporate Risk Register and, if so, what is it flagged as?

Deputy K.L. Moore:

I am not aware that it has at this point, no.

4.3 The Connétable of St. Brelade:

Jersey has an office in London and it has been intimated that it needs funds spending on it. Would the Chief Minister explain to Members what needs to be done in the office and how much it might cost?

Deputy K.L. Moore:

I thank the Constable for the question. Of course, like any good use of a property, it sometimes does need a little updating, and I believe that there are some minor, mostly cosmetic, updates required as the lease that was due to expire has been continued. I do not have the exact figure to hand but I do believe that it is a relatively modest amount and of course we will be seeking best possible value for that work when it is carried out.

4.3.1 The Connétable of St. Brelade:

Is the Chief Minister aware of the length of the new lease being signed?

Deputy K.L. Moore:

That is not a level of detail that I have to hand, I am afraid, as it is largely an operational matter.

4.4 Deputy G.P. Southern:

I too am glad that it is the Chief Minister answering for the Minister for External Relations today in that she might have more knowledge than most about what possible, or what likely date we are to see the return of the Minister for External Relations to his post?

Deputy K.L. Moore:

I am sure all Members of the Assembly wish the Deputy well and hope that he continues to make a good recovery. We all hope that he will be able to return to work within the coming month.

4.5 Deputy M. Tadier:

Given that Jersey's Government is seeking to do more business directly where it can with its close neighbours, including in Europe, what consideration has been given to requiring or encouraging candidates who apply for posts in high civil service roles across different departments to have capacity in more than one language?

[11:30]

Deputy K.L. Moore:

It is a very good question from the Deputy and of course, as the President of the local branch of the Assemblée Parlementaire de la Francophonie, a very appropriate question, and so I thank him. I do believe that recently we have tried with one particular role to ensure that advertising is done in Europe as well as on normal platforms, and we of course do have some people who speak other languages in our teams. We work particularly closely with the team in communications who support ourselves, and Guernsey also, and native French speakers and of course languages are seen as a great attribute to many roles within our public service.

4.5.1 Deputy M. Tadier:

I am encouraged I think in part to hear that response. Would the Chief Minister take back the idea, and perhaps also speak to the States Employment Board, that when it comes to recruiting at a high level across all sorts of different departments that the ability to speak another European language to a high level would be advantageous to Jersey's interests in the medium and longer term and discuss how that might be implemented appropriately?

Deputy K.L. Moore:

Indeed, I will. It is, of course, always a matter of interest for us to look not only at English-speaking countries when considering policy but we regularly look to other nations with other languages and as the Deputy, I am sure, will appreciate and agree, Google Translate, is sometimes not the best avenue for understanding and digging into another language's documents.

4.6 Deputy M.R. Scott:

I just wondered if the Minister for External Relations officers are doing any work to enable direct reporting in respect of local medicinal cannabis manufacturing prescription to the U.N. (United Nations) International Narcotics Control Board?

Deputy K.L. Moore:

I believe the licensing of cannabinoids is a matter for another department and so I do not think it would be appropriate in this line of questioning.

4.6.1 Deputy M.R. Scott:

I was asking the question in relation to the current position where the Home Office is assuming responsibility for this matter and wondered whether any change from this position is being considered.

Deputy K.L. Moore:

I do not have an update for the Deputy.

The Bailiff:

Are there any other questions for the Chief Minister in lieu of the Minister for External Relations?

5. Questions to Ministers without notice - The Minister for Health and Social Services

5.1 Deputy S.Y. Mézec:

Could I ask the Minister if she has the full backing of the Council of Ministers for the new dementia strategy, which is planned to be completed by the end of the year? Could she elaborate on when exactly that strategy will be implemented and if it will need to come before the States Assembly?

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

Yes, I do believe that there is support for it. This has been a piece of work that has been going on for quite a long time and is nearing completion. One of the things that I think it raises is some of the constraints that we have in the Island, particularly for meeting the needs of patients with dementia from both a health and a social care perspective. What I am aware of is that when this strategy comes to fruition it will need to be discussed because it will have much broader implications for not only health services but for the wider portfolios that are covered in some of the Council responsibilities. Also, what is important is that we do not just think of dementia as a health condition but as a social care condition.

5.1.1 Deputy S.Y. Mézec:

Could the Minister inform the Assembly if in the work that is currently being undertaken to put this strategy together, and taking account of the fact that dementia is one of the fastest growing causes of premature death in Jersey, whether this strategy is doing any modelling for assessing what profile of needs there will be in future years and whether the Health and Community Services Department will have the resources to provide the care that is needed for those living with this disease?

Deputy K. Wilson:

Yes, there is some delay in some of the work and this is due to the fact that we have had some resource issues in being able to present the work on cost and bed modelling, but we are anticipating that this work will be done by December. As the Deputy will know, a lot of the work is being done in co-production with people who are utilising services, their families, carers and formal care providers. In that regard, we need to take account of not only the modelling but also their views with a view to making sure that finalisation of that strategy remains on track to be produced by March next year.

5.2 Deputy G.P. Southern:

Page 88 of the Government Plan states the following: “The ageing demographic is increasing the cost of health services in the Island, including the cost met by the Health Insurance Fund. These pressures will continue to increase in coming years. Changes will be needed to pay for the future healthcare costs in a sustainable way.” What sustainable changes has she got in mind at this stage?

Deputy K. Wilson:

Well, as the Deputy will know, one of the things that the service is affected by at the moment is a significant overspend and that there has been forensic examination of the reasons for this so that we can get a much better understanding of where costs fall and what investment is needed in future healthcare going forward. The Deputy will know clearly that one of the pieces of work that I alluded to in my earlier question was designed to ... that is on a footing or a place where we can be clear about what kind of investment we need to make in healthcare over a

much longer period of time rather than have to, from year to year, address just annual deficits. So a key part of this work is work that has been done on the Jersey health account, and that work has been undertaken to forecast the future costs of care. It takes account of health inflation and demographic changes. Once we are in a position to have all of that work completed and, from the advice that I mentioned previously that we are seeking from the Economics Unit, I expect that we will have some options to present to the Assembly on the future funding of healthcare during 2024.

5.2.1 Deputy G.P. Southern:

In the deficit, what role does the dependence on agency workers throughout the hospital play in increasing the size of that deficit?

Deputy K. Wilson:

Well, it plays a significant part. As the Deputy knows, we have got ongoing workforce challenges and in order to maintain service continuity, there are times when we do need to call on locum support to provide that continuity of care, but what the department is actively doing at the moment is trying to encourage people to convert their locum post into a permanent post. I do not have the numbers available to me today but I am happy to provide them at some point in the future, which is that we are having some success in attracting people to stay and this clearly will have an impact on the reduction of our locum spend going forward. It is really critical to the financial turnaround that we get our workforce plan and our recruitment and our handling of the workforce challenges under control so that we can make sure that we are not building up any further pressures going forward.

5.3 Deputy M. Tadier:

I was pleased to see yesterday's announcement that a motor neurone nurse will be secured until the end of this year but I note also that there was a statement from the chief officer of Health which said that this valuable service will be considered as part of the H.C.S. financial planning process for 2024. He went on to say: "We hope this reassures patients, carers and families." On that last point, I do not see how that statement can reassure patients, carers and families because it says that we will consider this for 2024 to be funded. Can the Minister for Health and Social Services give more of a clearer assurance that the funding for the M.N.D. (motor neurone disease) nurse will not be cut but will be continued into 2024 and beyond? We are only less than 3 months away from the beginning of 2024 now.

Deputy K. Wilson:

I met with colleagues and representatives from the Motor Neurone Disease Association during the week and can confirm that that funding will remain. The interpretation of that is that there has been no forward planning for the continuation of the post on a regular basis but, following our commitment to the M.N.D. Association this week, this will become part of our regular commitment to them. What we will need to do is make sure that that is reflected in our long-term financial planning going forward.

5.3.1 Deputy M. Tadier:

Can I thank the Minister for that? I am reassured by that statement. Could I ask then that she updates ... puts a new statement out to reflect the fact that this position is not just under consideration but there is formal government policy to propose this? Presumably that is within their gift, to give further reassurance to all involved in that area of care.

Deputy K. Wilson:

Yes, I can do that. Thank you. Yes, I am more than happy to do that.

5.4 The Connétable of St. Lawrence:

In answer to a written question that I submitted, we have learned from the Minister that the Radiology Department, as at 15th September, has almost 5,500 examinations waiting, including C.T. (computerised tomography) scans, M.R.I.s (magnetic resonance imaging) , ultrasounds and X-rays. We are told that that does not differentiate between first appointments, those which have been cancelled or postponed and 6-month follow-ups. Nevertheless, there are almost 5,500 patients waiting for an appointment at the Radiology Department. Will the Minister give us her opinion on this, please?

Deputy K. Wilson:

Thank you. I share the Constable's concerns about this and I find that the way in which the arrangements for scanning services have been organised to date has not been optimal or indeed acceptable. As part of the turnaround work, this is now a priority for the turnaround team, which is to focus on waiting times for investigations and diagnostics. What I have been assured during this week, in particular to M.R.I. scanning, is that there is now a plan in place where we can engage a second scanner and that we can start to bring some of the timings of those investigations that people are waiting for with the ambition to offer that as a 6-week waiting time by the end of the year. I am really pleased that we have been able to address this in this way. I also think, for the information for the Assembly, that the way in which we collect data and evidence about how things are organised, as you have heard me repeatedly say before, our performance systems are way short of what we need to do, so some of the manual collection of this information is also poor.

[11:45]

What I am hoping that we can also address is the openness and the transparency of that through the electronic systems that we are putting in place. What the public will be able to see on a regular basis, which will be part of the monthly reporting through the board process, is just how much those waiting times are improving or where there are determined waiting times, the reason for doing that, to try to bring some openness and transparency to the way in which the department is operating.

5.4.1 The Connétable of St. Lawrence:

I am sure the Minister will recognise the anxiety that patients have when they are waiting to be called for an appointment for an ultrasound or M.R.I. scan, and we have just heard her mention how she is trying to mitigate the waiting list for M.R.I. scans. Will she tell us what the target is that she is hoping to achieve for first-time appointments for all of these examinations within the Radiology Department, please? I am aware of people waiting for well over 6 months.

Deputy K. Wilson:

The Constable is absolutely correct in that and I have had a number of complaints and concerns raised by Islanders to this effect. I have not set any waiting time target yet because I want to get a much better understanding of what the actual wait is. As I have said, the turnaround team are going through that as we speak but we will, as part of our strategy for improving things going forward, start to set some really clear targets for waiting times. Clearly there are capacity issues at the moment because we are subject to variation when we cannot recruit a member of

staff to operate the service but, as I have said, that is a focus for our attention to try to improve the recruitment, trying to get some sustainability in there and to get a pattern of service that allows us to set some reasonable targets for waiting times.

5.5 Deputy A. Howell:

Please can the Minister state whether following the move of services to the Enid Quenault Centre, consideration has been given to reopening the 14 beds on Samarès to help with rehabilitation and to help free up beds in the General Hospital for patients with a delayed discharge?

Deputy K. Wilson:

Thank you to the Deputy. We have been tracking the number of patients who are in need of rehabilitation, and officers are telling me that this is currently running at between 4 and 10 patients on average. There is no plan to extend the rehabilitation provision at Samarès but there is a plan to address, as she quite rightly points out, the number of people whose transfer of care is delayed. I met last week with the Jersey Care Federation, and intend to meet with others too, to understand what the capacity issues are in relation to the sector being either able or unable to accept referrals from the hospital. I have also requested officers to review the current discharge co-ordination arrangements, which I feel are inadequate at this moment in time, so that we can start to get some agreement and some clarity both between the independent sector and the private sector who provide care going forward, and also the hospital as to how they can improve the pathway of care for people. I am really concerned that keeping people in hospital unnecessarily is leading to an increase in falls, and I have some other data that tells me that that is going on and that may well be an indicator for improvements in rehabilitation care but as yet I cannot make any assessment of that.

The Bailiff:

I am afraid that brings the time for this Minister to an end.

Deputy A. Howell:

Can I just say I do not think the Minister answered the question? I just said: will she consider opening the 14 beds on Samarès that are there and there is the space for patients?

The Bailiff:

Minister, will you consider opening the 14 beds on Samarès, if you did not answer that part of the question?

Deputy K. Wilson:

I think the team are currently looking at what capacity they have in order to plan future bed requirements. If there is a need to open them, we will; if there is not, we will not.

6. Questions to Ministers without notice - The Chief Minister

6.1 Deputy G.P. Southern:

On page 55 of the Government Plan, her Government Plan, it says: “The objective by 2027 is to have restored trust and accountability in Government.” Does that mean in the year she has been in power she has lost the trust of the people?

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

The Deputy will recall that when we entered Government we set out as one of our objectives to restore trust. It appeared from the conversations many of us had with Islanders on the doorsteps during the last election that trust had sadly been eroded. That process of regaining trust is an ongoing process and I believe that it is one, as trust is earned, that we continue to include in our Government Plan and include in our objectives because it is an important part of our work in representing Islanders.

6.1.1 Deputy G.P. Southern:

The absence of trust is down to her predecessors and not to her?

Deputy K.L. Moore:

I was not aware that that was a question. It seemed more of a statement but, as I said, I do believe that that is the case. During the last term, it appeared that there was some erosion of public trust for many reasons and it is part of our ongoing objective to, through our actions, build a greater engagement with Islanders and to rebuild trust in the work of this Assembly and in Government.

6.2 Deputy S.Y. Mézec:

As a self-confessed free marketeer, will the Chief Minister therefore be opposing any proposals that come from the Minister for Housing and Communities' White Paper, which is very clear that it seeks to impose caps on how much rents in the private sector can be increased by?

Deputy K.L. Moore:

The Housing White Paper covers a number of issues and, as I stated earlier, the most important matter is that we ensure that there is a balance and that relevant protections are provided for both tenants and landlords so that they can engage in a reasonable private agreement when they access a private rented dwelling.

Deputy S.Y. Mézec:

Following a question about trust in politicians, that was not anything even vaguely approaching an answer to my question.

Deputy K.L. Moore:

Well, I can expand on the economy.

Deputy S.Y. Mézec:

A yes or no will do.

Deputy K.L. Moore:

Well, I think the Deputy will be aware that that is not my preferred option but I do ... we are aware that housing issues are ... the cost of housing is an issue for Islanders and it has added to the stress that Islanders are experiencing. However, it is not my view that there are successful examples of rent controls when one looks at other nations around the globe.

6.2.1 Deputy S.Y. Mézec:

It sounds like she has not read the consultation because it explains some of those successful examples around the world. Is it not the case then that we have a Chief Minister who takes a public position that is in opposition to that which her own Minister for Housing and

Communities is consulting on? How would she say that that will improve trust in politics by consulting on things that the Government actually have no intention of doing because they are ideologically opposed?

Deputy K.L. Moore:

I think we have covered this matter previously. Consultation is a consultation looking at views and an opportunity to engage with Islanders to hear what they think.

The Bailiff:

I am sorry, could we keep the comments down and let the Chief Minister answer the question, please?

Deputy K.L. Moore:

I have nothing further to add, Sir.

6.3 Deputy L.V. Feltham:

Could the Chief Minister inform the Assembly what priorities have been agreed with the interim C.E.O. (chief executive officer) to deliver in his term of office?

Deputy K.L. Moore:

We have agreed 5 objectives for the first quarter of the C.E.O.'s time in office and we will be sharing those shortly with the P.A.C. and public.

6.3.1 Deputy L.V. Feltham:

Could I ask the Chief Minister why she is unable to confirm those 5 objectives publicly to the Assembly now?

Deputy K.L. Moore:

I do not have them in front of me, is my simple answer. As the Deputy is well aware, and the chair of P.A.C., the recruitment of the chief executive was quite focused. I set some objectives, which were to focus on performance management, among other things, and to improve the productivity of our public service. Those will be reflected in the 5 objectives.

6.4 Deputy R.S. Kovacs:

In the *Jersey Evening Post* in July the Council of Ministers had an advertising line titled "Empowering Islanders by easing the cost of living" where they said they are dedicated to implementing measures that alleviate the burden on your wallet. On the Government Engagement Network report, R.136, the Council of Ministers said they are planning regular engagement and consultation activities with the public on matters relating to them. Based on these statements, can the Chief Minister explain how any proposed taxes on domestic and commercial waste would fit into alleviating the burden on people's wallets and what engagement and consultation on the effect of such taxes on the population has been done or is planned to be done?

Deputy K.L. Moore:

I did not quite catch where the Deputy found the publication but I think I understand the general emphasis of her question, which is about increasing charges in an environment where people are experiencing straitened financial times. We, of course, have committed to helping to reduce the burden of the cost of living to Islanders and, of course, every decision that is taken is taken

with that absolute priority in mind. It would not be an easy position to take in this environment because we have been focusing on, as the Deputy rightly identified, reducing the burden on Islanders, increasing the amount of money they have in their pockets through increasing tax allowances, for example, increasing the Community Cost Bonus and, as we heard yesterday with the publication of the Employment Forum's report, increasing minimum wage.

Deputy R.S. Kovacs:

The second part of the question was not responded to: has any consultation on the effect of such taxes on the population been done or is planned?

Deputy K.L. Moore:

I believe I did answer that question.

The Bailiff:

Do you have a supplemental question?

6.4.1 Deputy R.S. Kovacs:

With many consultations and surveys done in the last years, the public complains that many were not advertised visibly enough or for too short periods, so most of them see it after the closing date and cannot contribute in time. Will the Chief Minister commit to look into the consultation process with the Communications Department and make sure consultation information is provided also more directly to the people involved?

Deputy K.L. Moore:

There is an engagement framework and there are, of course, consultation guidelines for officials to follow when sharing a consultation with the public. If there are concerns about the way that that has been done, of course I am happy to look into it with Deputy Stephenson who has that responsibility.

6.5 Connétable K.C. Lewis of St. Saviour:

Further to news that many post offices in the urban areas of Jersey are closing down, will the Chief Minister intervene and mediate between the Co-op and Jersey Post to move this impasse? I understand the Co-op is offering space in their stores free of charge.

Deputy K.L. Moore:

I thank the Constable for the question. Of course access to post offices is an important feature in community life. My understanding is that as a result of the conversations with Jersey Post and the Co-op, and I believe some Parish Halls, there will remain 12 community post office facilities around the Island.

[12:00]

That is considered to be an appropriate level of service so that Islanders can use those services at convenient locations.

6.5.1 The Connétable of St. Saviour:

Many of the post offices have already closed. We are losing all of our urban banks and now we are losing many of our urban post offices. I think this Government and many people in the Island have forgotten service to the community and esprit de corps. Does the Chief Minister not agree?

Deputy K.L. Moore:

As I said, we do take this matter very seriously and are concerned about it. That is why I can recall and share with the Constable that we are aware that there will remain in service 12 community postal services around the Island.

6.6 Deputy P.M. Bailhache of St. Clement:

The Illegal Migration Act 2023 of the United Kingdom was given the Royal Assent on 20th July. Sections 31 to 37 of that Act purport to apply directly to the Channel Islands. Can the Chief Minister say whether the Government was consulted on this matter and could she also say, given that the Chief Minister has a duty under the States of Jersey Law to refer propositions to the States in these circumstances, when she is going to do that?

Deputy K.L. Moore:

I thank the Deputy for the question. My understanding is that the Minister for Justice and Home Affairs is dealing with this matter and it will come to the Assembly shortly.

The Bailiff:

The first part of the question, Chief Minister, was whether the Government was consulted by the United Kingdom before enacting the provision which included the Channel Islands, I suspect.

Deputy K.L. Moore:

My understanding is that there is some dialogue with the Home Office. I am not aware of a specific approach to myself. However, that is not to say that other Ministers have engaged with the relevant departments in the United Kingdom.

6.7 Deputy A. Howell:

In March 2018, States Assembly agreed in principle that subject to further research findings a Public Service Ombudsman should be established to replace the existing complaints board. I wondered what progress is being made on this score.

Deputy K.L. Moore:

I thank the Deputy for the question. That is in my Ministerial Plan, as the Deputy outlined, and the work is progressing and should be brought to the Assembly in the near future.

6.7.1 Deputy A. Howell:

I wondered when the near future may be.

Deputy K.L. Moore:

If I recall, and forgive me, I have had less than 5 hours sleep, towards the end of this year.

6.8 Deputy S.Y. Mézec:

There have been a couple of references in answers to question time to the engagement framework from the Chief Minister. Could the Chief Minister confirm whether there is anything in the engagement framework that extols the virtues of consulting on things that the Government intend not to do?

Deputy K.L. Moore:

This is quite a long running issue for the Deputy, perhaps he enjoys the political repartee, but we have fully discussed this and I do not really have any more to add on the point.

6.8.1 Deputy S.Y. Mézec:

I am trying to get the Chief Minister to find some form of coherent argument that explains why it is a good use of public resources and asking members of the public to dedicate their time and energy to engaging with the process where the conclusion has already been predetermined that the Government does not want to do what it is consulting on because of its own, perhaps, perfectly legitimate political reasons. If she can somehow find a coherent argument that explains why that is a good use of time and resources, could she perhaps also attempt to find one to explain how that will restore faith in politics when you ask members of the public to take part in the process when you intend to ignore the results of it?

Deputy K.L. Moore:

I believe in open public debate and discourse. We all do not agree all of the time, but it is a very important part of the process, to be able to voice one's opinions and to listen to each other. I believe that that is part of the process.

6.9 Deputy G.P. Southern:

What budget was there in existence to support free period products and how much of that budget has been spent so far?

Deputy K.L. Moore:

I do not have that exact figure to hand, but I do believe it has been publicised quite widely. It has been a good exercise. One that we think people have embraced, given the take-up of the products on offer. We continue to provide those products in a variety of locations and look to find others.

6.9.1 Deputy G.P. Southern:

Perhaps I could stimulate the Chief Minister's memory. Was the sum set aside of the order of £400,000 and was some £40,000 only spent on it?

Deputy K.L. Moore:

It is an ongoing project, so we will continue to invest in it and to roll out as it has been explained.

The Bailiff:

The questions for the Chief Minister are now closed. I have allowed an urgent oral question from Deputy Feltham to the Minister for Infrastructure. That can now be asked. I would propose to allow precisely the same time allocation for supplemental questions as was allocated to questions with notice in the usual way. Therefore, if you would like to ask your question, Deputy Feltham.

7. Urgent Oral Question

7.1 Deputy L.V. Feltham to the Minister for Infrastructure regarding the presence of R.A.A.C. in areas of the hospital

Will the Minister update the Assembly and tell Members what areas of the hospital it is known that R.A.A.C. (reinforced autoclaved aerated concrete) may be present; when this information was identified whether these areas are still being occupied by staff and or accessed by the public; and what is the Minister doing to ensure patient and staff safety?

Deputy T. Binet (The Minister for Infrastructure):

This issue first came to my attention at the end of last week. I was informed that a detailed review of the existing hospital plans had revealed the possible presence of R.A.A.C., particularly in the area referred to as Block F. To be more precise, the plans identified a product suspected to be R.A.A.C. in the staff laboratory, in the Pathology Department. While less clear, they indicated the possible presence of R.A.A.C. of Block F, including a disused kitchen, which now serves as a storage and plant room. The presence of R.A.A.C. has yet to be confirmed and all areas of the hospital continue to be used as they would normally. As might be expected, work has been underway over the past few days to plan various measures that would or will be implemented in the event that R.A.A.C. is formally identified. I should also mention that formal testing is due to commence this afternoon and will be undertaken by qualified structural engineers. Investigations continue and there is the possibility that further instances may come to light. With regard to the question about public safety, this is something that most people probably do not know, but the hospital maintenance does not sit with Infrastructure. It sits directly under H.C.S. (Health and Community Services). There is a hospital maintenance team that reports to H.C.S., so unfortunately I am not in a position to comment on what measures will or will not be taken. I have answered the questions as best I can, given that Infrastructure does work with that team, but it is not out team's principal responsibility.

7.1.1 Deputy L.V. Feltham:

Given that the Minister has stated that it is not his team's principal responsibility, what conversations has he had with the Minister for Health and Social Services to ensure that this is taken on board as a very urgent matter and something that staff and patients may be very concerned about?

Deputy T. Binet:

I am sure people are very concerned, as indeed was I. I had no discussions with the Minister for Health and Social Services on this subject because, as I say, the responsibility does not sit with me.

7.1.2 Deputy S.Y. Mézec:

From the answers he has given about where responsibility lies for this building, what assurances can he give the Assembly based on conversations he has had with his own officers about whether or not the hospital building is currently safe for the people who are in it. If he cannot give a clear answer on that, will he endeavour to have that conversation as a matter of urgency with those who are responsible for it?

Deputy T. Binet:

I have been in touch with the department every day since Friday on this matter for further particulars. My phone calls and email traffic can be checked. As I say, I have reported that

which I can report up to this point in time. Myself and my team remain in touch with the hospital maintenance team.

7.1.3 Deputy S.Y. Mézec:

There was a part of that question asking if to the best of the Minister's knowledge, based on the extensive discussions he has outlined he has had in the last few days, whether or not he can confirm if that building is safe for those who are in it?

Deputy T. Binet:

It would be very difficult in my position to offer a full opinion, but it is safe to assume that if he people that look after the hospital maintenance consider it to be sufficiently safe to leave open to the public then my guess is that it would be. The material would have to be 30 years old or more and there has not been any movement or any sign of problems. That does not provide any guarantee for anybody, but one has to be sensible in these instances and ask the question: given that fact, would you want to disrupt the operation of the hospital at this point in time for the matter of 3 or 4 days, particularly as it included a weekend where there is not a great deal of activity in the hospital, in light of all of the circumstances? The judgment appears to have been taken that the hospital is to stay open.

7.1.4 Deputy G.P. Southern:

Surely if there is a lack of communication or a lack of responsibility that is not shared in terms of safety of people and staff then the Minister should have been in touch extensively with the Minister for Health and Social Services in order to sort things out and make sure that safety was secured.

Deputy T. Binet:

That was quite an extraordinary statement: a lack of responsibility and a lack of communication. The lack of responsibility, perhaps the Deputy would like to point that in the direction of the people who are looking after the job, which, as I say, that does not sit with me. Lack of communication, I am very happy to share with the Deputy after the sitting this afternoon the communications that I have had during the course of the 4 days that this has been revealed.

Deputy G.P. Southern:

No, Sir. It seems to me, and it must seem to others, that what this is is denial of responsibility and pointing the finger at somebody else.

Deputy T. Binet:

Sir, I have to say I consider that comment to be nonsensical. It is not relevant, Sir.

7.1.5 Deputy C.D. Curtis of St. Helier Central:

Under Jersey's Health and Safety at Work Law, it is the duty of every employer to ensure the health, safety and welfare at work of their employees. While investigations are underway, does the Minister consider it necessary under health and safety regulations to close the possibly dangerous parts of the building, as it may be liable to collapse as stated in U.K. regulations, to protect staff?

Deputy T. Binet:

At the risk of repeating myself for the fourth time, it is not a decision that rests with me and, as such, I am not able to take that decision.

7.1.6 Deputy L.V. Feltham:

Will the Minister, as he has said a lot it is not his responsibility, give the Assembly and the general public his assurance that he will work collaboratively with the Minister for Health and Social Services to ensure that she and her team have the necessary resources and expertise from his team to ensure that this matter is sorted out as soon as possible and that health and safety of staff and patients is kept paramount?

[12:15]

Deputy T. Binet:

There seems to be an insistence that I do all of this via the Minister for Health and Social Services. I do not see that there is a particular need, given that I am in constant touch with my own team and that that team is in touch with the team that is doing the job. We are working collaboratively. I do not know what conversation I would have with the Minister for Health and Social Services in this regard.

The Bailiff:

Very well. That brings those questions to an end.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

The next item of business is a statement. That is to be via the Minister for Economic Development, Tourism, Sport and Culture concerning the Jersey Reds. The statement has been disseminated electronically. The send button has been pressed, but the received screen has not happened. It may be a question of waiting a while before it comes through. If it has now come through electronically, I call upon the Minister to make the statement.

8. The Minister for Economic Development, Tourism, Sport and Culture will make a statement regarding the Jersey Reds

8.1 Deputy K.F. Morel (The Minister for Economic Development, Tourism, Sport and Culture):

Thank you, Sir, for offering the opportunity to make this statement. There can be no doubt that the Jersey Reds have been a great source of joy and drive for all Islanders. In winning the R.F.U. (Rugby Football Union) Championship they achieved a feat that I, and I am sure all Members of this Assembly, could barely have dreamed possible. We are all grateful for this success, but sadly in my estimation that success has come at the expense of the long-term sustainability of the professional club. Last week's announcement that the Jersey Reds had ceased trading was a shock for many and distressing for the club's players, staff and supporters. These are the people who have felt the most direct impact. I, like all Members of this Assembly, are thinking of them and sincerely wish that they and the club had not found themselves in these circumstances. In making this statement, I want to provide States Members with the opportunity to ask questions and to set out clearly why it was the view of the Council of Ministers that Government, which have given Jersey Reds financial support over many years,

reluctantly could no longer continue to do so. The reality is that the club had not been able to pay its way over the summer and it was public money that had been keeping the Reds solvent. The funds amounting to £370,000 had been provided to the Reds in the form of 2 grants authorised by myself as Minister for Economic Development, Tourism, Sport and Culture and by the Minister for Treasury and Resources. These grants were intended to provide the club's directors with the opportunity to find new investment and draw up a sustainable financial plan. Unfortunately, the plan that was offered relied upon speculative moneys from the R.F.U., showed income being gained from assets that are not the Reds, and offered little in the way of cost savings. Even if the R.F.U.'s funds were forthcoming, the plan would still have relied upon hundreds of thousands of pounds of government money to keep the Reds afloat. It was my view, and I believe the view of other Ministers, that the Government had done everything it could to offer the Reds a lifeline, but that given the enormous uncertainties in their plan to continue providing public money to the Reds would risk the Government becoming committed to funding of an unknown amount over an unknown period of time and that given the many competing demands on the public purse to do so would not be a responsible use of taxpayers' money. In colloquial terms, I would liken the Reds' finances to a financial black hole. I came to this conclusion, and I believe it is one shared by Ministers, because despite knowing about their financial problems, the Reds have consistently overspent and drawn investors' money at a much faster rate than expected. This inability to stick to a budget meant that neither I nor the Council of Ministers had confidence that the Reds' board could move the club onto a sustainable financial footing. The Reds' board was quite clearly aware that the likelihood of funding was low, as I emphasised this to the chair and other directors as well as the sponsors' representatives in a meeting on 30th August. I also repeatedly requested a meeting with the main investor. After the Council of Ministers' decision on 19th September, I immediately requested officers to arrange a meeting with the main investor, as I wanted to tell him of the decision in person and to have a conversation to explore whether an alternative method of saving the club was available. Officers made this request on 19th September, the day of the Council of Ministers' decision and said that it was urgent, unfortunately that person declined to meet until 27th September. This Assembly should be aware that there have been longstanding financial issues at the Reds dating back to 2016. In 2019 an emergency request was made to Government for the sum of £125,000. The request was made in the knowledge that a failure to secure such funding would require Jersey Reds to move away from professional rugby. More recently, the Assembly Minister with responsibility for Sport, Deputy Stephenson, met the Reds at their invitation in November 2022 to understand the club's long-term ambitions and financial position. Importantly, there was no indication from the club that they were in short-term financial difficulty. At that meeting, Deputy Stephenson made it clear that there was neither budget for further financial support for Jersey Reds nor did she intend to make it her political priority to secure such funding. Despite having mentioned nothing of financial concerns in November, the Jersey Reds subsequently approached Government's then C.E.O., Susan Wiley, in January 2023 with a request for urgent funding of £250,000 with a further £250,000 to follow later in 2023. Deputy Stephenson responded to this request in a letter circulated alongside a statement by highlighting the previous government support, making it clear that it was not possible to underwrite further support. Members will note that the Reds were urged to manage their expenditure appropriately and that Deputy Stephenson offered to meet in person, but this offer was not taken up. In June of this year, the professional club again approached Government to request urgent funding from the Department for Treasury and Exchequer to prevent an imminent and unstructured collapse. In view of the possible impact on livelihoods, player well-being and the amateur club, Ministers approved the

grant of £220,000 to meet wage costs and other expenses. In the interest of expediency, this payment was advanced by Santander International with agreement that it would be reimbursed by Government in due course. Santander has now requested this reimbursement and I will be issuing a letter of instruction to effect this payment later this week. It was also agreed that Santander and Government undertake a contemporary review of the club's finances and consideration of its viability in the medium to long-term. It allowed time for the directors of Jersey Reds to assess their options, raise new investors and present a valid case for support to Government. In August, with continuing financial difficulties, Jersey Reds again approached Government to request a second urgent payment to meet their imminent wage costs. Ministers approved a grant of £150,000 to allow for the work assessing the club's long-term viability to be completed and for the Council of Ministers to be able to assess the case, meet and make a final decision. This brought total Government grants to £370,000 in 3 months, simply to meet wages and other essential costs. It is fair to say that the club was entirely unable to meet its wage obligations at this time and, had Government support not been provided, the club would have ceased trading immediately. Despite not being able to pay wages, the club announced in the media that it had hired a new member of the coaching staff at the beginning of September. I have to question such decision-making by the club when I believe it knew at the point of hiring that it did not have the funds to pay salaries. Following a third request for funding in as many months, the Council of Ministers met on 19th September. They considered the significant funding shortfall facing the club and the continuing uncertainty over the future of funding from the R.F.U., the ability of the Reds to attract new private sponsorship, and whether identified savings targets could be met. Ministers decided that it was not appropriate to provide further public funding, because there was no evidence that the Reds would become financially sustainable in the future and, given these circumstances, that it was not justifiable to underwrite the operations of the professional club on an on-going indefinite basis. The grants this summer were just the most recent forms of financial support given by Government. Since the establishment of Jersey Reds, successive Governments have provided significant financial support. I have set out those sums in an appendix to this statement, so that Members can understand them in detail. Over the past 2 years, the Reds have been advised by Ministers and officers that they cannot rely on government funding and that they have to live within their means. Sadly, this was not advice that the Reds' board has heeded. Financial information compiled by Santander International shows financial losses in every financial year from year ending June 2017 through to the year ending June 2023. This translates to an accumulative loss of £2.6 million, even after receiving Government and COVID-19 support over that period. In addition, since early 2023, Jersey Reds have been given extra time to pay outstanding social security, I.T.I.S. (Income Tax Instalment System), G.S.T. (goods and services tax) and licence amounts. That debt is approximately £457,000. It is deeply regrettable that despite this quite significant financial support Jersey Reds have not been able to reach a stable financial footing. I also want to reference the economic impact of the Jersey Reds, which was independently assessed in 2016 by Via Analytics. This independent assessment determined that Jersey Reds made a contribution of £1.4 to £2.1 million annually to Jersey's economy, a substantially different valuation to the £5 million figure which the Reds have claimed. This economic value is largely derived from tax on payroll and fans from visiting clubs travelling to watch their team play in Jersey. It should be noted, however, that match day spectator numbers have steadily fallen since 2016 when the valuation was undertaken and that the professional club has been unable to meet its I.T.I.S. payments, as I mentioned previously. It could be argued that the current economic value of Jersey Reds is less than the £2.1 million it was valued at in 2016. The level of economic return does not justify the level of financial support anywhere close to

the levels sought now or in the future. The sad demise of the Reds does not mean that this Government does not support rugby. I am pleased to have in Deputy Stephenson an Assistant Minister who is passionate about delivering sport for Islanders. She clearly recognises the positive social and community benefit sporting activity brings. I know that she will work to provide support to the amateur club, so that grassroots rugby can flourish in the Island. Deputy Stephenson has already reached out to the J.R.F.C. (Jersey Rugby Football Club) to offer our support as we work to try to mitigate the potential impact on them. Our commitment to support our amateur rugby remains strong. Deputy Stephenson, other Ministers and I have acted to give the Jersey Reds the best chance of survival, but ultimately the continuing inability of the club to operate within its means and its failure to offer a convincing case for the responsible continued provision of public funds means that we could not continue to support further funding. Some States Members have a different view, so I welcome the debate to come. However, it remains the case that we are unable to be sure how much funding will be required and for how long and to commit further funds to the Reds would mean funds not going elsewhere to deliver services that all Islanders need. Thank you for the opportunity to make this statement. I would be pleased to take any questions that Members have.

[The text of the letter from Deputy Stephenson to the Jersey Reds, as referred to within the Statement of Deputy K.F. Morel is represented below]

26 January 2023

Dear Mark,

Thank you for your email to Suzanne Wylie of the 23rd January.

I have discussed your request in detail with Deputy Morel and Government officers and I appreciate that a decision is a matter of urgency for you and your Board. As the Assistant Minister responsible for Sport I regret that at this point I am minded not to support your request for emergency funding and Deputy Morel is aligned to this decision.

As the records show, Government has historically been a strong financial supporter of Jersey Reds since your promotion to the Championship back in 2012. It is my understanding that the most recent grant of £450,000 was awarded to Jersey Reds for the purpose of "securing professional rugby in Jersey". The purpose of this grant was to enable Jersey Reds to become financially sustainable over an extended three-year period after which no further Government support would be required. These grants were very much made on account of the Government recognising the value that rugby brings to the island both socially and economically whilst also wishing to see your business achieve financial sustainability.

In addition to cash grants, Government has worked to support the Jersey Reds through the difficulties of the Covid period, where your fixtures were suspended and finances were impacted as a consequence. This support extended to guaranteeing a £500,000 small business loan with Santander through to deferring Social Security, GST and ITIS payments which currently account for a debt to Government of almost £300,000 for these items combined.

When we met with yourself and Mark Morgan on the 10th November 2022 you asked about the ability to access further grants and I explained that there was no funding allocated in the

current Government Plan. In that meeting I was appraised of the Reds' desire to build a squad designed to win the Championship by 24/25, with aspirations to be promoted and play in the Premiership. You also updated me on your fundraising efforts with High Value Residents, the facility challenges the club was facing and the impending split from Jersey Rugby Club, formally separating the amateur and the professional clubs.

I left that meeting with no indication that there was an imminent financial crisis in the making and feedback at the closing of the meeting was a recommendation that Jersey Reds needed to manage their spend appropriately; that Jersey Reds should continue to fundraise with HNW individuals and build their cash position, and: that Jersey Reds reconsider the timing of their ambition as the Premiership was in disarray and subject to significant restructuring in the season/s ahead.

I am aware of the structural issues that exist within professional rugby at present however I also need to be even-handed in my approach to the development of all sports in Jersey and what they are able to deliver back to community. It is increasingly difficult to support a single sport disproportionately and against a backdrop of a need for continued financial support. I am happy to meet in person to discuss the above if you feel that would be of benefit.

Yours sincerely,
Deputy Lucy Stephenson
Minister for Sport

The Bailiff:

There is now a period of 15 minutes of questions.

8.1.1 Deputy M. Tadier:

There is a paragraph which says: "In August, with continuing financial difficulties, Jersey Reds again approached Government to request a second payment to meet their imminent wage costs. Ministers approved a grant of £150,000 to allow for work assessing the club's long-term viability to be completed ..." Will the Minister clarify whether that £150,000 was to allow time for the work to be taken to clarify the long-term viability or whether the £150,000 was, as the sentence says, to allow the work to be carried out?

Deputy K.F. Morel:

Ultimately, the £150,000 was to enable wages to be paid. This, in itself, gave time for that piece of work to be completed.

8.1.2 Deputy M. Tadier:

I thank the Minister for the clarity, because that is not what it says, but that is the logical way to conclude that. Can I ask, why the Government, and I respect the Government's position, even if I do not necessarily agree with it, that they will not give States money to a private company, but if they did not have any assurance of the long-term viability of the club in August, why on earth would they give £150,000 to pay a wage bill for a club that they were not certain was viable in the long-term, when they may not do that for any other business in the Island which might also be facing similar problems?

Deputy K.F. Morel:

It is a very good question and one that in the moment is exactly what is going through the mind of a Minister, I can tell you first hand. At that stage, in August, the work was still being undertaken on creating, effectively, a business plan for the future, which is one that Deputy Farnham has presented with his proposition. That work had not been completed, so at that stage we were unable to see whether there was a route to financial sustainability. Equally, at that time, the Council of Ministers would need to be able to see that piece of work before they can make a decision as well, because also at that time I felt the decision to not provide funding, if that was the decision to go ahead, for one Minister to do that, I felt it should be escalated to the Council of Ministers.

[12:30]

Quite understandably now it is being escalated to the States Assembly, which is a perfectly valid way forward. At the end of the day, what is the difference between this business and, say, some of the construction firms that failed within the last 12 months? Ultimately it is that community element, the community spirit element, the joy that it brings to Islanders that is different to perhaps a construction firm, which perhaps is likely to have a much greater economic value to the Island that the Jersey Reds does. I would hazard a guess that those construction firms provided a much greater economic impact, but because they do not provide joy in quite the same way as a rugby team does or bring a community together in quite the same way as a rugby team does that is one of the clear differences.

8.1.3 Deputy M.R. Scott:

I would like to ask the Minister about his position regarding Scrutiny in this matter, on the basis that we had no knowledge, despite having had quarterly hearings with the Assistant Minister, that the financial viability of the Jersey Reds was being looked at and that grants were being given. I also ask the Minister in terms of considering apples and pears. He has mentioned construction firms, but one thing which Scrutiny has struggled with, and this is a question, is whether there has been any real analysis in terms of grants that are given to bodies such as Visit Jersey and Jersey National Park, in terms of the economic benefit, for the tourist industry in the shoulder months, bearing in mind that Visit Jersey has said that given the vast, the huge ...

The Bailiff:

Deputy, I am sure a question is coming, but the question has to be succinct in accordance with Standing Orders and we are stretching the definition.

Deputy M.R. Scott:

Okay, here we go. Reduction of hotel beds ... value for money in terms of grants to bodies like Visit Jersey in the shoulder months ... an economic analysis that is dated 2016, to what extent has work been done in terms of updating this, in terms of the value to the economy, and where on earth was Scrutiny in all this?

Deputy K.F. Morel:

First of all I will address the Scrutiny element. There was absolutely no intention to cause any unhappiness in Scrutiny by not notifying Scrutiny of this. I do not believe it is the case the Government has to notify Scrutiny of every action of thought process that it goes through. However, in this case the difficulty with opening up to a wider audience is quite simply the commercial confidentiality and the impact that any leakage of this information would have on

things like lenders, the staff, the players at the club, et cetera. It is a difficult place for any Minister to be in when faced with something which has such personal ramifications. There was no intention and, to my knowledge, there was absolutely no conscious decision not to involve Scrutiny. It was very difficult to involve Scrutiny in matters that are so confidential. With regard to economic impact assessment, we undertake economic impact assessments in different areas. Government has resources that restrict the amount of work that we can do and it seems that in this area the visitor economy side had not been done more recently. However, I point back to the fact that it is not the economic value to the Island that myself or other Ministers were concerned about in this case, it was the unsustainability of the Jersey Reds finances and the lack of confidence that we had in the Jersey Reds' board to get a grip on their spending.

8.1.4 Deputy M.R. Scott:

Coming back to the lack of confidence in terms of the management and the unsustainability of the finances, I come back to the specific question: at any time, as Ministers became more aware of the state of the finances, was consideration given to the possibility of involving a representative of Treasury on the board or somebody out from the community to have a turnaround to replace the people responsible for managing the finances in order to achieve more in the way of sustainability of funding?

Deputy K.F. Morel:

I believe it was mentioned as a proposal at some stage during the summer, and I cannot remember which particular meeting, that that was a viable option that Government could have representatives on the board, et cetera. It was my view, and I believe it was the view of Deputy Stephenson and other Ministers, that the last thing Government would want would be to be invested into the Reds, to be, effectively, on the hook for an unidentified sum of money on an ongoing basis, and being closer to the management of the Reds without any assurances that if a Treasury member was on the board that any assurances that other board members would in any way listen to the Treasury member, it was not a viable option from our perspective. Our perspective, and this is also to correct some of the misinformation that was put out over the weekend, from our side as a Minister and the Council of Ministers, we only ever considered grant-giving, because we did not want the Government to be in a position where it had to say yes every time the Reds came looking for more money, and we had every indication that the Reds would continue to ask for urgent government funding long into the future.

8.1.5 The Connétable of St. Brelade:

Would the Minister indicate to Members, with the previous grants that were given out, whether any conditions were attached to those grants which indicated that there would be no further funding after that grant was paid?

Deputy K.F. Morel:

In 2020, before I was Minister, indeed when Deputy Farnham was Minister, a Government of Jersey grant of £250,000 was given, the first instalment in multiyear support that totalled £450,000. The reason for that grant was to secure professional rugby in Jersey. The purpose was to enable Jersey Reds to become financially sustainable over an extended 3-year period, after which no further government support would be required. As those instalments were provided, I myself remember saying as an Assistant Minister to the chair of the Jersey Reds during the meeting that there was no further government support. This was back in 2020 or 2021, depending in which of the meetings that occurred in. I know that I have said myself

years ago to the Reds that there would be no further financial support from Government, that they needed to get themselves on a sustainable footing. That was the intention, I believe, of the Minister at the time, Deputy Farnham. Unfortunately, that was something that they were not able to hold to.

8.1.6 The Connétable of St. Brelade:

Would the Minister agree that we have a series of what I might describe as well-respected philanthropic directors and yet an operational side with which there does not seem to be a connection? Would the Minister agree that the Government, or past Governments even, could have done more with regard to due diligence on the Jersey Reds company per se before giving grants?

Deputy K.F. Morel:

In essence, and this refers back to Deputy Tadier's question to some extent, part of the reason for paying £370,000 over the summer was to do that due diligence, to really understand the Reds finances. Unfortunately, what came back to us was not a plan that Government felt it was able to support. With regard to private investors, it must not be forgotten that private investors have provided loans and investment monies to the Reds, which have all been spent. It is my understanding that all of that has been spent well in advance of when those investors expected it to be spent. This, again, gave us, as a Council of Ministers, very clear cause for concern as to the viability of any grant funding going forward. How would we stop that acceleration of spending? How would we maintain control of expenditure from the Jersey Reds if we were to continue funding it into the future?

8.1.7 Connétable D. Johnson of St. Mary:

If it is the case that Jersey Reds is now to fold, it would have been for the benefit of all concerned, particularly the players, if that had happened in a closed season, so that they could have obtained other employment. Which leads me on to the question as to what did give the Council of Ministers hope that some form of improvement might take place during the intervening months, in particular was some suggestion made by the board that there were plans in the offing, maybe with the R.F.U. itself? Were any inquiries made of the R.F.U. as to whether any form of restructure was likely?

Deputy K.F. Morel:

It has struck me over the last few weeks that it is the case that you cannot do right for doing wrong. In the sense that, back in June or July, had I or Deputy Stephenson been absolutely firm: "There is no more money" and that we had the Minister for Treasury and Resources say that there was no more funding and firmly said no at that point, while that might have given the off-season, as the Constable suggests, a better time for players to seek other employment, the difficulty with that decision then is that we would not have had the opportunity to do the due diligence that the Constable of St. Brelade was just talking about. It is one of those questions, you are in the moment and you are sat there: "Do we say no now and wipe the slate clean now?" However, then I would absolutely be accused of not giving the Reds a chance. Or: "Do we give the Reds a chance?" The down side to that is players and staff are then trying to find work in the season rather than the off-season. It is a very difficult position and predicament to be placed in.

The Bailiff:

That brings the first period of 15 minutes to an end. I have Deputies Feltham, Farnham and the Connétable of St. Lawrence who wish to ask a question and Deputies Howell and Tadier wish to ask a follow-up question. It is open to Members to extend by an additional 15 minutes only, so the first question is: do Members wish to continue? Those in favour, kindly show? Those against? Very well, I will take that as we will continue by 15 minutes. The second thing is do we continue now to conclude this particular matter or do we adjourn for luncheon in the normal way?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Is the adjournment seconded? **[Seconded]** Very well, the Assembly will stand adjourned then until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

We continue with the second 15 minutes of questions on the statement made by the Minister for Economic Development, Tourism, Sport and Culture. The next question is Deputy Feltham.

8.1.8 Deputy L.V. Feltham:

We heard a lot before lunch from Ministers and Assistant Ministers about the fact that the Jersey Reds were, in their view, unsustainable. I would like to ask the Minister, what then was the purpose of the funding provided over the summer? Was the purpose to support an orderly wind-down of the Jersey Reds or was it stabilisation funding?

Deputy K.F. Morel:

The purpose, as I expressed in my answer to Deputy Tadier, was, effectively, to create time so that the Reds could find the funding they needed or they could make preparations, if that was not going to happen, for the club to wind-down in a more orderly fashion. We did not know, as Government, which way would be possible. In that sense, the club had options. It could explore those options. The Government was able to also get information about the club's finances, which was another purpose of that time. There was no one single purpose. There were multiple purposes. Ultimately, however, what was needed by the club to explore those different options and by Government to explore its own options was time.

8.1.9 Deputy L.V. Feltham:

Would the Minister not agree that had there been a sharper focus and purpose for the funding then perhaps Ministers and the club may have been able to avoid the complete debacle of what has happened over the past week?

Deputy K.F. Morel:

I believe there was quite clear focus at the time. The board of the Reds knew exactly that they were being provided with time, that was costing an awful lot of taxpayers' money, in order to explore their options, in order to create a sustainable financial future moving forward. In the best-case scenario that is what would have happened. That is what I hoped and wanted to happen. However, unfortunately, the board of the Reds were unable to do so. They were unable to provide Government with the confidence that they could do so into the future. The debacle, as the Deputy expresses it, has been created on the Reds' side. Government was doing what it felt it could do to try to keep the Reds and give them the best chances of survival into the future. The Reds were not able to take those opportunities and so we have seen the results this week. That debacle is not of the Government's making, that debacle is of the Reds' board's making.

Deputy L.J. Farnham:

My question was similar to the previous question.

8.1.10 The Connétable of St. Lawrence:

If I may, I would like to refer the Minister to appendix 1 that is attached to the statement that he has made, which gives some idea of the money that has been issued by Government to the Reds. It only goes as far back as 2019. If my memory is not playing tricks with me, I am sure I recall a former Minister for Treasury and Resources, Senator Alan Maclean, so it is going back some years ago, how he was able to assess the benefit to the local economy of the money that was being given to the Reds at that time. I would like to ask the Minister whether money has been given to the Reds prior to the sums shown here from 2019?

Deputy K.F. Morel:

Can I clarify an element of the question, Sir?

The Bailiff:

Yes.

Deputy K.F. Morel:

Is the Constable asking about monies before 2019 or after 2019?

The Connétable of St. Lawrence:

I am trying to identify the sum that has been paid by Government in total to the Jersey Reds.

Deputy K.F. Morel:

I thank the Constable for her question. I have a list here of sums that have been paid to the Jersey Reds over the years from 2016. As I look at this, and I have only recently received this so have had not had time to analyse it myself, it seems that in 2016 £17,500 was paid in a sponsorship agreement. In 2017, £20,000 was paid for Economic Development, Tourism, Sport and Culture Gold Partnership. That sounds like a form of sponsorship, but I cannot be sure. Various smaller amounts were paid in hospitality. Then the largest next amount is December 2018, £75,000 was paid seemingly, there is no narrative, as a grant. Another £75,000 was paid in January 2019, so less than a month later. There was another £50,000 in April 2019. Then our table comes in after that. The totals at the bottom here, grant £600,000 plus £370,000 of other items, totalling £970,000 since 2016. I say all this knowing this is the

first time my eyes have been set on these figures, so I apologise if I have in some way expressed these incorrectly.

8.1.11 The Connétable of St. Lawrence:

My understanding, from speaking to other Members who know better than I do, is that money has been paid to Jersey Reds since 2012. My question to the Minister is: will he, before the debate this afternoon brought by Deputy Farnham, please provide to Members the sum paid to Jersey Reds by Government since 2012, if indeed it does stretch back to 2012? Also I understand that Visit Jersey probably made payments to Jersey Reds. That is an arm's-length organisation of the States of Jersey. Can he please ask officers to provide us with that information as well? Members, before the debate, P.78, should have enough information for us to make an evidence-based decision on what we want to do. Do we want to provide further funding to Jersey Reds or when we see the bottom-line figure, will we make a determination that we think we have paid enough taxpayers' money?

Deputy K.F. Morel:

I thank the Constable. Yes, this page here says since 2016, £970,000 in grants, although that is probably missing the 2 items I mentioned earlier, the sponsorship agreement and the Gold Partnership, which was £37,500. The numbers I have do not go back beyond May 2016. However, I do believe the Constable is entirely correct that Visit Jersey did sponsor Jersey Reds, I believe, to the tune of £250,000 a year for at least one year if not more. I believe this number of £970,000 would increase certainly beyond £1 million, if that Visit Jersey money counts as Government money. I will do my utmost to provide the figures that the Constable is asking for. I have asked for figures stretching back as far as possible, I have been given a piece of paper that goes back to 2016, so I am slightly concerned that I will not be able to get those figures from before 2016, but I will endeavour, as soon as this period of questions is finished, to try to get hold of those.

[Additional information provided by Deputy K.F. Morel to all States Members at 15.59, in relation to funding provided to the Jersey Reds since 2012 is represented below]

Including the loan and ITIS debt, a rough calculation of government spend at the Jersey Reds since 2012 is: £2,252,920 in total.

This does not seem to include money from Visit Jersey, which, if my memory serves me right, was £250,000 / yr in sponsorship.

Pre-2016 Reds (professional rugby) and JRFC (amateur rugby) were one and the same legal entity and it is difficult to separate payments on the ledger and to differentiate as to whether these payments were made to support amateur / community participation or the business of professional rugby.

Interrogating the ledger it is clear that Government supported rugby through the purchase of sponsorship packages, hospitality and advertising itemised above as Non-Grants as well as capital contributions (£53k in 2012) towards construction of infrastructure such as the stand at JRFC.

This incorporates payments to the Reds and so does not include:

- GoJ COVID-19 support – loan guarantee for 80% of a £500,000 loan to Jersey Reds from Santander International.

- The Social Security, ITIS, GST and licence debt that Jersey Reds owes to Government total £457k.

Year	Total	Grants	Non-grants (hospitality, commercial arrangements, advertising, sponsorship etc)
2012	143,859	-	143,859
2013	99,272	-	99,272
2014	50,840	-	50,840
2015	30,000	-	30,000
2016	17,500	-	17,500
2017	20,251	-	20,251
2018	80,049	75,000	5,049
2019	122,931	125,000	
2020	250,950	250,000	950
2021	150,000	150,000	-
2022	58,199	50,000	8,199
2023	370,000	370,000	-
Totals	1,395,920	1,020,000	375,920

8.1.12 Deputy M. Tadier:

I would like to ask a question which is about non-financial support that Government may or may not have given over the period. To contextualise, we are aware that it is a tragic coincidence that this last season Jersey Reds have won the Championship, but they have not been able to enjoy the major financial fruit of that victory because they are not allowed to compete in the Premiership. Have any of the Ministers involved in watching this ever considered getting in contact with the R.F.U. to say that Jersey is a victim of a terrible injustice here and that if you win a particular league there should be a presumption that that league, with all the kudos that would come, not just for Jersey Reds but the Island, should be recognised on the national stage? If not, why not?

Deputy K.F. Morel:

I thank the Deputy for his question. I have not thought of asking the R.F.U. about the matter that the Deputy terms as an injustice. I do tend to believe that when you enter a competition and you know the rules those are the rules. The rules in this case would have included the Reds knowing that they could not be promoted, no matter how well they did last year. I have to say, as I said in my statement, an incredible achievement to win the Championship. My fear is that that achievement costs the Reds their long-term financial sustainability. I would also question the Deputy's assertion about the financial benefits of moving into the Premiership. As the bankruptcy of 3 Premiership clubs has shown, the higher you move in rugby the more

expensive it becomes to maintain your level. One of the clubs was a London-based club that went bankrupt. London has 10 million people. Jersey has 100,000. I would suggest that it would be likely a far worse financial situation for the Reds had they been promoted to the Premiership.

8.1.13 Deputy M. Tadier:

It is potential double-standards, when we think to what other Governments have done intervening on behalf of the business community. One example that springs to mind is L.V.C.R. (low value consignment relief), which primarily affected one Jersey-based business and Government did intervene to make strong representation to the U.K. about the changes that were being made there. It seems a shame to me, and I do not know whether the Minister would agree with this, but the same courtesy has not been given to Jersey's newest success story, which is Jersey Reds. Does the Minister agree that Government could be said to be kicking this team when they are down?

Deputy K.F. Morel:

This Government is absolutely not kicking this team when it is down. I go back to the fact that this club, in my view, was not managed in a financially responsible manner. That is why they are in the situation they are in right now. I would also go on to say that I thought at the time when the Government did launch legal action against L.V.C.R., as an Islander, obviously I had nothing to do with that, I was not a Member of the States at the time, it was a complete waste of government money, because it was somebody else's tax laws. How can we challenge somebody else's tax laws? That was my reading as an Islander. I had no further information. My point being, this Council of Ministers cannot be held responsible for decisions made by previous Council of Ministers. To make parallels is unhelpful to everybody.

8.1.14 Deputy M.R. Scott:

I wanted to follow up from Deputy Tadier's question about this perception of contribution versus blame. Will the Minister accept that given what we have heard is that there has been no economic impact assessment of this team since 2016, yet grants have continued to be given, and we have got to a point in respect of the rules where there has been much press about the R.F.U. having to consider a different model, given what has happened to a number of teams, that whether he might consider that this is perhaps not the optimum time to be pulling the plug on the team?

[14:30]

Perhaps one might well be thinking: "Okay, there is more merit, just like when you sometimes have to choose to sell an investment, to saying this is the funding until the end of the season, but that really is it, because we can see a chance that you will get that support and we can see that you have some sort of contribution towards the economy, not that we have done the economic impact assessment since 2016"?

Deputy K.F. Morel:

It is so very easy in hindsight to talk about why have we not done this piece of work or why have you not done that piece of work. The reality is we were asked to provide urgent funding within days, if not hours, of deadlines to pay that into players' wages were coming up. It is very difficult in such circumstances to then go and launch large economic impact assessments. I would also say that the history that I have seen with my own eyes as Assistant Minister and Minister has shown that the Reds have not listened at the board level to Government saying:

“This is the last time.” I would have no faith that if we had continued to fund them through the course of this season, to a level that is unknown, because despite the business plan, how would we, if they said: “We really, really need to hire another coach,” or: “We really, really need to hire another player,” in Government be able to say: “No, you cannot do that” because somebody would then have gone out and said: “Oh, if they had only signed this player and Government had let them they would have won the Championship again.” I do not believe it is the place for Government to be running a rugby club. I do not believe that when a company has a history of not listening or heeding the advice that Government has given it that Government should continue to believe that next time it will hear and heed that advice.

PUBLIC BUSINESS

9. Reduction of lodging period - Funding for the Jersey Reds (P.78/2023): second amendment (P.78/2023 Amd.(2))

The Bailiff:

I am afraid that brings the period of time available for questions now to an end. We move on to Public Business. We had originally made a decision at the beginning of the Assembly that we would take the funding for the Jersey Reds at this sitting and, indeed, also take Deputy Feltham’s amendment. Deputy Scott, you have lodged an amendment as well, I believe. You will need to ask the same indulgence of the Assembly both to waive Standing Orders and to allow it to be taken at the same time as the debate. Do you wish to deal with that now so that Members know where they are?

9.1 Deputy M.R. Scott:

Yes, please. I would like to draw Members’ attention to the amendment that I have lodged, the second amendment to proposition 78, which is the funding for the Jersey Reds. This seeks to impose a condition, should the States approve the funding, in terms of seeking that there would be a representative on the board of the companies. We are aware that there are management concerns, so I am therefore requesting that in accordance with Standing Order 80 that Standing Order 32 be suspended so that the proposition may be listed for debate at the meeting. I will subsequently propose, in accordance with Standing Order 27(7), that the minimum lodging period be reduced so that we can debate the proposition along with the main proposition.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does any Member wish to speak?

9.1.1 Deputy L.J. Farnham:

I just wanted to say that I think the amendment is sensible and could be helpful to the proposition, so I am prepared to accept it and have the proposition read as amended.

The Bailiff:

So you would indicate that you will be prepared to accept the proposition the amendment when it comes?

Deputy L.J. Farnham:

Yes.

The Bailiff:

Very well. Does anyone else wish to speak? Those in favour of suspending Standing Orders and allowing the amendment to be debated together with the main proposition, kindly show. Those against? **[Aside]** We will have the appel, I think. Thank you very much. I think that is essential. The vote is on whether or not we allow the suspension of Standing Orders and the foreshortening of the lodging period to enable Deputy Scott's amendment to Deputy Farnham's proposition to be debated at the same time as Deputy Farnham's proposition, the funding of the Jersey Reds. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition is adopted: 29 votes pour, 12 votes contre.

POUR: 29		CONTRE: 12		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of Trinity		
Connétable of St. Peter		Deputy S.M. Ahier		
Connétable of St. Martin		Deputy I. Gardiner		
Connétable of St. John		Deputy I.J. Gorst		
Connétable of St. Clement		Deputy K.L. Moore		
Connétable of Grouville		Deputy P.M. Bailhache		
Connétable of St. Ouen		Deputy D.J. Warr		
Connétable of St. Mary		Deputy J. Renouf		
Connétable of St. Saviour		Deputy M.R. Ferey		
Deputy M. Tadier		Deputy A.F. Curtis		
Deputy S.G. Luce		Deputy L.K.F Stephenson		
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy C.S. Alves				
Deputy L.J Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy M.R. Scott				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy M.B. Andrews				

The Deputy Greffier of the States:

Those Members voting contre: the Connétable of St. Brelade and Trinity and Deputies Ahier, Gardiner, Gorst, Moore, Bailhache, Warr, Renouf, Ferey, Alex Curtis and Stephenson.

The Bailiff:

Very well, the amendment will be taken at the same time as the main proposition. We now move on to Public Business.

Deputy K.F. Morel:

May I propose that we bring forward the debate on the Jersey Reds so that then we can get on with the rest of business? It strikes me, having spent the morning discussing the Jersey Reds and so on, that we are in a position where we now understand, and rather than leaving it for hours or until tomorrow that this may be a better time to take it.

The Bailiff:

It is a matter for the Assembly. That is a proposition you make. Is that proposition seconded? **[Seconded]** Does any Member wish to speak?

The Connétable of St. Lawrence:

I do not feel, without the bottom-line figure that I asked the Minister to provide, that the debate can really go ahead. I understand that we are full of Jersey Reds. We have read the proposition from Deputy Farnham, we have looked at the amendments and we are keen to get on with it and the public is keen to hear our decision, but we should be making our decisions based upon evidence - or as much evidence as we possibly can have - and I have not seen anywhere a figure that indicates to me the final figure that this Government or the taxpayer has paid in support of the Jersey Reds. The Minister read out numbers a few moments ago. I did not write them down; I do not know if anyone else did. I have not seen the total or anything that is anywhere near potentially the total. I do wonder whether it is advisable to go ahead now or whether it would be better to wait until the end of the other Public Business to allow the Minister's officers the time to do some research and try to come up with the evidence that I believe we should all have in front of us before we make another potentially financial decision to support the Reds, if that is clear. I see Deputy Farnham, as the proposer of P.78, nodding in agreement, so ...

The Bailiff:

I beg your pardon, I thought you had finished, Connétable, I apologise. Deputy Tadier.

Deputy M. Tadier:

Could I give way to Deputy Farnham first? It might be helpful to hear what he is ... no, that is fine.

The Bailiff:

No, Deputy, you can speak in the order that you have put the light on, I am afraid.

Deputy M. Tadier:

That is all right.

The Bailiff:

If you want to resign your position to speak, then you may be able to flash a light later, but ...

Deputy M. Tadier:

Yes. I do not think that is likely to happen. The gesture was there, anyway, so let it not be said that I am not a gentleman on occasion. I look at it from a slightly different angle. I think everything the Constable of St. Lawrence said is correct, but I am also mindful of 2 things that we should also consider. On the one hand, it seems to be convenient for Ministers to debate this because they are on a high. We know that the Minister for Economic Development, Tourism, Sport and Culture is on top of his brief, he has got a very clear position about what he thinks should happen, but the first point is that we know there is a lot of public interest in this and that supporters of the Jersey Reds have made their way down to the Royal Square and they were labouring, I think, on the understanding that this would be the last item of business. It is entirely conceivable that they have arranged their days in order to go to work and come back to listen to the debate, which may well be some time later today. But I think the second point is that it is not right to reorganise business. Essentially we have allowed this to be taken as a courtesy, and I think it is right, given the public interest, but then to start moving things that have just been added to the Order Paper to the front of the Order Paper, when clearly this is a matter I think that could wait until the end of the day does not seem right. Also adding to that fact that there is new information that we are still waiting to hear from about financial implications - and I would say the non-financial implications - that we also need to understand about funding Jersey Reds or otherwise. I think, for all of those reasons, we should leave it where it is on the Order Paper.

Deputy L.J. Farnham:

I just wanted to concur with the previous 2 speakers this morning. We did agree to take it as the last item on the agenda. The proposition was brought with short notice. I know some Members I have spoken to have asked for a bit more time to examine the appendixes attached to my proposition and I am also still compiling some facts and figures, so I strongly recommend we stick to the earlier plan and wait, give as much time for Members to study as much of the information as possible, and deal with it as the last item. Thank you.

The Bailiff:

Does any other Member wish to speak? I close the debate. Did you wish to respond, Deputy Morel?

Deputy K.F. Morel:

I was throwing it there as an option and also aware, kind of diffidently, it is funny how people can have 2 such different views on the same thing. Precisely because the public are in the Royal Square, I thought they might be wanting to get to understand the result of it sooner rather than later. I must say to the Constable that while I have already instructed officers to get me these figures, I am concerned that we will not find those figures. That is a genuine concern, so I would not put too much weight on that as evidence we will get, but I can give you the sum of £970,000 as a minimum that has been provided to the Reds. I believe it goes far beyond that and obviously there are also sums of £457,000 owed to Government, as well as other monies to other parties that have not been repaid, but it is in hands of the Assembly. I thought the option was worthwhile mentioning.

The Bailiff:

Very well. The appel is called for and the vote for is a vote to take the item of business immediately, a vote against is a vote to leave where it currently sits on the Order Paper. I ask

the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting and the proposition is defeated: 10 votes pour, 32 votes contre, one abstention.

POUR: 10		CONTRE: 32		ABSTAIN: 0
Connétable of St. Brelade		Connétable of St. Helier		Deputy G.P. Southern
Deputy K.F. Morel		Connétable of St. Lawrence		
Deputy I.J. Gorst		Connétable of Trinity		
Deputy J. Renouf		Connétable of St. Peter		
Deputy R.E. Binet		Connétable of St. Martin		
Deputy H.L. Jeune		Connétable of St. John		
Deputy T.J.A. Binet		Connétable of St. Clement		
Deputy M.R. Ferey		Connétable of Grouville		
Deputy A.F. Curtis		Connétable of St. Ouen		
Deputy L.K.F Stephenson		Connétable of St. Mary		
		Connétable of St. Saviour		
		Deputy M. Tadier		
		Deputy S.G. Luce		
		Deputy L.M.C. Doublet		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy I. Gardiner		
		Deputy L.J Farnham		
		Deputy K.L. Moore		
		Deputy S.Y. Mézec		
		Deputy P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.S.V.M. Porée		
		Deputy D.J. Warr		
		Deputy M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy R.S. Kovacs		
		Deputy B. Ward		
		Deputy M.B. Andrews		

The Deputy Greffier of the States:

The 10 Members voting pour: the Connétable of St. Brelade, Deputies Morel, Gorst, Renouf, Rose Binet, Jeune, Tom Binet, Ferey, Alex Curtis and Stephenson.

10. Draft Register of Names and Addresses (Amendment) (Jersey) Law 202- (P.56/2023)

The Bailiff:

The first item of Public Business is the Draft Register of Names and Addresses (Amendment) (Jersey) Law 202-, P.56, lodged by the Chief Minister. The main responder is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Register of Names and Addresses (Amendment) (Jersey) Law 202-. A law to amend the Register of Names and Addresses (Jersey) Law 2012 to permit the supply of certain information to credit reference agencies and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Deputy Millar is the rapporteur.

10.1 Deputy E. Millar of St. John, St. Lawrence and Trinity (Assistant Chief Minister - rapporteur)

As many Members will be aware, in recent times there has been increased concern over the decline in credit card providers providing credit cards to Islanders. We have all heard reports about people not having credit cards renewed at their expiry date and not being granted new credit cards. Through our discussions with banks, we understand that one critical and common barrier to the provision of credit cards in Jersey is the absence of a central electoral roll which can be searched by credit reference agencies to provide information about customers. This information is key to supporting the onboarding of applicants both for address verification checks required under money laundering requirements and for affordability checks. The solution proposed through this proposition will enable government to deliver to credit reference agencies in a secure manner information similar to that contained on the electoral roll to meet these purposes. The value of the proposition is not, however, limited to the issue of credit cards. The Government have recently conducted a consultation on proposals for a new consumer credit regime. This will seek to implement necessary protections for consumers when entering lending arrangements, including, it is proposed, the requirement for lenders to perform affordability checks. The use of credit reference agencies has been acknowledged by a number of lenders as important to support delivery of this step. Beyond the delivery of credit products, financial institutions, including banks, are working to deliver digital platforms for processing customer applications with a view to improving efficiency and accuracy. The use of information held by credit reference agencies through already established processes will support banks and other lenders in the delivery of these platforms and hopefully bring the benefits of more streamlined processes to Islanders.

[14:45]

The Register of Names and Addresses (Jersey) Law 2012 established the requirement for the Chief Minister to maintain a register of certain facts about individuals who require to register under the Control of Housing and Work (Jersey) Law. This register is used within government to support their operations, including the administration of social security benefits and pensions. The current use of the register is, however, limited by law to use by public authorities and does not currently allow for sharing with other organisations, such as credit reference agencies. The proposed amendment to this law will establish a new statutory purpose and use

for the register such that the information can be provided to credit reference agencies, subject to fulfilment of certain conditions. Before I move on to discuss the amendment, I would just like at this point to recognise the work done by the Jersey Consumer Council in identifying the scale of this particular issue and its campaigning work with both the banks and us to try to find the reasons and the solutions to the problem. If I move to the amendment, this proposition will permit the supply of limited and specific information, namely a person's name, address and date of birth, to prescribed credit reference agencies. This will be limited to persons resident in Jersey who are 18 years of age and above. The proposition imposes specific purposes for the supply of information, limiting this to, first, enabling persons to meet money laundering obligations such as customer due diligence verification procedures, vetting and application for credit and performing statistical analysis of credit risk assessment where the individual has not been identified. It also imposes conditions upon the Chief Minister to ensure the supply of information is limited to credit reference agencies that are subject to authorisation, that is regulation equivalent to that of the U.K. and data protection laws equivalent to the Data Protection (Jersey) Law. The proposition also allows for a fee to be charged to credit reference agencies for access to the register. The model and value will be established by subsequent order. I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, those in favour of adopting the principles kindly show. Those against? The principles have been adopted. Deputy Mézec, does the Corporate Services Scrutiny Panel wish to call the matter?

Deputy M.R. Scott:

It is the Economic and International Affairs Panel that has scrutinised this.

The Bailiff:

Well, does the panel wish to call matters in?

Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):

No, we do not. We have filed comments on the proposition and it would be useful to know a bit more about what happened in the consultation, but I am sure the Minister will respond.

The Bailiff:

Thank you very much, Deputy. Then we move to the Second Reading. How do you wish to propose the Articles?

Deputy E. Millar:

I could provide a little bit of information about the consultation, if that would be helpful.

The Bailiff:

It is entirely a matter for you.

10.2 Deputy E. Millar:

Just very briefly, the consultation was open. It was a public consultation and it was open between 17th July and 25th August. The consultation ran in parallel with the lodging of the proposition because we were trying to deal with this as a matter of some urgency, given the concerns around credit card provision. The consultation received relatively strong engagement

from the public, with 126 responses, 85 per cent of whom were supportive of the proposal. A number of those who were neither supportive or not supportive identified that their views were conditional on necessary data security safeguards being delivered, so data protection will be a very important aspect of these propositions. They have been discussed with the Office of the Information Commissioner, who has not raised concerns, and officers will continue to work with the commissioner as the proposals are developed in practice. We are satisfied that data protection issues will all be covered. Thank you. May I propose the regulations *en bloc*, please?

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the regulations or any of them? Thanks very much for the contribution to the Greffier's fund.

Male Speaker:

It is on silent.

The Bailiff:

Not silent enough, Connétable. **[Laughter]** Those in favour of adopting the proposition in the Second Reading, kindly show. Those against? The Articles are adopted. Do you move the matter in the Third Reading, Minister?

Deputy E. Millar:

Yes, please.

The Bailiff:

Is it seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in the Third Reading? Those in favour of adopting the matter in the Third Reading ... the appel is called for. I invite Members to return to their seats. The vote is adoption in the Third Reading and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been adopted: 44 votes pour, no votes contre and no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				

Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

11. Draft Employment (Amendment No. 14) (Jersey) Law 202- (P.62/2023)

The Bailiff:

The next item of Public Business is the Draft Employment (Amendment No. 14) (Jersey) Law, P.62, lodged by the Minister for Social Security. The main responder will be the Chair of the Health and Social Services Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Employment (Amendment No. 14) (Jersey) Law 202-. A law to amend further the Employment (Jersey) Law 2003. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

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

When Deputy Ahier lodged P.70/2021, he sought to enshrine legal rights to time off work for parents affected by the tragic death of a child. Deputy Ahier's proposal took its lead from the then recently introduced Jack's Law in the U.K., a law that came about following campaigning by the parents of Jack Herd, and while no amount of time off work or financial compensation will ever make up for the devastating impact the loss of a child might have, I hope we all agree that Government does have a role in ensuring that parents are supported in these tragic circumstances. Deputy Ahier's proposition received unanimous support from the Assembly and now these changes to the Island's Employment Law will, if adopted, see those rights made a reality. This amending law will create a new statutory entitlement to parental bereavement leave under Article 55HA of the Employment Law. Working parents will be entitled to 2 weeks' unpaid leave from their employment after the date of death of a child under 18 years of age and that will include a child that is stillborn after 24 weeks of pregnancy. The leave can be taken at any time up to 56 weeks from the date of the death and can be taken in up to 3 separate periods, with each period being of any amount of time and with no requirement for the parent to give the employer notice of taking parental bereavement leave. The leave has been structured in that way because parents ... although there is 2 weeks, parents may, it is thought, likely take the time off perhaps at the time of the death, subsequently for a funeral and perhaps within the year, perhaps the anniversary of the death or another notable event in the family's life calendar. Entitlement to parental bereavement leave will be a day one employment entitlement. Parental bereavement leave will be available to the mother and the father of the child, including adoptive or surrogate parents. It will also be available to the partner of a parent if the partner is involved with the upbringing of the child, so this could involve up to 4 individuals, being 2 sets of parents and step-parents, where all work. The balance of any leave is transferable if an employee moves to a different employer and the right to this leave does not impact any other form of parental leave under the Employment Law, so it is an additional right to time off work. I believe that a great majority of employers in the Island will already adopt a sensitive and considerate approach when giving parents time off work in such tragic circumstances. However, the introduction of a statutory period of unpaid leave will ensure that parents in Jersey are in no doubt as to their rights to time off work. Should the Assembly adopt these changes to the Employment Law, I will also be implementing the ministerial decision, a non-statutory payment scheme that will be available to any parent taking parental bereavement leave, which I would remind you is unpaid. Addressing the issue in this way means that there is no financial burden placed on employers. The taxpayer will provide financial support to parents during the times when they are taking their bereavement leave. The scheme will make payments to parents regardless of whether their employer decides to pay them while they are off work or not. Payments will match the value of the current mean average weekly earnings based on reporting published by Statistics Jersey. Presently the mean average wage is £920 per week. That is £1,840 for each parent for a total of 2 weeks' parental bereavement leave. The payment amount will adjust annually according to the latest mean average weekly wage. The scheme aims to be as simple as possible for parents, with any administration incorporated into existing processes. As far as possible, payments will be made using information already held by the government, although in some cases it may be necessary to obtain banking information from parents to make payments. I would like to extend my thanks to everyone who has been involved in the development of this legislation, in particular Deputy Ahier for his work in bringing the original proposition to the Assembly, the Health and Social Security Scrutiny Panel for their support of this legislation and the Children's Commissioner for making time to review these proposals with my officers. Finally, I would

also like to thank Jo Nash of Philip's Footprints for her support and work with my officers over the past year or so in developing this legislation. Jo has also asked me to mention the apposite timing of this debate, given that next week, that is 9th to 15th October, is Baby Loss Awareness Week. Thank you. I maintain the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Deputy Ahier.

11.1.1 Deputy S.M. Ahier of St. Helier North:

I am pleased to support this proposition which has been presented by the Minister for Social Security. It is the culmination of a great deal of work which can now finally be implemented. My proposition, P.70/2021, was passed *nem con*, when it was debated in the Assembly on 22nd July of that year. That proposition requested that the Minister bring forward proposals to the States for debate prior to the end of March 2022 to grant all employees the right to 2 weeks of parental bereavement leave following the death of a child under the age of 18, the cost of the scheme to be met fully by the States. In essence, this proposition fulfils that request, even though it has been slightly later than I expected. The delay was partially due to the 2022 election. I hope that new Members will note that when it comes to implementing propositions, timelines are often extended and consideration has to be given to the large workload of officers, but patience is a virtue and it is satisfying to see that now we can endorse Draft Employment (Amendment No. 14) (Jersey) Law. It reflects the sentiments of my original proposition, and I am certainly delighted that it is finally being progressed. Linking it to the latest mean average weekly wage is also to be welcomed and is in accordance with my original proposal. The financial implications are also very similar to my earlier calculations. We must remember the terrible trauma and suffering that is the consequence of losing a child. It is often stated that time heals all wounds, but the wounds remain and the scars never fully heal. I would like to thank the Minister for bringing this proposition and ask all Members to support what I believe is a vital and necessary change to employment legislation. Thank you. [**Approbation**]

11.1.2 Deputy M.R. Scott:

I am sure that all States Members must have sympathy for any parent who has been in this unfortunate position, and I will of course be supporting this. There is just one small question or a point of detail that I would ask the Minister to address, because something was not particularly clear to me. I think once this law comes into effect, assuming that the States Assembly supports it, it was just simply to do with the changeover. We have Article 55J that says that the parental bereavement can be taken at any time, even if there is a change from one employer to the other, so I do request - if I have not already missed something - that there is clarity about which employer pays for that leave in those circumstances.

[15:00]

Because basically it is saying that it applies in the case of any employer who employs the employee on the day the entitlement accrues, so basically is it that that employer budgets for that or is it the next employer? Just that small point of detail that I hope that can be addressed.

11.1.3 Deputy L.M.C. Doublet:

I want to also thank the Minister for bringing this forward, and Deputy Ahier. I think sometimes when it is something as emotive as this, it can be really difficult to campaign for and progress it and it takes a personal toll. I really admire him for the work that he has done

in bringing this to the attention of the Assembly. There was something in the Articles that I wanted to draw Members' attention to which I was particularly impressed with, and I think we should be doing more of when we are looking at new laws and perhaps reviewing existing laws. That is Article 55HA, I think it is (1)(e), and this leave extends to - and the Minister outlined this - it could be up to 4 parents. I think the fact that this law reflects modern families and parenting arrangements in that blended families and extended ... that stepparents' relationships are recognised in this law; I think that is progressive and remarkable and I am delighted that that is in there. I thank the Minister and her officers for that and Deputy Ahier again.

11.1.4 Deputy R.S. Kovacs:

I am pleased to see this legislation coming into place because I have seen closely the effect of such a provision not being in place for friends and neighbours when their child died and they were called into work within 5 days. What I just want to make sure is if the Minister is willing to maybe look into further how this employment legislation on bereavement can be addressed even past 18 on close family members because what if the child is 18 and one day? Does it make it less painful? Just to see what provision can be made further if any consideration is given.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak I close the debate and call upon the Minister to respond.

11.1.5 Deputy E. Millar:

Firstly, I would thank Deputy Ahier and Deputy Doublet for their comments and for their support. In terms of questions: to Deputy Scott, the employer does not have to pay the ... this proposition and this right does not affect the employment contract, and if you had an employment contract that said: "You will not be paid if you are absent from work beyond your holiday leave or sick leave" the employer does not have to pay. That is why the Government will make the payment to parents to recompense them in that event, if they have an employer who cannot, because we have to reflect that there will be some very small employers who will struggle to pay someone to be off for 2 weeks. So the Government - the scheme that I discussed - will make the payment and I would hope that most employers would be able to work out between themselves that if an employee when he moves, either he or she, would be able to say: "I have taken 5 days of my parental bereavement leave and I have 5 still to take" so I would hope that employers will deal with that in a pragmatic and sensible way. There is no issue of employers having to budget for the payment. To Deputy Kovacs, I am not quite sure why it has been set at over 18. I imagine that also follows the U.K. law and I think it really is intended to apply where someone loses a very young child and not an adult child. I think a line has to be drawn somewhere for most people even though the loss of an adult child would be equally devastating for any parent. I would like to propose the amendment. No, sorry.

The Bailiff:

You would like to propose the principles?

Deputy E. Millar:

Sorry, Sir.

The Bailiff:

We are still on the principles. We are going to vote on the principles now.

Deputy E. Millar:

Apologies.

The Bailiff:

Would those in favour of adopting the principles kindly show. Those against? Very well. The principles are adopted. Does the Health and Social Security Scrutiny Panel wish to scrutinise the matter? Deputy Howell, I think you are next down on the list as a member of the panel.

Deputy A. Howell (Health and Social Security Scrutiny Panel):

No, thank you, Sir. I think we have already had a briefing.

The Bailiff:

Thank you very much indeed. How do you wish to deal with the matters in Second Reading, then, Minister?

Deputy E. Millar:

En bloc, please, Sir.

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Articles in Second Reading or any of them? Those in favour of adopting the Articles kindly show. Those against? The Articles are adopted in Second Reading. Do you propose the matter in Third Reading, Minister?

Deputy E. Millar:

Yes, please, Sir.

The Bailiff:

Is the matter seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Is the appel called for, Minister?

Deputy E. Millar:

Yes, please, Sir.

The Bailiff:

All right. Members to return to their seats. The vote is on the adoption of the law in Third Reading, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading: 45 votes pour, no votes contre, and no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				

Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

12. Extension of Cold Weather Bonus (P.64/2023): as amended (P.64/2023 Amd.)

The Bailiff:

The next item is the Extension of Cold Weather Bonus, P.64, lodged by Deputy Porée. Deputy, you have an amendment to your own proposition so do you wish us to take it as read by your amendment?

Deputy B.B. de S.DV.M Porée of St. Helier South:

Yes, please, Sir.

The Bailiff:

Very well. Are Members content to take the proposition in its amended form? I ask the Greffier therefore to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion that eligibility for the Cold Weather Bonus, or any similar financial support scheme that is proposed or implemented by the Government, should be extended to include those who are in receipt of 100 per cent Long-Term Incapacity Allowance, who are below pensionable age and who have been ordinarily resident in Jersey for a continuous period of 5 years, and who otherwise qualify under paragraphs 2, 3 and 5 of Article 3 of the Schedule to the Social Security (Bonus) (Jersey) Law 2014, and to request the Minister for Social Security to take all necessary actions to allow the measures to be implemented by January 2024.

12.1 Deputy B.B. de S.DV.M Porée:

First of all, I would like to thank the Minister for Social Security for showing willingness to work with me in bringing this proposition forward and for the suggestions that she and her team have made to the amendment of my proposition. I would also like to thank the officers involved in supporting me with the amendment. I first felt the need to bring the extension of Cold Weather Bonus proposition forward when answering calls from constituents asking for extra support as they were financially struggling to get through last winter. Their finances were stretched to the limits and could no longer pay essential bills, such as electricity. The particular group of constituents I am referring to are those on long-term incapacity benefits. I found that often the extra available support is available by charity organisations. Although this group of people are one of the most vulnerable groups in our society they are still proud people and not always willing to receive charity support. To date, the Cold Weather Bonus has been available to provide assistance to low-income pensioner households not claiming income support. The amendment to this proposition takes into consideration that it is not appropriate for the Cold Weather Bonus to be available to all individuals in receipt of long-term incapacity allowance. The aim of the amended proposition is to extend the qualifying conditions for the Cold Weather Bonus to include households where a member of the household is in receipt of 100 per cent long-term incapacity allowance and they also should be below pensionable age. This is because this group of people are one of the most affected by the winter months, where their physical and mental health conditions tend to be aggravated, leaving them less motivated and proactive and also less likely to take on activities that require them to leave their homes. We all know that the winter months and cold weather has an impact on general health, and this is more so the case on those suffering already from ill health. This proposition is limited in scope and intended to reach those most in need of our additional support and I hope the Assembly will help support this group of individuals. Now I call for the proposition.

The Bailiff:

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

12.1.1 Deputy E. Millar:

I am grateful to Deputy Porée for proposing her proposition as amended. The amendment brings Deputy Porée's proposal in line with the existing eligibility criteria for the Cold Weather Bonus. It may be helpful to Members if I provide some background to the L.T.I.A. (Long-Term Incapacity Allowance) benefit to explain the need for the amendment. The long-term incapacity allowance is a contributed benefit available to working age people who have long-term health conditions. It is assessed on a percentage basis with the full 100 per cent award only made to those with the highest level of incapacity. L.T.I.A. is not means-tested. It is available both to low and high-income individuals who have a contribution record and indeed many recipients continue to work, notwithstanding receipt of the benefit. L.T.I.A. can also and is often paid to a person living outside Jersey if a person moves to a country with a reciprocal social security agreement. It is possible to receive L.T.I.A. and income support at the same time for those with low incomes. Under the income support system additional components are available to those with a significant degree of disability. People with the highest level of disability component under income support already automatically receive cold weather payments. As amended, the extension of L.T.I.A. recipients now bring those people within the existing Cold Weather Bonus structure. If the States agrees, the Cold Weather Bonus will be extended to L.T.I.A. claimants who have lived in Jersey for at least 5 years and have a household income below the tax threshold. This maintains the targeting of tax-funded benefits towards low-income families who need the most. As I have mentioned, the cold weather support is also already available to some low-income families through the income support system and I would urge anyone struggling with bills over the winter period to check with C.L.S. (Customer and Local Services) if they qualify for income support or any other of our available benefits. I am grateful to Deputy Porée for engaging with my officers and bringing forward this amendment. Subject to the views of the Assembly, I will bring forward legislation to make this change. The Deputy has asked whether this can be implemented by January. Given that we are already in October it may not be possible to prepare, lodge and debate legislation before the end of the year. I will ask officers to proceed with the work as quickly as possible, but it is important that I advise Members at this stage that the January timing may not be achievable.

The Bailiff:

Does any other Member wish to speak on the proposition? No other Member wishes to speak. Then I close the debate and call upon Deputy Porée to respond.

Deputy B. Porée:

I call for the appel please.

The Bailiff:

The appel is called for. Deputy, as a matter of form you should have stood up when you said that, but that is quite all right.

Deputy B. Porée:

Sorry, Sir. Thank you.

The Bailiff:

The appel is called for and I invite Members to return to their seats. The vote is on the adoption of the proposition, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted: 42 votes pour, no votes contre, no abstentions.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brellade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				

Deputy T.J.A. Binet			
Deputy M.R. Ferey			
Deputy R.S. Kovacs			
Deputy A.F. Curtis			
Deputy B. Ward			
Deputy L.K.F Stephenson			
Deputy M.B. Andrews			

[15:15]

13. Law Revision Board: Appointment of Members (P.67/2023)

The Bailiff:

The next item of Public Business is the Law Revision Board: Appointment of Members, P.67, lodged by the Chief Minister. The main responder is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with the provisions of Article 15(2)(a) of the Legislation (Jersey) Law 2021, to appoint Deputy P.M. Bailhache of St. Clement and Connétable R.D. Johnson of St. Mary as members of the Law Revision Board.

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

I am delighted to nominate Deputy Bailhache and the Constable of St. Mary for membership of the Law Revision Board. The board plays an important role in certifying revised editions of Jersey legislation, which are prepared by or on behalf of the principal legislative drafter. The role of the States Members on the board is principally to agree at a political level changes to legislation that fall short of changing the legal effect of that legislation. Many Members will be aware of the important function of the board in improving the wording of legislation and ensuring that it remains current. I believe that the Constable of St. Mary and Deputy Bailhache are ideal nominees for the board and that Members can have full confidence and trust in them both to fulfil this role. Membership of the board will complement their current positions as chair and vice-chair of the Legislation Advisory Panel. I hope that the responses received by a number of Members to the communication from my private office on 28th July setting out my intention to make these nominations and for which they were all supportive will be reflected across the Assembly today. I make the nominations and move the proposition.

The Bailiff:

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

14. Funding for the Jersey Reds (P.78/2023) - as amended (P.78/2023 Amd.) (P.78/2023 Amd.(2))

The Bailiff:

The next item of Public Business and final item is the Funding for the Jersey Reds, P.78, lodged by Deputy Farnham. The main respondent was the Minister for Treasury and Resources and

Deputy, you have ... oh. **[Laughter]**. We will chat among ourselves for a moment, but I am afraid ...

Deputy M. Tadier:

Sorry, Sir, I am trying to think of a point of order or something, but nothing is coming to mind.

The Bailiff:

Well, I am afraid the simple fact is that if the Deputy is not available to move the proposition the proposition falls away.

Deputy L.J. Farnham:

I do apologise, Sir.

The Bailiff:

Your popularity was on a thread there for a moment. **[Laughter]**.

Deputy L.J. Farnham:

As it has ever been, Sir, I am afraid.

The Bailiff:

Yes. Deputy, we now come to Funding of Jersey Reds. You have already indicated this morning you were prepared to take the amendment lodged by Deputy Feltham. Is that correct?

Deputy L.J. Farnham:

Yes, Sir.

The Bailiff:

And would you also accept the amendment lodged by Deputy Scott?

Deputy L.J. Farnham:

Yes, please, Sir.

The Bailiff:

Do Members agree that we can take the proposition as amended by all of the 2 amendments, both of the 2 amendments? Very well. I do not notice any ... those in favour kindly show, I think, just to be sure. Those against? Very well. Then, Greffier would you please read the proposition? I beg your pardon, Chief Minister. Did you wish to ...?

Deputy K.L. Moore:

Perhaps it is better if I do so, but I have a conflict of interest that I wanted just to declare at the outset.

The Bailiff:

Certainly, Chief Minister, yes.

Deputy K.L. Moore:

I have a tenant who will be impacted by loss of earnings and therefore I am likely to experience a personal financial loss.

The Bailiff:

Very well, thank you. Would the Greffier please read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources to take the necessary steps to make funding available to the Jersey Reds, subject to the provision of a business case by the organisation that quantifies the benefits of the club to the Island and demonstrates that the organisation will remain operational for the 2023-2024 rugby season, and, subject to inclusion within the proceedings of the board of Jersey Reds of a senior representative from the Treasury and Exchequer Department and an independent representative from the business community, both to be involved in those proceedings in an advisory capacity.

14.1 Deputy L.J. Farnham:

I do apologise to Members. I thought there was time for a call of nature, and then I was engaged in conversation in the downstairs lavatory by the Minister for Economic Development, Tourism, Sport and Culture, which I think was some sort of a ploy, but here we are.

Deputy K.F. Morel:

I was going to say, I cannot find nefarious plans in Standing Orders anywhere, Sir.

The Bailiff:

No.

Deputy L.J. Farnham:

Can I thank Members for allowing this important debate to take place today? The Jersey Reds are our rugby team. Our people, our players, the team who have made us so proud on many occasions over the years and literally making history for us by winning the rugby Championship only a few short months ago, but I cannot help but feel we are close to letting them down. The Government were informed in November 2022 in a meeting with Deputy Stephenson, that she has alluded to, that there was likely to be funding required in the future, and I believe that Deputy Stephenson made it clear, as she said earlier, that no funding was going to be available. Now, she is shaking her head at my comment, but I am not sure why she would have said no funding was available if funding was not an issue discussed at that meeting. I will come back to this shortly, but I think it is just worth reminding States Members that the funding that has been given to Jersey Reds has become a lot more recently simply because following the pandemic and the massive impact of COVID on the sporting economy globally meant that their grant was reduced by 75 per cent, that is £500,000. We must first of all remember that their financial challenges, that have always been there because a club in a small jurisdiction such as Jersey, and of course Jersey teams have the added disadvantage of having to travel by boat or by plane and then by coach to away fixtures, provides an additional financial burden. I am not sure what discussions were had between November and last Thursday when the shock announcement was made, but whatever happened the Council of Ministers decided to make no further funding available to the Jersey Reds at a meeting on Tuesday, 19th September. I think what is really concerning is the fact that it did take 8 days for that decision to be officially communicated to the right people in the club, and I accept Deputy Morel's explanation earlier that he wanted to talk to one of the benefactors who had been in attendance at some meetings. It was also pointed out, and I read this in the media today, that the Chief

Minister attended a match on 23rd September but did not say anything. Maybe that was appropriate. Maybe it was not appropriate to talk about it at the match, but it left the Jersey Reds in an impossible situation with no time to respond. It became a national news story, and I think it has been damaging to our Island's reputation. Even today, from the English training rugby camp in France, players are expressing publicly their concern and their empathy with our Jersey Reds. I think it is fair to say that given the discussions that have taken place, given the fact that £370,000 had already been forthcoming, the board, albeit wrongly or perhaps prematurely, and the management of the club were expecting a more positive outcome. They believed that having got that far and got some emergency funding it would be sensible to provide the rest of the funding so that they could see the season through. A season for Members' information has started now and runs until the end of May potentially with cup fixtures that would go ahead. They believed that. They have been criticised for not perhaps sharing the information with their staff and members, but I think while we could be critical of that there is a fine line when you are trying to run and maintain the motivation of professional athletes. I think they just made the wrong call. They were expecting rightly or wrongly more support, so they were completely shocked when they got the chop, as it were, from the Council of Ministers the day before the deadline, and that is what caused the problems. The economic value of the Jersey Reds playing in the Championship is considerable, but it has been measured in 2016, 8 years ago, and I believe that £2.1 million of benefit was a figure presented to the Council of Ministers when they considered the matter some 7 years later, which I think was probably not really appropriate in the context of what has happened since then. In overall terms the economic value of the Jersey Reds to our local economy is estimated now at around £5 million a year. It is impossible to give a really accurate estimate, and I do think that whatever happens in the future we need to invest some money. The Department for the Economy needs to do some really in-depth study into sports tourism, sports impact on the economy. That was one of the reasons why sport was put in the Department for the Economy in 2014, I think. I am looking at the Chief Minister, he remembers that. I do not think we have ever made as much of it as we can, but the Jersey Reds, as a professional sports team, I think has demonstrated just what economic benefit it can bring. In an appendix attached to my proposition is a paper entitled *Jersey Reds. Reds benefits to Island* which I will just go through some of, if I may. The paper illustrates the economic benefit of Jersey Reds' professional rugby activity in the 2022-2023 season. That was roughly September 2022 to May 2023, which of course resulted in the winning of the Championship. This is one element of the contribution to the Island. The others which are illustrated in the appendixes are aggregated to show the overall hard economic benefit, and although this was produced internally by the rugby club, it is based on facts and figures as presented in the accompanying spreadsheet taken from gates and accurate and tangible numbers that they have compiled through their own gates and through speaking to the other clubs. Also included are the revenues associated with the preseason matches against London Irish, Bath and Leicester and the England training camp in October 2022, using the similar assumptions that they used for the rest of the season. In total, the sums included in the spreadsheet, rows headed A, B, C and D, are the sums that playing and associated revenues produce being approximately £2.62 million each year. In addition at row E the revenues associated with amateur rugby in all its forms and administered by the Jersey Rugby Football Club are arrived at using estimates from the Jersey Rugby Football Club themselves and total a further £832,000 from amateur rugby, which is very good, but that is also partly enabled by the fact that the facilities are in place because of the professional activities provided by the Jersey Reds. While these revenues are not directly produced by the Jersey Reds the services that the Jersey Reds provide to the amateur club provide them with a

first-class infrastructure and ensure the continuation of amateur rugby in all its forms and all its levels that could not be as easily sustained by themselves. Essentially the Jersey Reds provide services valued at approximately £250,000 to the J.R.F.C. (Jersey Rugby Football Club) and of course that includes the maintenance of facilities, all of the utilities, insurance, running the club facilities and the grounds.

[15:30]

Without professional rugby the amateur club would not need all of that infrastructure, but I have spoken today to the chair of the Jersey Rugby Football Club, the amateur side, who still thinks that without ... they would survive without the professional side, but it is estimated roughly that the additional cost, the additional money needed to be found by the amateurs would be about £100,000 a year. Other sources of economic benefit to Jersey include taxes to the Government of Jersey, I.T.I.S. and G.S.T., which have been estimated at £520,000, excise duty on bar sales at £200,000, salary of staff net of tax £1.3 million spent on Island, other payments to on-Island suppliers, rates, food, alcohol, utilities, et cetera, at £400,000. That totals £2.4 million, so if you add that to the £2.6 million that comes to £5 million, approximately. That is without applying an economic multiplier. A multiplier is a commonly used assumption to give the effect that once a person spends £1 there is a trickle-down effect from the recipient's subsequent expenditure. It is a standard economic procedure and applying a low or average multiplier of 1.3 million would increase that £5 million to £6.5 million. Now, these are not absolutely scientifically accurate figures, but I think they are a very good guide of the economic benefit that we get, and whether it is £2.1 million or £6.5 million we can be sure that somewhere in between there is a very good indicator of the pounds and pence that are spent on this Island as a result of the professional rugby provided by Jersey Reds. Before I come on to the additional benefits, I just wanted to remind Members of the importance of promoting the economy, of generating more economic activity during the shoulder and winter months, which is of course where all of the action happens with professional rugby. For example, one figure in the spreadsheet it is almost 18,000 flights, seats on airlines, ferries are generated over those winter months by very largely the professional rugby and also some amateur rugby. That is 18,000 seats. Now, I think you could argue that in the scheme of all the seats it is quite a small figure but it is vitally important through the winter. Ask any taxi driver, match days they are back and forwards all the time with passengers. That is just one example of how the trickle-down runs through to the smaller businesses in the economy. Deputy Stephenson, I think on an interview on BBC Radio Jersey, alluded to the fact that the Government should not really be investing or participating in this sort of activity, but we do it in many other areas. We provide millions and millions of pounds worth of funding to our valued arm's-length organisations who promote other areas of economic activity, such as Digital Jersey, Visit Jersey and, of course, Jersey Sport. I am going to look to the Assistant Minister at that one, who I think the annual budget is in the region of £2 million to support Jersey Sport in the activities they carry out. I am getting a blank look but I am going to ... no, I am not going to get an indication but I think it is something like that. I understand their activity is being reviewed. But also we, through Ports of Jersey, incentivise airlines to fly passengers to and from the Island and maintain the rotations and maintain the very good services we get through the winter months. We incentivise them financially to do that, which is in contradiction to the Government policy according to Deputy Stephenson. We do that because if we did not do that we would have less transport links. We would not enjoy the great transport links that we do now. So it seems odd that on the one hand we are giving money, quite rightly, to incentivise air travel and on the other hand we are pulling money from an

organisation that provides them with 18,000 seats on the aircraft during the winter months when they need it most. I think that is an important point to make. Other soft benefits include the fact that Jersey Reds are now an iconic Jersey brand. They are an iconic national brand, having won the Championship but having been a professional side for some time. The public relations and reputational benefit for Jersey derived from their activity and their recent success is a material consideration, but it is difficult to value in monetary terms. We do not have analysis for the rugby club and I do not think the Economy Department or Visit Jersey does have an analysis of this, but for reference of P.R. (public relations) value to Jersey, in equivalent media spend terms the British and Irish Lions training camp in 2021, if Members remember that - which if I remember rightly the States provided a grant of £175,000 to bring the Lions here - generated the value ... the advertising equivalent media value of that which was estimated by Visit Jersey was £6 million. That is over and above the other economic benefit I mentioned, of course. That excludes all of the exposure, the televised matches and the exposure we get when Jersey Reds play at home and away. It is not suggested that the Reds' normal activity generates this amount, but nevertheless this benefits us in the multiple millions of pounds per annum. We have not estimated the social benefit, or the halo effect as it is often referred to, of the mini and junior participation in rugby due to Reds being involved in those activities. The professional players provide great role models to our aspiring young athletes, who want perhaps a career, who want to play professional rugby. It gives them the opportunity and, again, I think Deputy Stephenson was critical of the fact that we did not have currently any Jersey players in the team. Well, we have had, and quite often when members of Jersey Reds who are not from Jersey retire they stay on and end up playing for the amateur side. This is professional sport and while we are the Jersey Reds it is not really surprising that we do not have too many people from Jersey. I am not sure if many people from Manchester play for Manchester United. I am not sure if many people from Ealing play in Championship side Ealing. I happen to know for sure 100 per cent that the side that play in our league, Cornish Pirates, do not have any Cornish pirates playing for them, so please do not be surprised at that statistic. As I said, all of this spend and benefit goes largely into the previously much weaker shoulder months. It is the perfect blend to extend the season and support the economy through the winter when we need it most. As I said, the figures do not include the P.R. and the positive experiences generated by the Jersey Reds activity. There have also been - I might as well mention it now - 2 England rugby training camps. Jersey Reds events have brought over 20 rugby and non-rugby sporting celebrities to the Island over the past 2 years alone. Four Premiership teams have also chosen the Island for their preseason training camps. All of this high-profile activity promotes Jersey and it is a wonderful reminder to the world that Jersey has so much to offer beyond our known strengths, beyond our well-known brand as an offshore financial services centre, or some wrongly label us as a tax haven. So I think it is important we promote and people see Jersey for the other great activities and great benefits it brings. I think professional sport and other sporting activities is a great way to promote us as a jurisdiction that offers other things. So how did we come to this point and why do I have to crave Members' indulgence to stand before you all today? Going back to a point I made earlier, in 2021 the Rugby Football Union slashed the grant paid to all Championship rugby teams by more than 70 per cent. That is a drop of half a million pounds a year. It made funding professional rugby teams very challenging. Jersey has always supported our professional rugby team because of the value it brings to our Island and the economic benefits, as I have previously mentioned. I think the rugby union ... I do not think they had much choice as many other sporting organisations did during that challenging time when we were not allowed to gather in grounds and participate as spectators in sporting events. But that has had a massive impact on

Jersey Reds' finances. Now, we have always funded them, and the Constable of St. Lawrence asked a very important question. I am not sure if we have managed to get those figures in yet, but that is certainly worth looking at. The grant funding, the money we have given Jersey Reds in previous years, I think has proven to be an excellent return on our investment over the years. On an average, around £150,000 per annum has been invested or spent, whatever way you want, in Jersey Reds over the last 7 years by Government. I think, judging by the appendix in Deputy Morel's statement, probably almost half of that has come since the rugby union cut their grant. So we can see while there has always been financial support required, the cutting of the grant in 2021 has had a massive impact and made it very, very difficult for Jersey Reds to remain as a financially viable concern without support from the States, hopefully in the short term but I will come on to that. I have a note here. So over that 7-year period, whether we take an average between the 2016 report that said there is approximately £2.1 million of economic return, to Jersey Reds' project on the last season's figures of £5 million, if we say an average figure of about £3.5 million spent in the economy in the last 7 years, £25 million, a million investment for a £25 million return in the economy, that is ... every pound we give Jersey Reds we get £25 spent back without the other soft benefits. I do not think that is a bad investment. Although I know we are a prudent, believe it or not most of the time, Assembly - we have been for generations; that is why the Island is in a healthy financial position - none of us like to throw good money, what we see as being good money, after bad. Of course, I know there is concern about speculation of any poor financial decision-making by Jersey Reds, but I am going to address that because I have not seen any evidence of it. I think any business who was reliant on a grant and gets that reduced by £500,000, which is probably almost a quarter of its income, will struggle. On top of the money we have put in, private benefactors and local residents have donated many millions as well over the same period of time. It has been a great partnership between private and public sectors with a common goal, to keep professional rugby here. Some questions I have been asked by other Members and members of the public is: why have the directors not stepped in at this stage to save the jobs? That is a question I put to them at the weekend. I quoted some of them. It is quite difficult because we have had Government Ministers accusing the board of being slightly ... I do not know if they used the word "arrogant" but they indicated the board were very difficult to deal with. Coincidentally, the board have indicated that Ministers have been quite difficult to deal with, so we have a little bit of a standoff, which is not helpful. But these directors, none of the directors are paid. They do not even get expenses. All they do is put money in. One individual benefactor has put over £2 million worth of their own personal money in. While they are aware of the fact that they do come back for support time and time again, they felt strongly that before they were going to continue to put more of their own money in they wanted some more help from the Government because the only financial benefactor of professional rugby, the only body, if we call it that, that gains financially is the economy of Jersey.

[15:45]

So it figures that Jersey should do something to invest in that, as long as there is a return. There has to be a return. While we have put £1 million in over the last 7 years we have got probably a conservative estimate of £25 million back. The structure of the organisation with the rugby club, which largely has all of the moveable assets now secured in the rugby club - there is still some work to be done on that - and it is protected, then we have Jersey Reds 2022 Limited, which is owned by the benefactors and that is used there to loan and give money to Jersey Reds trading company. That is the company that does all the trading. That is where all the wages are paid from, the gate receipts, the bar receipts go. As I said, the directors of Jersey Reds

Limited, they are not remunerated. They do not take money out. They only put money in and write loans off, but they need the companies to manage that process. It is a philanthropic project; no fees, no expenses. That is why it is done. So whether you agree or not, I think the benefactors, the sponsors of Jersey Reds, the private sponsors, have said: "Right, okay, we have done enough. We want a bit more from the Government." Perhaps one of the mistakes we have made, and I will hold my hand up for this as well when I was Minister for Economic Development, Tourism, Sport and Culture, is we used to do it a bit on an ad hoc basis. We used to wait until we were asked, where we perhaps should have provided an annual grant that was allocated in our Government Plan or our Budget, like we do with other valuable events, such as Air Display, Battle of Flowers and so forth. That is what we have to think about. If we want professional sport here, if we want to develop our sports economy, that is what we need to do. We need to plan for it and we need to accrue for it properly. So, it has been unhelpful that there is a bit of a standoff between Government and the board, but I think we can rectify this. If the States support the proposition today, I think that will send a strong signal of confidence to potential investors, benefactors and sponsors that we are going to help, because when the States does engage as a financial partner it brings confidence to all other stakeholders. It is easier then to raise money. Further support from us would definitely unlock further private sector funding. I want to now refer to the slide set that I put in labelled "Business Model Review", which was produced entirely by Santander International. Santander International, which the Minister for Treasury and Resources will agree, are one of our most well-respected financial institutions and are hugely important to Jersey in very many ways. It produced this report which has been the subject of scathing criticism from other Members and Ministers. But it has been produced by Santander. That sets out clearly a way forward and I suspect ... and that is one of the reasons I was pleased to accept Deputy Feltham's helpful amendment because she calls quite rightly for a safety net of some business planning. We have the foundation of that here. So there is time to update this and this will need updating. If Members do have questions they can take back to Santander, rather than sneering at it from across their seats in this Assembly, bring it up with Santander and say: "This is where we think you might have gone wrong there." It can be easily amended. But any mistakes in here or perceived mistakes or figures that are slightly wrong are not going to make a massive impact on the overall outcome of what this says and the direction of travel which it recommends. I just wanted to make that point because I am sure we are going to see the Government strategy today is one that will want to discredit the management and the board of the Reds, the financial planning, but I want to say these are figures that have been put together carefully and thoughtfully. That is a part of a review of a 3-year plan produced I say in June and July of this year and I presume it was on the back of that plan that the Council of Ministers changed their mind. After having put £370,000 in, they looked at that, did not like it and decided ... I am speculating but I do not know why they would have put £370,000 in and then stopped, because it is going to cost a lot more to stop than it is to put a bit more in to keep it going. I do not really understand that. If we keep them going, we keep £3 million, £4 million or £5 million, probably more, of economic benefit for the next ... between now and the end of May. So whatever it has cost us, the multiplier return is good. There have been claims of financial mismanagement by the board or financial naivety or they are spending too much money, but I have not seen any evidence of that. They have been accused of, quietly - I do not know if this has been out but I have heard all of the whispers and people saying: "Did you know this?" and "Did you know that?", like happens in Jersey, everyone knows what they think they know but most of it is wrong - accused of spending too much money on players' wages. You know what the average pay is for a professional rugby player in the Jersey Reds? About £26,000 a year. £26,000 a year, that is

half of what we all earn. So no professional rugby for us. I am certainly not going to switch my generous salary for that. £26,000 a year is what they get paid. The only aspiration for buying better players and maybe spending, even at that average pay, a bit more money than they should have done was their aspiration to win the league. Now, some have suggested that was going above their station and they should have been happy with just keeping themselves down in the bottom half of the table. It is difficult to do that when you have highly motivated, professional athletes who are highly regarded by the community that they work in, and to say to them: "Look, we do not want you to win, just throw the odd game, we do not want to go up there because it is going to be more expensive for us to do well." I should also add that Santander, the group sponsors, are 100 per cent supportive, and I am not sure if Members know this of the club, they want the club to continue. They have guaranteed they will continue their sponsorship, but in addition to that, and it is in here, they have offered to spend up to £1.5 million in paying for and installing an artificial pitch at the rugby club for Jersey Reds. If we do not support this, we throw away a £1.5 million potential investment in a facility that the whole community can use, the whole community, the juniors and the minis, the Education Department. It means that numerous games can be played on the same day, increasing gate potential, so it can be hired out and generate significant revenue. That is part of what we are chucking out here. As I mentioned earlier, contained in the Santander review is reference to a new deal being worked out to restructure the top tier of English rugby. The new deal, or better put new model, including greatly enhanced sustainable funding, is due to be announced in December. We should at least keep going then until that is announced because the Rugby Football Union has talked to the management of the Jersey Reds, as reported in the media, and they have realised that what they have in place now is not working. If they do not change the model and they do not increase the funding to the Championship clubs - and I think the players have the future league, so Premier 1, Premier 2 - there will be no Championship club. There will be no Premier 2 if they do not revisit their business model and increase funding to the clubs. I am not saying that it is going to go back to where it was, but it certainly should increase on what it is now. Because the Rugby Football Union have realised they will not be able to maintain this tier if they do not support the clubs to that level. It has to work. There would be no professional rugby. There would be a very elite premiership and that is it. So we surely owe it to the Jersey Reds, to the staff, to all the people there, to the players, to give themselves the breathing space so that situation, largely outside of their control, can hopefully be resolved by a new deal from the rugby football club, which we are told details of which will come in December. Surely we have to keep it going until then. It would be foolhardy not to. I spoke briefly about the impact on the Jersey Rugby Football Club, the amateur side, which is so important, but just to say that will continue, I am so pleased to say. But I think by losing professional rugby that will put us back 2 decades in rugby development, and 2 decades ago it was 2006 when I think Jersey Reds took on their first 2 professional players. We have seen how it has evolved since then. Rugby is not an elitist game for wealthy people, as has been mentioned. You only have to look around, go to Wales and Scotland and Ireland and the towns and cities all around the civilised world, and you will realise just what an inaccurate and naïve comment that has been. It might be perceived by that, as some over here, because it encompasses all sectors of our community. The Government, having looked at the comments, will say we are asking for a blank cheque and again, as I have said before, we are always on a bit of a hiding to nothing here because if I had put a figure in, that figure would have been criticised. It would have been said: "What happens if that is not enough?" or: "It is too much, we cannot possibly support that." So I made the decision, after speaking to ... I phoned a few Members over the weekend and had a chat and took advice. But I thought the Government

would not try and pull that one. They would try and enter this, if the States ask them to revisit it, in the spirit for which it is intended, which is a continuation of professional rugby. Given Deputy Feltham's amendment and Deputy Scott's amendment, which puts another layer of potential protection in, I think it is not beyond the bounds of reality or being unrealistic to expect the Government to say: "Look, the plan here said they needed £590,000. The announcement of the potential close and liquidation will have caused them cash-flow issues. It will have caused concerns for creditors. That is going to have to change." I think that will go up but it gives a leeway for the Government, with the safeguards put in place by the amendments, to negotiate something that is realistic without being constrained by a figure. So it is a no-win situation. If I had put a figure, if I had said: "Let us cap it at half a million pounds" it would have been too much or it might not have been enough and the argument would have been, well, supposing they need £510,000, we cannot do it. So that is what we are going to get from the Government but please try and see through that. It is entirely realistic for the Government to negotiate with the Jersey Reds and their sponsors and the directors a way forward that everybody wants to see. So Jersey Reds is invaluable. Instead of trying to say it is a blank cheque, let us support the staff and the players. Let us throw them a lifeline here. It is the least we can do as they have done so much for us. It is a reasonable and pragmatic lifeline proposed in the Santander review, which will need, I think, refining, given the events of recent days. Please support it and vote to support your team, to support our team, to support our community. I think not most of all but from an economic ... to take a hard-nosed business approach to this, this is a sensible financial investment because whatever happens to the Jersey Reds, whether they get through the season, well, they will without our support, whether they last another 3 seasons or 10 seasons, every pound we put in right now we get a multiple back and a myriad of other social and community benefits as well. I respect Members and I will respect Members' concerns about this being a bit of a money pit. It is not a black hole. It is not. You can see from their financial forecasting it is a business with an income of about £3 million. That includes over £700,000 for sponsors, a myriad of local sponsors, and about £3 million worth of outgoing with some Government support. So it is not going to be a situation where the Government suddenly has to find £5 million or £10 million.

[16:00]

We are talking about hundreds of thousands of pounds. I know it is a huge sum of money but in the context of things, in the context of what we are talking about, I think it is a reasonable amount and that will bring us much more than just a financial return. When we look at the proposed expenditure in the Government Plan it puts some context around it. I could probably, if I had the time, if we had the time, we could probably go through that Government Plan and slice out the money that the rugby club need to keep them going without even noticing it. I am not going to go on, I promise, about hospital expenditure. We will save that for another day. So I thank Members for their forbearance. I thank Members for allowing this important debate. Professional rugby is important to our community, to our Island. We punch way above our weight, as we do with other amateur sports. Just for the record, I support more funding for amateur sport based on what they bring for the Island and also based on an economic return. If amateur sport, which many are bringing good economic return, they should get ... we should look at that when we consider funding them to try and grow that because collectively we will all benefit from that. So I thank Members. I will listen with respect to all of their arguments and I thank them for debating this. It is important. It is worthy, this subject is worthy of a States debate. I thank Members and present the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] I open the debate.

14.1.1 Deputy M. Tadier:

I am pleased to support and second this proposition, if it does need an additional seconder, especially with the caveat that it has been amended. I think that the amendment put forward by my colleague Deputy Feltham provides the necessary safeguards that should be able to strike a balance between that open-ended cheque, the open cheque that has been alluded to, which may be more figurative, and some Members will use that as an argument against, to saying let us look at the detail, let us get more detail, but let us try and keep this wonderful project that I think Jersey Reds has been afloat and get us to a position where we can try and get some unity around them to buy into the success for more time for further seasons to come. I was reminded of the quote which somebody told me early on in my political life. I think it is John or Bobby Kennedy said it, and it is that success has a thousand fathers but failure is an orphan. It is interesting that when Jersey Reds were on the up and when they were winning the league, all sorts of people, even those who were not natural rugby fans, got caught up in the enthusiasm of that and say: "Is it not great that for once we have a - another - unique Jersey success story here", which is good for the Island. What I would like to do is that we have heard a lot about the financial imperatives here. We have heard a lot from Deputy Farnham I think quite rightly about the tangible financial benefits that this brings to the Island. We are going to hear some arguments in a moment about whether the investment from the public sector is justified in terms of what the rugby club and Jersey Reds brings into the Island. Of course, that is absolutely where the crux of this debate will be determined. There have been some ideological arguments, I think, and I am hearing those from certain Ministers in the Council of Ministers who I think are very much making an ideological case against Jersey Reds, saying: "You are a private company. Why should we give you money when we would not give other private companies that money?" But already in question time this morning, after the statement from the Minister for Economic Development, Tourism, Sport and Culture, we have heard the argument we are not just talking about an ordinary company here. We are talking about a sporting entity which if, in fact, it was an arts entity, which I will talk about in a moment because I think there is a great synergy between arts, culture and sport ... it used to be Education, Sport and Culture. It is now Economic Development, Sport and Culture. There is an inherent differentiation between the way we should be applying expectations to private businesses which do their own thing, which are funded privately, and sporting clubs and cultural organisations, which we know are not there primarily to make a profit. They are there because they have an underlying social value and a social richness which they bring to the Island. I think we sometimes forget that and it is sometimes the case that the sporting community in Jersey do a lot quietly behind in the background. They do it at grassroots level. They do it predominantly at amateur level, and here we are seeing a very good example of what some call elite sport. Now, elite sport can be used pejoratively or it can be used to encourage, but what we are talking about is professional, high-level sport here, which I think is great for the Island because it does not just apply to sports people who can aspire. You can go and watch high-level sport at St. Peter, but you also know that it is an opportunity for people to experience that, especially people in the lower social quartiles, economic quartiles, who may not be able to travel outside of the Island to experience what is almost top-level rugby in the Island. But it is quite clear that there is a lot of passion around what Jersey Reds have achieved because I have certainly been contacted by members of the public. I have been doing this job in St. Brelade for 15 years and there are people I have never heard of before who I know who have contacted me on this single issue

and asked us to support Jersey Reds. I do not make that as an argument in favour or against but it clearly is good to see people so passionate about a local success story. So I think there is a social value here that has not been taken into account. It is a shame that we do not have the Minister for International Development here because I wanted to ask really about and to discuss the issue of national identity. Jersey is not a nation in the true sense of the word but we often hear Ministers in the past ... and I know that the current Minister for External Relations talks about Jersey as a small nation state. I think we could quibble over that exact definition but it is clear that Jersey has a very unique identity as a Crown Dependency and it is very unique and has taken that pride in its unique status over centuries. Here we have seen something which is almost akin to a national team, so it is not quite Jersey's national rugby team but it kind of is, is it not? Because it does not compete at international level - Jersey cannot compete at international level - but it is the next best thing that we have to a national rugby team. It competes on the highest stage that it can and it does that nationally and it does that week in, week out, with half of the games played in Jersey, half of the games played away. So it is an opportunity for local people to get behind the local team. When you ask the question why should we be funding a private business, you are probably likely to solicit a certain answer, but if you say: "Should the Government be funding their national football team, their national rugby team, their national cricket team?" the answer is: "Of course they should." Of course the Government should be involved in supporting their national rugby team because other countries do it. When I went to Georgia it was a good case in point. Of course, they have a rugby team in Georgia. I suspect it does not wash its own face; none of the national teams do. They get funding and it is part of the cost that you pay as a nation. On top of that, it leads me to the next point that there is an added benefit that people know about Jersey. Some people know about Jersey only because of the rugby. They might have heard things about Jersey somewhere else. They may have never been to Jersey. I know people who have been to Jersey for the first time only because they are an away fan and they travel to the rugby club. They say: "We never knew about Jersey before. It is such a beautiful place to come to and, you know what, we are going to come back. We are going to come back not to watch a match, we are going to bring our family, we are going to bring our friends over here as well." So I think there is that case. I was reminded about the money that we do put into the arts sector. It is partly because we have a formula and it is sustainable. Somebody had this great idea somewhere along the line, and it was not me, incidentally. That came from a report which was commissioned by the former Assistant Minister for Arts and Culture, Deputy Norton. But the report was never published. It had all these great ideas in it and one of them was to give 1 per cent of the budget to arts, heritage and culture. What it means is that we get great things that happen in Jersey now. Did anyone go and see the earth globe that was put at the reservoir? How much money did that cost? How much public money went into that so that people could go for free to look at a globe and they did not pay a penny to get in? They might have made a donation, but that was funded somehow and somebody was brought over. It is not a Jersey piece of art, it is a piece of art which touched I think tens of thousands of people in the Island. Now we have this thing that we have created and I think we are so quick, some of us, to want to drop this beautiful success story that Jersey Reds has become because they have all of a sudden got some financial issues. Of course, we know that some of the financial issues are to do with the way that the R.F.U. funds its second tier, but as I suggested during question times, where has the non-financial Government support been? I think if I had been in Government at the time - and I am not a big rugby fan, I admit that - I would have been saying which one of you Ministers is going to be contacting the R.F.U. to say, diplomatically and politely, we have this situation in Jersey where we have won the league - not just them but we, because they are

a collective success story for the Island - why are you not allowing us to compete in the top division? Because that would surely bring in more kudos, certainly, but I think more availability for funds. One thing I do have to say on the arts strategy and sector is that we had another great event this weekend. It was the corn riots and we had local bands playing. That received a fraction of the funding that some other things get. I was reminded of a term that is common in Jèrriais. It is a term which is unique to Jèrriais, which is *endgèrbéthie*. I hope I am pronouncing it correctly. It means togetherness. Again, this is one area where we see Jersey Reds able ... because it is something that sport can uniquely do. In an Island where we have so many divisions economically, socially and politically, and a lot of those divisions, certainly politically, are part of a healthy democracy, there are certain rare things which bring people together. I think sport and the success of Jersey Reds is one of those rare things that brings all Islanders together no matter where you come from. As Deputy Farnham has explained, of course Jersey Reds bring in people from abroad because that is what successful sporting clubs do. But it does not mean that the local players do not aspire to also be part of that success story. So what I would say is that today we have an opportunity here to set an in principle vote of confidence towards Jersey Reds. What I noticed in the culture and arts sector is that as soon as Government steps up to the plate and says: "We are going to provide long-term sustainable funding for arts, culture and heritage" it sends a vote of confidence to the wider industry, to the private sector, who then say: "Well, okay, if Government is taking this sport sector seriously in the Island, if the Government is willing to put its hand in its pocket and invest", because I think that is what it is, it is not lost money, "in their sports club and in that success, then we will be willing to do that as well." I heard exactly the same thing for investors when it comes to the arts sector. So I just put those questions on the record. What about our national pride? What about that relationship between public and private sector in sponsoring I think what has been and what should continue to be a success story? The last point I will make is that where is the vision for rugby in the Island? When I came to Culture and Arts with that proposition, I had a vision for the kind of events that I wanted to see happening. I will not mention the fact that there is an example of the Opera House that we could give. How much money do we pour into the Opera House, and I am not saying it is right or wrong. It is ultimately correct that we put money into the Opera House, but it has been shut for 2 years. The Opera House has been shut for 2 or 3 years. It will not reopen until the end of next year, and we are already putting £11.5 million into it. The Minister for Economic Development, Tourism, Sport and Culture said that it may be more than that because there might be unexpected problems, so we do not even know whether the Opera House, which probably will not get 1,800 people every other week coming to see a piece of theatre or a play in the Opera House, but we nonetheless fund that because we think it is an important part of Jersey's cultural psyche. So when it comes to sport I would make the same argument: where is the vision that we have for rugby? I would like to see a vision where Government gets behind the rugby team, where sponsorship comes, and it could well be that it is conditional. It could well be that we are going to give you this money and you will be sponsored by Visit Jersey, for example. It does not have to be that. When Visit Jersey is going out there, who we also give money to, we are going to be loud and proud about telling you to come and visit our Island, which has its unique culture, which has its unique language and which has a very good rugby team, which we want to be playing in the very top division because they qualified for it. That is what I want this Government to be saying. Those are the kind of words which I think would engender the spirit of *endgèrbéthie* which I talked about earlier, the spirit of togetherness that we should be expecting from this Government, not as I suspect and unfortunately is very much

coming out as let us kick this team when they are down. Because this is a time when Jersey Reds needs a friend and I think that friend should include the Government of Jersey.

[16:15]

14.1.2 Deputy S.M. Ahier:

One of the fundamental problems faced by the Jersey Reds, as I see it, is their inability to apply to join the Premiership. The home of the Jersey Reds is their stadium in St. Peter, which accommodates a maximum of 4,000 spectators. To join the Premiership a club requires grounds with a spectator capacity of at least 5,000, with the possibility of extending that to at least 10,000. What this means is that no matter how many times the Jersey Reds win the Championship they will not be accepted into the Premiership division. It is clear that if they are to survive financially the Jersey Reds would need a greater source of income, but the club will never progress beyond the Championship division unless an entirely new stadium is constructed and financed. We must examine the case for even more exorbitant funding to cover the cost of a stadium with Premiership-grade occupancy. A few days before their final match at home against the Exeter Chiefs, a team which had previously won the Premiership twice in recent years, I asked a member of the board how many spectators he expected to see at the game. He replied that he was hoping for 3,000 people to attend. His estimate sounded reasonable, but in reality less than 2,000 people paid to watch the match. A professional rugby team simply cannot survive with such pitifully low attendances. The Rugby Football Union statement concerning the Jersey Reds stated: “Championship clubs had clear confirmation from the R.F.U. on funding for the 2023-24 season and we have been working with the Championship and Premiership rugby on the new professional game partnership and shape of Premiership 2 with funding levels to be confirmed at the end of this calendar year.” In other words, there is no assurance given by the R.F.U. of funding being increased or maintained from 1st January 2024. In consequence, if Deputy Farnham’s proposition is passed today, we cannot know how much money would be required and would, in effect, have to issue a blank cheque, something I am sure that Members will shy away from. There seems to have been clear mismanagement of the Jersey Reds, such as historic failures of governance which remain unaddressed to this day. If this proposition were to be successful, the whole structure of the club would need to be fundamentally altered. This would take an inordinate amount of time. It would be foolhardy to pledge additional support from the taxpayer while these failures remain unresolved. *The Times* rugby correspondent summed it up succinctly: Jersey clearly overstretched themselves. As a business model, professional rugby in England is broken, with income too low and salaries too high. I will certainly be opposing this proposition and hope that all Members will do the same.

14.1.3 Connétable A.N. Jehan of St. John:

Like all Members, I am sure our thoughts have been with the players, staff and dedicated supporters of Jersey Reds over this last week. I would like to start by looking back. I moved to Rue des Landes in St. Peter as a youngster in 1972. At the end of the road was the rugby club and as youngsters we would walk up to watch games most weeks, often watching my teachers play in those early years, something I repeated when I used to take my own son to watch his teachers play as the club climbed up through the leagues. So on and off I have watched rugby at St. Peter for some 50 years. Like a number of my colleagues on these benches, when I was old enough I would do my very best to support the club by going to the very popular Sunday nights, albeit we were not supposed to dance. As a general sports fan, I have watched with interest the evolvement of the club and, indeed, the sport. In the early days

of me watching, the prop forwards would literally walk from one punch-up to the next. These passages of play were called rucks. Today the professionals sprint around the pitch but so do the amateurs, who I would remind Members are playing in the sixth level. The proposer on the radio this morning and again this afternoon suggested it would take 2 decades to return to the Championship. Well, that may be so, but equally it may be possible for them to be there in just 4 seasons if that is what they want to do. If I can turn to the Business Model Review referred to by the proposer, what surprises me is not necessarily the information contained in the document but more so what is not in the document and the lack of source information. There is a reference to notes but the notes are not included. There is a new income stream identified, that of a 3G pitch, yet we read again today that the pitch actually belongs to the Jersey Rugby Football Club and not Jersey Reds. It also talks about the potential for the Muratti to be played at St. Peter, albeit as of last night the Jersey F.A. (Football Association) had not been contacted about the latest plans. As a volunteer before I was elected, I was present at a meeting at the rugby club, Jersey Football Association and Jersey Bulls, just a couple of years ago, when both football organisations made it very clear that they saw the future of football, including Muratti finals, remaining in their long-term home in St. Helier. I do not believe either organisation has changed its view. Unfortunately, there is no balance sheet included. How much of this year's sponsorship has been spent? How much of this year's ticket sales has been spent? We have absolutely no idea what assets the company has or does not have. We have no idea what debts and commitments the organisation has or does not have. We read that the Jersey Reds are the fifth highest players' wage bill in the league. Are we comparing apples with apples? What is the cost of coaching and administration for the other 5 clubs in that table? What is the total wage bill for all 12? We do not see what the clubs from 6 to 12 are paying. I dare say it is a lot less, and I will come on to that. The table on page 10 suggests that the cost of coach's salary was included in Jersey Reds players' costs for 2017, 2018, 2019 and 2020. It was shown as a new cost in 2021 and the players' salaries dropped by a similar amount that year. That is an assumption that I have made because again it is not clear in the paper as being there. So how much do the other 7 clubs invest in the players' salary in the Championship that we have not seen? Not all clubs are full-time professional, yet there is nothing in the document to suggest the wages could be cut. A recent article on BBC Sport suggested that Cornish Pirates may go part-time next season, despite a recent very successful crowdfunding effort. The chief executive of Cornish Pirates is quoted as saying: "There are other models. The Championship is split and made up of clubs that operate very differently. You get guys who have been teaching all week and then jump on a bus and come down and play. That is not to say that we will not be doing the same here in Cornwall. It could be we operate a different model to the one we currently do." In Hartpury they have a different model. They have a partnership with Gloucester, yet there are no suggestions of dual registrations, something that has worked in the past for Jersey Reds, so why not aim to partner with a Premier club? If anybody cares to look at the London Scottish website, they appealed for supporters to help find jobs, saying: "In light of the Rugby Football Union cuts, the ongoing financial effects of the pandemic and the necessary transition to part-time rugby, players' primary source of income has fundamentally been affected. But for having a greater range of jobs to offer we could make a couple of further headline signings." The potential for bright professional people to work in various industries on this Island and also to continue to play rugby at a very high level has always been available. I do have sympathy because the R.F.U. cut funding and their appearance that they are disinterested in the second-tier rugby. However, the board's job, just like any other job, was to respond to those new challenges. Here in Jersey the cost of wages paid by Jersey Reds increased by 31 per cent between 2020 and 2023. I do not know if that was due to wage rises,

increased numbers of players or a combination of both. Again, there is no narrative. During the same period the contribution from the rugby union decreased by 77 per cent. Yes, 77 per cent or, as the proposer said, they slashed the income. So an increase in wages of some £486,000 with a decrease of revenue from one source in the same period of £504,000. Most organisations would have been looking at how to reduce their wage cuts rather than increasing them by a third. We are being asked today to support a company, a company with experienced directors, a company that has known since at least June that they had issues and probably, I would suggest, long before then. I have seen, and I am sure all Members have seen, just how hard the chairman has worked, putting in countless hours to keep the business going. If you could have monetised his enthusiasm we would not be here today. When I say the company has experienced directors, I include in that one who is a chair of one of our arm's-length organisations and also a former chair of that company's risk committee. That is the level of experience, alongside 2 very successful local business people. As experienced directors, they would all know their responsibilities. Being a director comes with great responsibility. You cannot pass that off when your decisions come back to bite you. One of the employees on ITV last week said he had been here for just 3 weeks. Given the Santander paper, I will let Members think about that for a second. We knew in June and someone was employed in September. In addition to the financial help that the Government have given, how many Members are aware that the company does not have to apply for an individual licence when they want to employ a new player, a player whose wages we are now told would not normally warrant a licence? I am sure many Members have, like me, tried to assist small local businesses in trying to obtain a licence so they can either just continue or grow. You will be aware of how challenging this can be. But successive Governments have supported Jersey Reds in what is a very practical way and a way that we should continue to do. Nottingham rugby have a phrase: work, train, play. That could have been and could still be an option for Jersey, where people work part-time in industry and play part-time. We are unlikely to win the Championship but we could still be competitive and keep our place in the league. I am aware that some players coming to the end of their career have been helped by local businesses, but it appears that the strategic decision of the board was to plough on with a full-time professional outfit. The proposer says that he is not aware of where they have done things wrong. Well, there is an example: the strategic direction of the organisation has not changed. Having read with interest the Santander paper, sadly, despite the challenges, it appears the strategy just remains more of the same. Today we should have been looking at options, and the board surely will have explored these and other options, but the paper entitled *Business Model Review* attached to the proposition is for the status quo with potential increased funding from the rugby union. Looking at the income, the forecasts for the next 3 years, there is a forecast for 35 per cent in gate receipts and a 46 per cent increase in surplus on bar trading account. Perhaps the proposer can explain how both of these would be achieved. Deputy Tadier just spoke about pride. Well, I was watching television on Saturday and I was incredibly proud. Our local cricketers were on Sky TV not once but twice. Obviously very proud that we beat the old enemy, but incredibly proud that they have reached the finals of their particular competition. They continue to do incredibly well, as do footballers, netballers and a whole range of sports people. I would encourage Members to read the BBC post I referred to earlier from Cornish Pirates, an example of how a business has kept their employees and its supporters informed of the challenges that they face. That I would say is how to do it. If the business case is as strong as the Deputy suggests and there is such a long-term opportunity, then let private investment invest.

[16:30]

14.1.4 The Connétable of St. Mary:

In case it should be needed, I declare that I bought a season ticket the morning of the Exeter Chiefs match, and I regret I did. I well understand the ... well, more than reluctance, the intention of the Council of Ministers not to advance further monies and I agree that it would be throwing good money after bad if matters were left as they are, but I wish to speak early to gauge their interpretation and allow them to come back to me on this as to how they see the proposition as now drafted. Thanks to the amendment it is now subject to the provision of a business case by the organisation that qualifies the benefit of the club to the Island and demonstrates that the organisation will remain operational for the 2023-24 rugby season. My own interpretation is that if this proposition were passed, who determines whether a business case has been passed? Surely I think we would not be handing it back to the relevant Ministers. I agree with most of what the Constable of St. John said as to alternative ways of funding the club, but if that is what the ministerial team wanted, can they not impose that on the club or can the club not come back with ideas to get more in line with what the ministerial team wants? It therefore follows that if it is the case that the value to the Island does cover our investment in the club, then what is the downside to that? But it would have to be on the basis that it is demonstrated to the Council of Ministers, and through them I hope the Assembly, that the club would remain in existence at the end of the season. There are a few other comments I would like to make. Deputy Ahier, who is not here, does seem to suggest that the ultimate success of the existence of the club depends on our achieving Premiership status. I am not sure that is the case. There are clubs in the league ... if you take Ealing, who were our main rivals last year, their average gate I think is 800. They were vying for ... well, yes, they would still hope for promotion. I think they would have challenged the Premiership league if they had won the Championship because they have the benefit of a backer who has more money than perhaps our backers have. But there are other options, and I think the comparatively low gate we received on that day against Exeter was perhaps due to the fact that there were world rugby matches on the television and that was a more attractive entertainment for the afternoon. So I would not want us or the club to be downgraded on the result of or by virtue of one particular gate receipt. I have been at the club over many years and I have been there when we have had 4,000 people to watch a game against Leicester, for instance, and I would not discount that returning. The other aspect is, of course, the R.F.U.'s stance on this. I have been a regular visitor to the club and have attended lunches at most home games over the last 10 years or so. The president of the club makes a speech and virtually every time he berates the R.F.U. for their intransigence as to their model. I think they are a bit like an oil tanker trying to be turned. But there are possibly hopes that they might and I would hope that this crisis that the Jersey Reds find themselves in might cause them to put their foot on the accelerator. But the R.F.U. are slow moving in this direction and I would not wish any decision to be taken on the basis that further funds will be forthcoming. So back to my original point, my interpretation of the proposition as now defined is that the Ministers, whether it is the Minister for Treasury and Resources, the Minister for Economic Development, Tourism, Sport and Culture, the Assistant Minister for Sport, would have some say as to whether proper demonstration has been given as to the ability of the club to survive the season. As I say, it is in their hands but passing this proposition would at least give them the opportunity to have a further look.

14.1.5 Deputy M.R. Ferey of St. Saviour:

Like the Constable of St. John, my heart does go out to people who are mainly affected by this, being the 70 employees and coaches of the club who suddenly find themselves potentially becoming unemployed. But I would like to add to that the support which is available within

our community. So organisations like Citizens Advice can help with general advice issues and, indeed, housing issues. The Jersey Advisory and Conciliation Service would be able to help with employment issues. The Listening Lounge would be able to help with emotional and well-being support and, of course, Customer and Local Services would be able to help with benefits, including insolvency benefit. Because if this funding does not come through and Jersey Reds file for bankruptcy, or whichever route they decide to take, insolvency benefit would be available to those employees. So I just wanted to put on record to anyone affected by this directly there is plenty of support in place.

14.1.6 Connétable K. Shenton-Stone of St. Martin:

I have great sympathy for the players and the staff and the loyal supporters. What they are going through is appalling, but I do not believe that the demise of the Reds is the fault of the Government or the States, but the fault does lie with the board, who it appears have been very profligate with investments, including taxpayers' money. Businesses and boards should not repeatedly - and I repeat the word "repeatedly" - rely on the Government to bail them out. This is not fair on the players, the staff or the taxpayers, who it seems have so far supported the club with well over £2 million. I have heard so many times over recent days that the Reds are the beating heart of Jersey. This, I would argue, is a misnomer. The Reds' last crowd was 1,800 and the crowds of supporters appears to be decreasing. In Jersey we have a population of 110,000 people. The number 1,800 is about 1.6 per cent of the entire population. If my beating heart was operating at only 1.6 per cent, then I would be dead. Sadly, I suggest that far too much taxpayers' money is required to resuscitate the Reds. But genuinely, if the business plan is so good, hopefully private investors and the R.F.U. will be there to bail them out.

14.1.7 Deputy A. Howell:

I think we are all proud of the Jersey Reds. They did amazingly well to win the league last season. We cheered them on. We congratulated them on Liberation Day. But recently they have had funding reduced from £480,000 to £80,000, and having bailed them out in the past I feel that we should bail them out for one more season, give them one more chance, and just hope that then they will do what the Constable of St. John has suggested and go with the amendments made by Deputy Feltham and Deputy Scott. I am really sad. We have lost our mail plane. Banks are closing. Post offices are closing. But I stood for a better Jersey. I am really proud that we are going to upgrade the Opera House. I am really pleased that we are doing more for arts and culture, but I do think we need a professional rugby team. I saw the rugby team play in the past when they were youngsters and we had all Jersey players, but they got better. They went up 4 divisions, I believe, in 4 years. They did really well and now the professionals are encouraging the youngsters. I was really surprised. I went up to the rugby club on Sunday morning. I thought there was just one small pitch, but my goodness, there are many, many pitches with youngsters of all ages playing rugby. They want to aspire to get to the professional team if they can. They are really encouraged. We had the Lions coming over to train and my little grandson got a shirt that had names of all the players. He was really proud to meet them. So I just implore everybody. I know it may not have been well managed, but let us show that this Island supports our professional team and please let us carry on for one more season because I think it will change. I think we are going to have a Premier League 1 and a Premier League 2, and I think there are negotiations for more money to come into it. But I really ask that we do a good thing and support these players for one more season. That is all I ask.

14.1.8 Deputy L. Stephenson:

I want to start with an apology related to something I said earlier during questions without notice when I did mention a Jersey player in the Jersey Reds squad. It was not my intention to make this personal in any way or to comment negatively on those individuals, and regardless of where they come from they have my absolute respect and, of course, my sympathy for the position that they currently find themselves in. I was asked about the elite sport strategy and whether it linked to Jersey Reds and my answer was that strategy which is under development is designed to make it easier for Islanders to realise their sporting potential at elite levels should they have the talent. It has not been designed to support already professional players who move to the Island to do a job, albeit a very good one. Moving on, much has been said already today and I do not intend to repeat much of it. The Minister for Economic Development, Tourism, Sport and Culture has clearly set out in his statement the process up to this point and why the Council of Ministers could not support ongoing financial support for Jersey Reds. I share the Minister's significant concerns and could not have stood by and watched public money be spent in this way. I do not support this Assembly effectively writing a blank cheque to continue to fund what is, if we are being really honest, a failing and very badly run business. I have no doubt that if more funding is granted there will be further requests, sooner rather than later. History shows this is likely to be the case. I would just like to provide some context about my own involvement. The Minister has explained that I met 2 representatives of Jersey Reds in November last year. I attended with an officer and we discussed various matters related to the club and its ambitions. The director of rugby for the club joined for part of the meeting. I was relatively new to the role and it was billed as an introductory meeting to come and chat about the club's position, aspirations, and it did touch on finances, yes. They told me lots about how they were signing up various high-value residents to commit certain amounts of money. I believe the comment was made that they were halfway there and they hoped to have the others secured by the end of the year. So any suggestion from Deputy Farnham that it was made very clear that there were financial struggles at that point is completely untrue. In the months after I went to watch Jersey Reds. I was interested in what they were up to. There is absolutely no suggestion that there was me not supporting Jersey Reds at any point. I was there when they lifted the Championship trophy, at my own expense I should add and not in the clubhouse. I had, however, attended a match previously as hospitality. We did continue to engage as per the Minister for Economic Development, Tourism, Sport and Culture's statement earlier. You have all received the letter that I sent to them in January and have the details of further engagement from there. Deputy Farnham referred in his speech to arm's-length organisations and he appeared to compare Jersey Reds to Digital Jersey and Jersey Sport. Well, I now realise why at one stage when I was looking into previous relationships with Jersey Reds while the Deputy was Minister for Economic Development, Tourism, Sport and Culture, Jersey Reds is referred to in an official document as an arm's-length organisation. Jersey Reds are absolutely not an arm's-length organisation, nor have they ever been or should they be. Certainly, they should not be without the approval and agreement of this Assembly. My understanding is that in the U.K., where of course Jersey Reds play so it is a relevant comparison in this case, there are rules in place against government funding professional sports clubs in this way. While I am correcting some of Deputy Farnham's claims, I would just like to point out that while absolutely valued and important, the Jersey Reds players who coach the amateur sides and the minis and juniors are paid for their time. The amateur club has private agreements in place with these players. They do not provide hours for free via the Jersey Reds. Quite rightly, Members have asked what changed so that Ministers felt able to support the emergency payments.

[16:45]

Put simply and for my part, the involvement of Santander, which we must remember is a company which gives an awful lot to sport in Jersey and it does support many clubs and sports in lots of different ways, not just rugby. We had an opportunity to try to work together to see if a solution could be found while at the same time seeking to protect against an unstructured collapse of the company. I was open to exploring the options, which we did. The now amended proposition asks for a business case to be provided by the organisation which quantifies the benefits of the club to the Island and demonstrates that the organisation will remain operational for the 2023-2024 season. We have been there, asked for that, assessed it, challenged it, scrutinised the figures and found it to be inadequate. We do not need to do that again. There are significant holes in this business case from Santander. It relies on a series of significant assumptions, despite being asked to only include guaranteed funding in future forecasts. It assumes significant payments from the R.F.U. Those payments are at this stage a hope. There is no evidence to show that this will be the case. It assumes that there will be significant cash injections from investors. I have seen no evidence of such investors in recent months; instead quite the opposite, investors have been withdrawing support, including, it would seem, one of the principal investors. Most worrying of all for me as the Assistant Minister with responsibility for sport is that it makes all kinds of assumptions about the use of land and buildings that are not even owned by Jersey Reds. Those buildings and land are owned by the Jersey Rugby Football Club, the amateur club, yet Santander assume all the money raised by the activities on them would be ploughed into Jersey Reds. It is my understanding that that amateur club only learned about some of those assumptions when Deputy Farnham published his proposition. Do we know would they be happy to support these proposals? I do not believe they have been asked. Government officers have also sought to verify some of the financial claims contained within the document about other Championship rugby clubs which aim to provide context for the spending by Jersey Reds. They found them to be vastly overinflated to the point that I understand some named in the document may have something to say more widely about being misrepresented in this way. If we agree to fund Jersey Reds this season, we will, as Deputy Farnham admits, be writing a blank cheque. We will be writing a blank cheque to a private company run by directors whose behaviours in recent months, we have heard so far over the course of today, we would probably describe as questionable at best. Is that a responsible use of public money? I have to say I am uncomfortable with this idea that Government financial support will unlock investment from others. Given some of the things that we have heard in this Assembly today, do we want to be encouraging well-intentioned people and companies to invest in this business? I am not sure that I do. If the business case is as compelling as some would have you believe, why have other investors not been interested in providing support? As I say, why has one of the club's biggest backers decided he does not want to contribute anymore? Why has Santander, which Deputy Farnham was showing us produced the business case, not offered to support the club financially? I asked that last question during one of the meetings with the bank as part of this process a few months ago. The answer I was given is: "Because it is too risky." The bank said it would be willing to invest in a 3G Pitch but not in the club itself. That to me is telling indeed. Why then is it okay to take such a risk with public money, taxpayer money? I do not believe it is. This matter is not just divisive within this Assembly, it is divisive in the world of sport too, and even for some within the local rugby scene as well. Many sports feel overlooked and like they are second best; second best to Jersey Reds. Indeed, it sounds like Deputy Farnham thinks they are as well: "Jersey Reds are our rugby team" he said. They are one of 3 clubs in the Island. We have all seen the supporters for Jersey Reds in the Royal Square today and I believe there may be some

up in the public gallery this afternoon. What Members have not seen are the many messages of support I have received from other sports and individuals connected to them. They, like all of us I am sure, absolutely do not want to see the loss of Jersey Reds. They have huge respect for what the players have achieved. But they feel let down over many years when it comes to funding for sport. They have felt ignored, overlooked, and like second-class citizens. They too bring economic benefits to Jersey but no one has ever worked to try to promote what that is or tried to put a figure on it. They bring visitors to Jersey, fly the flag for our Island around the world, and generate economic benefit. They have significant social benefit too, providing opportunities for our young people to be active, to inspiring our sports stars of the future, providing regular opportunities for Islanders to watch and enjoy sport. Many receive just £40 towards a trip away once a year, if that. I am working to try to address those challenges. It is not easy and it is not simple and in order to do it properly we need to get right to the core of some of these issues. That takes time. This is what the ongoing review into the sports delivery landscape is in the process of doing. That will be published soon and we can begin to correct the mistakes, which have let down many in our sporting community over many years, including on the watch of Deputy Farnham. Deputy Farnham has described this as a sound financial investment, despite very clear evidence to the contrary. He says it is not millions of pounds, just hundreds of thousands of pounds, yet he admits it is a blank cheque. This is not how I understand my responsibilities as an elected Member of this States Assembly when it comes to spending public money.

Connétable A.S. Crowcroft of St. Helier:

Can I just ask a very quick point of clarification from the previous speaker?

The Bailiff:

Only if the previous speaker gives way for a point of clarification.

Deputy L. Stephenson:

No, Sir.

14.1.9 The Connétable of St. Helier:

The Assistant Minister does not mince her words, describing, among other things, Jersey Reds as a badly-run business. I do have a confession to make though to start with, from my rugby-playing days, Members may realise as they look at me that I have the build of a rugby player, but I remember one school report when I was playing on the wing that said I had an impressive turn of speed, especially when running away from the ball. So I am perhaps not the best person to comment on this particular sport, though I am enjoying the Rugby World Cup, and I sense a lot of excitement in the community about the way world rugby has taken off, and maybe that is just an indication of why a lot of Islanders are so proud that Jersey is part of that world, or certainly moving into that world. I do commend Deputy Farnham for bringing this proposition. He has skin in the game. When he was supporting, as Minister for Economic Development, Tourism, Sport and Culture, the super triathlon on the waterfront, I remember being quite sceptical about the sums of money that were being dished out to bring these elite athletes over the Jersey. Until I went down to the waterfront and I got talking to some of these visiting athletes, names that I was familiar with from the TV. I did not go as far as asking for their signatures, but it was a good occasion to be photographed with the Brownlie brothers and people like that. What really struck me about these athletes was, not so much the occasion itself, but the fact that they were all so bowled over by Jersey and they were intent on bringing back their families to visit us. I was also struck, and I am always struck when I talk to people

about Jersey, by the lack of awareness of where we are, of what we do. There is still a real job to be done to put Jersey on the map with tourists. That is something that the Jersey Reds have been doing remarkably well. I know the super triathlon stopped. Some of these things do stop. But I do not believe that investment in the brand of Jersey, in what Jersey offers to tourists was wasted. Many good memories, many good associations, were forged by Deputy Farnham's work. So he is the right person to be reminding us today of the enormous, incalculable benefits that having Jersey in this league is bringing the Island. It is a sad point, and some opponents of this proposition have spoken very well about the facts and figures, the pounds and pence, but the fact is when I look up over St. Helier of an evening and I see those orange planes coming in, it lifts my spirits. I know that money was given to enable that to happen, of course it had to be, but the fact is we now have those cheap flights to and from Jersey that for years Islanders complained they did not have. I suspect that quite a lot of those seats are being taken by people who are coming to watch the Jersey Reds' home games or people going to the U.K. to watch the Jersey Reds play away. So easyJet for me, if I may use the word, is almost a symbol of the fact that you have to spend money to get your place, like Jersey, on a very crowded stage as a tourism, as a holiday destination. Not enough people have spoken about the importance of tourism for Jersey's varied economy. It is a shame, and I have said this before, we do not have a Tourism Minister. We do not have someone who is constantly standing up and bemoaning the loss of hotels, the threat to our airlinks, the threat to our ferry links. We need every visitor we can get and I believe that supporting Jersey Reds, as is being asked for by the Minister, with the caveats that have been helpfully provided by the amendment, particularly from Deputy Feltham, that is an investment worth making and it remains to be seen what happens after that. But I believe there will be evidence, there will be economic value that can be shown perhaps when the Public Accounts Committee gets to grips and has a look at that to see what kind of investment has paid off. I fear that, given the tenor of many of the speeches, we are going to spoil the ship for a ha'p'orth of tar and I would urge Members to support Deputy Farnham.

14.1.10 Connétable M. O'D. Troy of St. Clement:

I am not ready to write the obituary for Jersey Reds unfortunately, contrary to the Council of Ministers' wishes, because I do see hidden benefits, they call it "invisible earnings" in the city. The invisible earnings is the flying the flag of the Island of Jersey. It is the pride that we have in all of our sporting teams that are so successful. We can see now that the Council of Ministers is now beginning to recognise the value of investing in sport in general. The Jets do not get enough money. The hockey club does not get enough money. The cricket, et cetera, et cetera. We can see that is going to be sorted out very soon I hope. But the problem is we have a situation now where we know that the investment that we have made, and it is an investment, it is either an investment or a loss, we are going to make our decision this afternoon. Are we going to lose this money or are we going to take a risk under new rules to try to reinvent the game? I am heartened by the fact that we have amendments that say that this is just support until the end of season 2023/24. But we will want better records and better accounting for the investment that we make. We will be able to come back to the States Assembly to see where we are. I am also heartened by Deputy Scott's amendment that says we should insist on having individuals on the board. It is quite clear that this investment has not been looked after, neither by the Council of Ministers historically, or the previous Governments historically, nor by the very well-qualified board of the Jersey Rugby Club, who would not tell their players, who were getting paid minimum wage for the qualifications that they hold. Many of the rugby footballers over here playing rugby at £25,000 a year are very highly qualified professional individuals. A lot of them have degrees. A lot of them are playing rugby while they can in their youth so

they move on to their professional qualifications, maybe in the city or where have you, thereafter. So they are invested as well in the Island of Jersey because they could go off to the city now and earn their £70,000 to £150,000 a year.

[17:00]

They do not want to do that because (1) they love rugby, (2) that is a future game, that is a future situation. So we are all invested here and I need to remind everybody here present that, if we close this down now, 70 people will immediately lose their jobs. What would we do if that was a Jersey company, an arm of Jersey? We know that we have let building companies fall by the wayside, but they have been all re-employed. This is not going to happen. These gentlemen have missed the boat, the seasonal boat. They are not going to be able to find jobs in the leagues from now on because everybody has been signed up. So we are all invested. I do take a bit of heart also from the figures and the projections. Now we can all say it is worth this, it is worth this, that and the other, but I also have to point out that people come back to Jersey for many, many years to come. Once they have landed on our beautiful Island, they are smitten. I know that relationships are struck over many years, friendships are made, families are even spawned, for want of a better word, out of the influx of people who come over here, both professionally for work, and also for sport. I would not like to see that go. So in captions I would like to say that we are all invested. We either throw that away or, with the new set of accounts and the accounting system that we hope to produce, we tell the Jersey board, as professional as they are, because I am very disappointed in them, that this is their last chance: "You either sort it out now or you are gone for ever." In the meantime, 70 people retain their jobs, we will have their income to pay tax, rent, food, a little bit of drink perhaps, and we can go forward to future seasons. The alternative is we just lose the money that we have invested.

14.1.11 Deputy L.V. Feltham:

I am very pleased to follow the previous speaker because I could not agree with him more. I would also like to thank Deputy Scott for her helpful amendments because that helps with governance as well, and I am pleased to support the proposition as amended by myself as well. I want to talk a bit about responsible grant-giving and I speak as somebody who has a lot of experience, having run grants programmes for the creative industries in Australia for 10 years. Some of those grants going to companies; some of those grants going to not-for-profits; some of those grants going to financially-precarious organisations. Yes, there were instances in which we did have to take funding away from organisations because they were at risk. That is why I was so appalled when I heard the news about what has happened with the Jersey Reds because as soon as a Government becomes involved in funding an organisation they also have a responsibility to that organisation, the people who work for that organisation, the people who support that organisation, and the people who use that organisation's services. As well as a responsibility for using taxpayer money wisely and efficiently. So I was so alarmed because what struck me is it looks like the Government, in the last tranches of funding, funded this organisation to fail rather than to succeed. There seems to be a real lack of strategic decision-making within the Council of Ministers about funding, and I agree with Deputy Farnham when he said there appears to be a lot of ad-hoc grant-giving. That is unhealthy and that does lead to situations like this and it is a big risk. I hope that Ministers will take that on board and look at how they give grants into the future. So that we are ensuring that when we give grants to organisations we are giving grants in a sustainable manner and in a manner that delivers the best value for Islanders. It is that best value for Islanders that I also want to raise. Because in all of the Ministers' comments so far that we have heard today, both in question time, in the

public statements, and in their speeches during this debate, I have not heard any evidence that they have done an analysis of the cost/benefits. When I think in the context particularly that Economic Development, this is not the only organisation that Economic Development gives a grant to, many of the organisations that get grants from Economic Development in fact would not be sustainable without those grants. So I think that some of the comments made by Ministers today about the organisation that we are talking about, the Jersey Reds, could be quite damaging, and if I was one of the other organisations that potentially is in receipt of a grant from Government I might be quite concerned about the things that Government Ministers may say about my organisation. But one of the reasons why I am pleased to support this proposition is that I do think it would give time for a more strategic direction into the future. Perhaps I would like to invite Ministers to do an analysis of the cost and benefits of providing funding to the Jersey Reds compared to other organisations that receive funding from Economic Development. As I have said, many of those organisations may be unsustainable without it. I would also like to see Ministers do an objective assessment against the Ministers' own priorities. So, for example, the Future Economy Strategy, were does the Jersey Reds sit within our want and need for a diversified economy? I was surprised when the Assistant Minister with responsibility for sport said that she felt that the Jersey Reds did not have a part to play within the elite sports strategy. I have the Ministerial plan in front of me here and it quite clearly states that one of the purposes of the elite sports strategy is to look at how it would enrich the local economy and promote Jersey internationally. The Jersey Reds may well tick both those boxes. Also, the Assistant Chief Minister mentioned the need to undertake research around the value of sport. According to the Ministerial delivery plan, that research should have been finished in quarter one, 2023. So we should now, had Ministers done the work they said they were going to do, be in a position where we could assess the value that this funding would be giving. But to come back to why I was happy to follow the previous speaker, I am concerned about the risks of losing the team at this point in time. The risks potentially to other parts of our economy, the potential loss of income to the hospitality sector, and, as the Constable said, the potential impact on the airlines that provide very much needed services to our Island. We need to keep them going. Also, one of the other priorities of Ministers was event-led tourism. So, to me, that is another box of the Ministerial priorities that this funding could well tick. So I would urge Members to support this proposition. It is not a blank cheque, thanks to the amendments that have been made. It is quite usual for Governments who are providing grant funding to require governance changes if they are required. I would encourage Ministers to put those kind of conditions into any kind of funding contract where required and also look really carefully at the conditions that are being placed on organisations when grants are being awarded. Perhaps there has been a lack of such conditions in the past and, had grants been managed more effectively, we may not be in this position now. So what we all need to do is see this as an opportunity, an opportunity to see if there is a sustainable and a viable way forward for the Jersey Reds. I encourage Members to support this proposition.

14.1.12 Deputy E. Millar:

I should start by saying of course I have enormous sympathy for the players and the coaching staff and all of this. It is undoubted I am not a rugby follower or a rugby fan particularly, but there is no doubt that they have worked very hard to achieve great success for the Island. It seems to me that the issue here is again the word that we hear regularly in this Assembly, it is a failure of governance and that has to sit at the door of those running the club. Unlike our previous 2 speakers, I am not entirely sure that the amendments help. I struggle to understand how they are going to work. If we have a business plan that shows the club is not viable, how

much massaging and tweaking of figures can happen to make it appear viable without input from government or investors, who are not running forward at the moment. I do not understand how that business plan is going to appear that it does say it is viable when it clearly is not. I do not see how that business plan can be done very, very quickly. So I am slightly confused at producing it, but if we already have a business plan that says the club is struggling, how a new business plan can possibly say anything else. If that new business plan does say it is never going to make it, what do we do then? Do we just keep putting money in? Everywhere I go there are organisations telling me they need money and my sympathies are much more with those organisations and what they do than, I am sorry, with Jersey Reds, which is a sport. I do not discount the value of sport across our community, but there are groups and other entities and organisations that contribute very much more to the silent who are all, in real terms, than a sports club. I am sorry to say that. I am also concerned about Deputy Scott's proposition, which asks for 2 things; I will touch on the independent adviser first. What board in this condition, of any organisation in this condition, would not already have financial expert advisers? They have relied on their bank and, it would appear, rather than going and seeking accountancy financial advice. Is that what Deputy Feltham would have expected of organisations to which she would give grants? It is for the board to obtain financial appropriate advice. I am not quite sure what an independent adviser is going to look like. Is that an expert accountancy firm? Who is going to pay for it? Because that will cost a huge amount of money. Is it a local businessman with some experience in running businesses? Because we are presently looking at a company, which would appear to be verging very closely towards insolvency. We will not find a businessman to step forward and act as an adviser to a potentially insolvent company because of the risks of insolvent trading and becoming a shadow director. There is a fine line between advising and becoming a shadow director. In particular, I would like to ask the Attorney General for his thoughts on how an independent adviser ... how easy it would be for an independent adviser to become a shadow director. Thirdly, there is the same point about a Treasury and Resources representative. We have very experienced officers in Treasury and Resources, I have the greatest respect for them, they are very, very capable. But they are paid to advise Government. I do not know how many of them have experience advising rugby clubs or private businesses. I am sure some of them do. But they will face an impossible conflict of interest. Do they represent Government's interests or do they advise the club and what do they do in the presence of conflict? The same issue arises again, and I would like the Attorney General to comment please, on the risk of that representative also becoming a shadow director and subsequently becoming liable for insolvent trading if this business cannot be recovered in the very near future.

The Bailiff:

So you wish to ask a question of the Attorney General?

Deputy E. Millar:

Yes, I would like him to comment on the issues of an independent adviser, where that person is an individual, the risks of that person being considered to be a shadow director, and how that person would then be exposed in the event of claims against the company in an insolvency.

The Bailiff:

Are you able to assist, Mr. Attorney?

The Attorney General:

Yes, I am. In relation to the independent adviser and indeed Deputy Scott's proposition also calls for a senior representative from the Treasury and Exchequer Department as basically being included in proceedings of the board of Jersey Reds.

[17:15]

The risk with that route or the proposition, or the amendment to the proposition that engages, is that a shadow director is, according to the Companies Law and Article 1 of the interpretation section of the Companies Law, a director is classified as a director, whatever they are called. So the law looks through the name given as to a director. So the fact that they may be called a representative or an independent representative does not matter from the law's perspective. They can be classified as a shadow director for the purposes of the Companies Law. The consequence of that is that, if the representative is in fact a shadow director, then that potentially engages a risk of wrongful trading under Article 177 of the Companies Law, and Article 177 provides that a director can be responsible personally ... have personal liability for any part of or indeed all of the company's debts or other liabilities in circumstances where they knew or ought to have known or were reckless that the company would be unable to avoid a creditor's winding-up. So that does engage a significant potential risk, so the person could be responsible, without any limitation of liability, for all or any of the debts or other liabilities of the company. So, in those circumstances, it would be very difficult to persuade a person to join the board, whether as a representative or properly called a director, in circumstances where they are going to have unlimited personal liability for all or any of the debts or other liabilities of the company. The further problem is that if the company is, from what we have seen, appears to be teetering on the brink of insolvency, and if in fact it were to fall into insolvency, whether that be by way of a creditor's winding-up or possibly under the *désastre* law, then the liquidator of the company would be obliged to look into the conduct of the affairs of the company via its directors to see if there had in fact been wrongful trading by the company under the guidance of the directors. So a liquidator would have a duty to look into the conduct of the directors and see if there is the prospect of claims against the directors for wrongful trading. So I do caution Members about the risk, which potentially arises from the second amendment to the proposition, because it does potentially engage the possibility of, whether it be a senior representative of Treasury and Resources, or possibly an independent representative of the business community, becoming responsible for all or any of the debts without any limitation of liability for the entire debts of the company.

Deputy M.R. Scott:

Just a follow-up question to the Attorney General. I wonder if the Attorney General might expand on that in terms of what he knows in terms of case law and on shadow directors, in particular where you have somebody attending on a company in an advisory capacity, whether that could in fact be ... you have people like accountants, you have people like lawyers, who may well attend a company and give advice in terms of their views on matters, and the extent to which that automatically would be regarded as somebody being a shadow director and in that respect the perhaps the advice that might be given to people assuming such a role in terms of those particular distinctions.

The Attorney General:

Yes, there is a distinction, in my view, between an adviser and someone who is a representative, and according to Deputy Scott's proposition or amendment, the purpose of her amendment is

to provide sufficient review and control of subsequent amounts granted to the club. She talks of control and when it comes to control that clearly, to my mind, indicates a position that is suggestive of being a director rather than an adviser. So I am not sure that the Deputy's question is really of much assistance to her. I would say that in Article 177 there is a qualification to the risk of personal liability, because it provides that the court shall not make an order under paragraph 1, which is the provision that raises personal liability, so the court shall not make an order with respect to a person if it is satisfied that, after either condition specified in paragraph 2, and that is to do with the time when it became clear, or ought to have become clear, that there was no reasonable prospect of the company avoiding a creditor's winding-up, that the court must first be satisfied that the person took reasonable steps with a view to minimising the potential loss to the company's creditors. So there is a defence there that the person can take reasonable steps with a view to minimising potential loss to the company's creditors. But, nevertheless, the real question is, is this representative on the board a director or not, is he or she a director or not, and the law is concerned with the substance of the activities of that person. There is a distinction between an adviser and someone who is really a shadow director.

Deputy M.R. Scott:

Sorry, just one more question. So the Attorney General, in analysing this, referred to the contents of my report rather than the contents of the proposition indicating that the intention perhaps, as read from the report, related to the activities of the adviser. That indeed is not in the proposition, so the report did make a statement that funding needs to be ... that you need to be given oversight and controls in place. So the adviser could just be advising on what the adviser sees in that respect, that could be a distinction. I just wondered if the Attorney could confirm that.

The Attorney General:

It is correct that the use of the word "control" is in the report rather than the proposition itself. But the word "control" is a significant one, as I made the point earlier. The purpose of this amendment is to have the ability to control the actions of the board. It seems to me that is the purpose of this amendment, to give control and oversight. In those circumstances, there is going to be a risk that the person exercising control and oversight is in fact a shadow director rather than an adviser. The law looks at what happens, in fact it looks through names and it looks through terminology, and what has happened in fact. That is always going to be a risk if this person is going to be exercising oversight and control.

The Bailiff:

I have the lights on from Deputy Farnham, Deputy Feltham, Deputy Morel. I am assuming these are all further questions for the Attorney General. Deputy Farnham, you are up first.

Deputy L.J. Farnham:

I understood the amendment was to provide some additional oversight on behalf of the Treasury and some advice. I did not envisage any people sent in that capacity to become board members or exercise control, but just to ensure and monitor processes and such forth. That is my understanding. My question for the A.G. (Attorney General), if that is the case and they were not to join the board and they were there to provide oversight of the processes, is there still that element of risk of personal liability?

The Attorney General:

Yes, there is. Oversight is control. So, in those circumstances, there is the prospect of that person being seen by the law as a shadow director. It may be that there can be some documentation drafted as to the exact remit of this particular person, but if the purpose of this amendment is to exercise oversight and control that is necessarily going to engage the risk of that person being seen as a shadow director.

Deputy L.V. Feltham:

I read this as oversight and control over the funding. When it comes to significant grant funding, it is likely that it is paid out in tranches, so my reading of the wording of the report to the amendment would be control over when funding is paid. If it was control of a Treasury official based on information it had about funding, does that carry the same risk?

The Attorney General:

In terms of the way that the report is read, yes, it first says: "Review and control any subsequent amounts granted to the club." The purpose of that is that they need to be made with due oversight and controls in place. The exact ambit of that, oversight and controls over how key funding, emergency funding to the club is going to be spent, that is still a very significant function of that person or persons, whether they be a senior representative from the Treasury and Exchequer Department or an independent representative from the business community. That person is in a position to control how the funding is to be used. In a situation where the club is critically dependent on this funding, that is a very significant position of power in terms of how the company conducts its affairs. So I come back to the point that, if this route is pursued, there is a risk that person will be considered a shadow director for the purposes of the law.

The Bailiff:

Mr. Attorney, it would be unusual for me to pose a question, but it is a matter for me to interpret the meaning of the proposition itself as opposed to the legal underpinnings of it. If one considers the wording of the proposition alone as amended and not the report that underpins it, do you have the same concerns?

The Attorney General:

I accept that the wording of the proposition is key and the wording of the proposition is a matter for you. The wording of the proposition does not use the word "control". But, nevertheless, my point remains that, whether you call them a senior representative or an independent representative, the fact that they are not being called a director does not necessarily mean that there is not a risk of them being classed as a shadow director for the purposes of the law.

The Bailiff:

Deputy Scott, you are next scheduled to speak. Did you have a further question for the Attorney?

Deputy M.R. Scott:

Yes, just one more question for the Attorney General. I am understanding that in terms of the interpretation that you have taken so that you are effectively adding the words at the end of the sentence of the report that need to be made with due oversight and controls in place by the advisers. Because basically this was not my intention. You are reading a different ...

The Bailiff:

No, you can ask the Attorney for advice. You cannot argue with the Attorney about the advice he has given.

[17:30]

Deputy M.R. Scott:

Sorry. So are you saying that, in order to interpret this proposition you need to infer into this report a suggestion that it is the advisers who are giving the due oversight and controls in place as opposed? Because you have the word “if” has been used a lot and it seems that the word “if” is extending, is that what you are saying? If you were to interpret this report in a way that it influenced the interpretation of the proposition and said it was the advisers who should be giving the oversight and controls in place, which it does not, that would be the risk?

The Attorney General:

I am not sure that this latest question causes me to alter my previous answers given to previous questions. I am not inferring any words into the proposition. All I am saying is that from a legal perspective the inclusion of senior representatives or independent representatives on the board of Jersey Reds does engage a potential risk of them being seen by the law as shadow directors and, if the club were to go into insolvency proceedings, that does necessarily engage a potential risk of them incurring personal liability for wrongful trading. That can be for all of the debts of the company and all of its liabilities.

Deputy L.J. Farnham:

I was just going to say it might help before I propose the adjournment, I wondered if there were many Members who wish to speak.

The Bailiff:

What I propose to do is firstly identify how many Members still wish to speak on this proposition and also, if there are further questions for the Attorney, can we pose them now and the Attorney can advise tomorrow morning, having had the opportunity to reflect upon matters. Firstly, on the first question, I am not going to write these names down as an order of speaking, but could you put your lights on if you have not yet spoken but intend to speak. I have 4 at least who are intending to speak, 5, 6.

Deputy L.J. Farnham:

May I propose the adjournment?

The Bailiff:

There are 6 Members who are wishing to speak. Before you propose the adjournment, can we take what the questions for the Attorney might be so that he can think about them overnight? That would be fair use of the Attorney’s time. Deputy Morel, you had a question for the Attorney?

Deputy K.F. Morel:

Yes. I have already had representations from accountable officers concerned about the implications of this amendment to the amendment. So I was wondering if the Attorney General could report back tomorrow on this subject of conflict of interest, or conflict, in terms of accountable officers’ duties under the Public Finances Law/Manual and their roles that would

be on this board and whether they need to represent the club would conflict with that. This is something that has been an issue, as well as I have also had representations about the liability they may face as well.

The Bailiff:

Connétable of St. Brelade, a question for the Attorney?

The Connétable of St. Brelade:

Yes. I wonder if the Attorney in the morning could confirm the status of the Jersey Red company and the existing liabilities of the directors?

The Attorney General:

No, I cannot do that. That is a question of fact and not a question of law. I do not know what the liabilities of the company are.

The Connétable of St. Brelade:

What I am trying to establish is whether the status of the company is still trading or not and I do not know where that information might come from.

The Bailiff:

If it is a legal question, the Attorney will attempt to answer it. If not, it will have to be answered by the proposer of the proposition if no one else is going to speak who knows the answer themselves. Deputy Scott, did you have a question for the Attorney?

Deputy M.R. Scott:

Just one more follow-up with the Minister's question, which is, when giving the advice regarding the conflict of interest, could there be a comparison with the position where you have a member of Treasury on the board advising on State's-owned entities.

The Bailiff:

A question for the Attorney, Deputy?

Deputy M. Tadier:

It is a procedural point. I do not know if I should ask afterwards, but it is to do with a matter of order.

The Bailiff:

Very well. Did you have a question for the Attorney?

Deputy L.J. Farnham:

Yes. It was an extension of what Deputy Scott asked. Civil servants and officers are often in attendance, not as members, but in attendance to provide guidance and observe many arm's-length organisations and boards. So does the same level of risk apply to those situations?

Deputy P.M. Bailhache:

I wonder if the Greffier, perhaps over the course of the adjournment until tomorrow morning, would be kind enough to produce for Members tomorrow a composite proposition? Because I have tried to amalgamate the 2 amendments and the proposition and not entirely succeeded and I would be grateful if the Greffier would apply his brain to this matter overnight.

The Bailiff:

I am sure it is well within the Greffier's talents, I have no doubt at all, Deputy Bailhache. Anyone else need to craft a question for the Attorney General to consider overnight? Deputy Tadier, you had a question of order.

Deputy M. Tadier:

It might be a question I could ask the Greffe or yourself privately.

The Bailiff:

Very well, let us leave it at that. The adjournment was proposed. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:36]