

# STATES OF JERSEY



## **DRAFT ANNUAL BUSINESS PLAN 2011 (P.99/2010): EIGHTH AMENDMENT**

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**Lodged au Greffe on 24th August 2010  
by the Education and Home Affairs Scrutiny Panel**

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**STATES GREFFE**



**1 PAGE 2, PARAGRAPH (a) –**

After the words “withdrawn from the consolidated fund in 2011” insert the words –

“except that the net revenue expenditure of the Education, Sport and Culture Department shall be decreased by £196,240 by reducing all grants to private schools by 2%.”.

**2 PAGE 2, PARAGRAPH (a) –**

After the words “withdrawn from the consolidated fund in 2011” insert the words –

“except that the net revenue expenditure of the Education, Sport and Culture Department shall be increased by £88,000 in order maintain the post of Educational Psychologist and not proceed with the Comprehensive Spending Review proposal on page 62 of the Plan ESC-S3 (‘Restructuring the Special Educational Needs Service and the way emotional and behavioural support is delivered to primary school children’) and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for Restructuring Costs.”.

**3 PAGE 2, PARAGRAPH (a) –**

After the words “withdrawn from the consolidated fund in 2011” insert the words –

“except that the net revenue expenditure of the Education, Sport and Culture Department shall be increased by £33,000 in order maintain the annual payment to Durrell to allow free entry and teaching time for school parties and not proceed with the Comprehensive Spending Review proposal on page 62 of the Plan ESC-S5 (‘Cease annual payment to Durrell to allow free entry and teaching time for school parties’) and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for Restructuring Costs.”.

**4 PAGE 2, PARAGRAPH (a) –**

After the words “withdrawn from the consolidated fund in 2011” insert the words –

“except that the net revenue expenditure of the Home Affairs Department shall be increased by £100,000 in order to implement the Discrimination Legislation and not proceed with the Comprehensive Spending Review proposal on page 63 of the Plan HA-S1 (‘Removal of discrimination legislation budget’) and the net revenue expenditure of the Treasury and

Resources Department shall be decreased by the same amount by reducing the allocation for Restructuring Costs.”.

EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

## REPORT

### Amendment (1) – Private School Grants

The Panel notes that the following grants have been provided to private schools over the past 3 years –<sup>1</sup>

**Table 1: Private School Grants 2008–2010**

School	2008	2009	2010
Beaulieu	1,639,496.00	1,828,833.00	1,773,649.00
De La Salle	1,784,841.00	1,859,951.00	1,936,262.00
Convent FCJ	439,436.00	463,267.00	472,493.00
St. George's	171,551.00	189,447.00	192,320.00
St. Michael's	382,256.00	402,896.00	388,962.00

The Panel further notes that based on assumptions made for budgeting purposes, the 2011 figures for the grants and 2% of the net budget would be as follows –<sup>23</sup>

**Table 2: 2011 Private School Grants (budget assumptions)**

School	2011 DRAFT Net Budget	2% of NET Budget
JCG Prep	333,027	6,660
VC Prep	268,310	5,370
JCG	2,094,919	41,900
Victoria College	2,083,415	41,670
	<b>4,779,671</b>	<b>95,600</b>
Beaulieu	1,913,000	38,260
De La Salle	2,036,000	40,720
FCJ	484,000	9,680
St. George's	201,000	4,020
St. Michael's	398,000	7,960
	<b>5,032,000</b>	<b>100,640</b>
<b>Overall Total</b>	<b>9,811,671</b>	<b>196,240</b>

<sup>1</sup> Written response from the Minister for Education, Sport and Culture to a Question by Deputy R.G. Le Hérisier, 6th July 2010

<sup>2</sup> E-mail correspondence from the Department for Education, Sport and Culture, 10th August 2010

<sup>3</sup> The Panel notes that these will not be the final budgeted figures for the schools, as the Department has confirmed that they are formula-funded and that the pupil census date is 15th January 2011

The Panel notes the Department's rationale for providing grants to private schools, as it keeps fees at an acceptable level. However, this is a historically derived policy which has continued to grow year after year. As all departments within the States are being asked to make efficiency savings, the Panel is of the firm opinion that this should also extend to private schools, given that they receive annual support from the States. The Panel is aware that the Minister is undertaking an internal review of options for the Island's secondary education system, the results of which could undoubtedly impact on the States' schools and private schools (secondary and primary sectors). It is upon publication of this report from the Department that there should be a more wide-ranging debate concerning the whole grant structure for the private sector.

### **Financial and manpower implications**

This amendment would decrease the net expenditure of the Education, Sport and Culture Department by £196,240 and thereby decrease overall States' expenditure by that amount. There are no manpower implications.

### **Amendment (2) – Educational Psychologist**

The Panel strongly disagrees with the section of proposal ESC-S3 ('Restructuring the Special Educational Needs Service and the way emotional and behavioural support is delivered to primary school children') which recommends not replacing an educational psychologist who is due to retire. The Panel is very concerned about the impact that not replacing this post could have on this section of the Department's remit.

The Panel notes the Minister's response to the Panel's comments on the 2011 Draft Annual Business Plan, which explains the following –

*“There are currently 4.8 FTE educational psychologists employed by the ESC Department, and this number would reduce to 3.8 FTE from November 2010 with the retirement of one of the current postholders. Working in cooperation with Health and Social Services, the educational psychologists will each take responsibility for one of four school cluster groups, i.e. with each cluster consisting of one 11-16 secondary school plus the primary schools that fall into that school's catchment area. Support will be provided by other professionals where appropriate, including the clinical psychologists and school-based social workers employed by Health and Social Services following the adoption of the recommendations in the Williamson Report.”<sup>4</sup>*

However, the Panel is surprised by this proposal, especially given the findings from several reviews, including the Health, Social Security and Housing Scrutiny Panel's Report into the 'Co-ordination of Services for Vulnerable Children'<sup>5</sup> and the Education and Home Affairs Panel's Report into 'School Suspensions'.<sup>6</sup> The Co-ordination of Services for Vulnerable Children report recommends that the Minister for Health and Social Services and the Minister for Education, Sport and Culture should ensure the following –

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<sup>4</sup> Minister for Education, Sport and Culture – letter to all States Members 5th August 2010

<sup>5</sup> S.R.6/2009

<sup>6</sup> S.R.7/2010

*“That a more proactive approach be taken in supporting families and children with efforts being targeted towards providing non-stigmatising services and early interventions using a coordinated approach which includes all agencies.”*

The School Suspensions Report also makes the following recommendation –

*“Alternative ways of working with students who are frequently being suspended need to be established. Getting to the root of problem behaviour is essential and any diagnosis needs to be followed with appropriate methods of intervention. Whether this includes the provision of units on site, adapted timetables or alternative educational initiatives and practical qualifications, serious consideration needs to be given to getting to the root of the problem, rather than continually issuing suspensions to the same students.”*

The Minister for Education, Sport and Culture’s response to this recommendation states –

*“Alternative ways are continually being sought and implemented. There is ample evidence of this across schools. However, the root of the problem is not always within the learning domain of the school. Poor or unacceptable behaviour does not occur in isolation. The way forward is to consider all the contributory factors and develop individual programmes rather than label a child and place them in a unit.”*

With these comments in mind, it is difficult to understand how the Department is proposing to work with one less Educational Psychologist, and the Panel would be concerned about the resulting impact on service provision. The Panel would strongly urge members to accept this amendment and ensure that this vital role can continue.

### **Financial and manpower implications**

This amendment is cost-neutral as, although it would increase the expenditure of the Education, Sport and Culture Department by £88,000 in 2011, this would be offset by a decrease of the same amount in the £6 million set aside for Restructuring Costs under the Treasury and Resources heading. The Panel believes that the £6 million is more than adequate for restructuring and that the service that would be retained as a result of the amendment (and amendments 3 and 4) should be viewed by members as being of a higher priority than setting the full £6 million aside for restructuring purposes.

There are no additional manpower implications, but the post of Educational Psychologist would be replaced once the current employee retires.

### **Amendment (3) – Durrell**

The proposal ESC-S5 put forward by the Education, Sport and Culture Department as part of the Comprehensive Savings Proposals for 2011 recommends ceasing the annual payment of £33,000 to Durrell to allow free entry and teaching time for school parties.

The Panel notes the Minister’s response to its comments on this issue, which states –

*“Although it is proposed the annual payment to the Durrell Wildlife Conservation Trust should cease, this does not mean the Trust will no longer be available as an educational resource. Schools will continue to work closely with Durrell to enable pupils to access the facility dependent on the specific curriculum requirements of year groups within each school. As such, schools will need to make alternative funding arrangements, as indeed they are required to do when visiting other attractions in the Island that are subject to entry charges.”<sup>7</sup>*

Despite the above comments, the Panel is disappointed that the Department has made this proposal, especially given the publicity that has highlighted the financial difficulties that Durrell is experiencing. Earlier this year it was highlighted that Durrell is making up to 14 staff redundant; will be reducing the number of endangered species in its care and scaling down its work overseas, all in a major cost-cutting exercise to try to fill an expected deficit of £1 million this year.<sup>8</sup> Whilst the Panel is aware that the Education, Sport and Culture Department is also facing the need to make major savings, it is of the strong opinion that the Department, and the States as a whole, should be doing all it can to support this charity during this difficult time. Put against the very large sum which the Minister is seeking for the Jersey Heritage Trust for 2011 (£2,495,700), this is a small sum which will have a very large and enduring impact.

Durrell Wildlife Conservation Trust is an integral part of the Island’s community, which has developed a worldwide reputation. Durrell carries out a huge amount of work surrounding education at its International Training Centre. The grant from the States covers the cost of employing one full-time member of staff; however, during the Panel’s meeting with Durrell’s Chief Executive Officer, Mr. P. Masterton, it was confirmed that the cost of providing the teaching materials used during the learning sessions at Durrell, and of providing the free entry to school children, would far exceed the £33,000 grant. Durrell has also provided the following statistics which highlight the extent of its education programmes –

**Table 3: Number of schools and nurseries that have participated in Durrell’s formal learning programmes<sup>9</sup>**

<b>Year</b>	<b>Number of schools and nurseries</b>
2008	34
2009	30
2010	32 ( <i>up to end of July 2010</i> )

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<sup>7</sup> Minister for Education, Sport and Culture – letter to all States Members 5th August 2010

<sup>8</sup> Jersey Evening Post, 19th January 2010

<sup>9</sup> E-mail correspondence from Mr. P. Masterton, Chief Executive Officer, Durrell Wildlife Conservation Trust



**Table 4: Breakdown of Jersey school children taught by International Training Centre Staff in 2009<sup>10</sup>**

<b>Key Stage</b>	<b>No. of students (2008 figures)</b>	<b>No. of adults (2008 figures)</b>	<b>Teaching time (hrs) (2008 figures)</b>
<b>Foundation</b>	511	120	18
<b>1</b>	812	186	30.75
<b>2</b>	846	135	37
<b>3</b>	1282	102	47
<b>GCSE</b>			
<b>'A' Level</b>	19	2	2.25
<b>Total</b>	<b>3,618 (2,907)</b>	<b>595 (483)</b>	<b>143.5 (142)</b>

In addition to the above teaching figures, many more students visit Durrell for free throughout the year; however, it is not possible to quantify this figure. The 2009 Annual Report states –

*“This opportunity for local school children to receive formal conservation education training at Durrell was made possible by a grant of £33,000 provided by the States of Jersey Department of Education, Sport and Culture.”<sup>11</sup>*

During a visit to Durrell, the student will typically spend an hour in the classroom, followed by unlimited time in the grounds. The classroom lesson includes resources such as live animals, skulls, furs and feathers, depending on the requirements of the lesson, and as such, provides a unique experience that would not be possible outside the grounds of Durrell. The Chief Executive explained to the Panel that they also provide outreach work to schools in the Island. Taking away this opportunity would be of detriment to the Island long-term. Forging an attachment to the facility during a child’s school years could help to ensure the child develops lasting support and awareness of the vital work that is undertaken there, helping to ensure that Durrell continues to receive the community’s support for years to come. The Chief Executive of Durrell confirmed to the Panel that Durrell is fully committed to doing everything it possibly can to continue with its education programme if the funding is cut; however it was confirmed that at this stage they could not confirm how this would occur. Removing the funding of £33,000 would therefore jeopardise Durrell’s ability to continue with its vital educational work.

In light of the community impact this facility has, and the increasing importance of conservation and environmental issues, the Panel would urge members to accept this amendment and to maintain this funding.

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<sup>10</sup> Durrell Wildlife Conservation Trust, International Training Centre Annual Report 2009, p.15

<sup>11</sup> Page 15

## **Financial and manpower implications**

This amendment is cost-neutral as, although it would increase the expenditure of the Education, Sport and Culture Department by £33,000 in 2011, this would be offset by a decrease of the same amount in the £6 million set aside for Restructuring Costs under the Treasury and Resources heading. There are no additional manpower implications.

## **Amendment (4) – Home Affairs Discrimination Legislation**

Proposal HA-S1 put forward by the Home Affairs Department as part of the Comprehensive Savings Proposals, proposes the removal of the discrimination legislation budget (£100,000). The Panel lodged an amendment to the 2010 Annual Business Plan requesting that the discrimination legislation should be debated and approved during 2010. Although this amendment was not successful, the Panel is disappointed to see yet more delays in the introduction of this vital piece of legislation. The Panel fundamentally disagrees with the current proposal to remove the discrimination legislation budget of £100,000 from the Home Affairs Department. This is an issue which the Panel has discussed numerous times with the Minister for Home Affairs during his attendance at Public Hearings. During the Minister's attendance at the most recent Hearing on 28th June, it was explained as follows –

### ***The Minister for Home Affairs:***

*“I was reluctant, yes. Initially it was probably I would not support that as a cut for 2011. The problem I face was 2012 and 2013. I went into this long preamble before in relation to the Assembly having to make a decision in relation to this. If the view of the Assembly is the Council of Ministers must find £50 million then obviously life is going to be very difficult. If the Assembly is: “No, it is not possible, you can only find £35 million” or whatever, things will be a little easier. But the fact is that my expectation is that the view of the majority of the Assembly will be more than 2 per cent. Therefore I did not want to bring in a piece of legislation, set up a tribunal for one year and then find it went out the year after. It did not make sense... We can put the law into place, except the Appointed Day Act in relation to bringing it into effect will be dependent upon the existence of the funding.”<sup>12</sup>*

This issue was further commented on by the Minister in his response to the Panel's Comments on the 2011 Draft Annual Business Plan, where he stated –

*“As you are aware the States resolved to implement Discrimination Legislation before the shortfall in States finances was known. However, this does not prevent development of the Law and the first attribute from continuing. It is intended to progress the Law to lodging and debate later this year, following the original timetable, but its introduction in 2011 will be dependent upon States funding decisions. This will ultimately be a States decision but, if I have to make alternative savings in 2011, then I will need to make further reductions of 1.8 FTE in police posts.”<sup>13</sup>*

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<sup>12</sup> Transcript of Public Hearing with Department for Home Affairs, p.18

<sup>13</sup> Letter from the Minister for Home Affairs to Deputy R.G. Le Hérisier, 2nd August 2010

The Strategic Plan 2006–2011 included a commitment for the Home Affairs Department to develop and implement anti-discrimination legislation commencing in 2007. The 2009 – 2014 Strategic Plan removed this commitment; however does still include a commitment to “ensure employers do not discriminate against older workers.”<sup>14</sup> The Home Affairs Department’s Annual Business Plans have included a commitment to progress this legislation each year, with the 2010 Plan citing the legislation as a key project for the year. This issue has been around for a long time, and the Island is in danger of not meeting its international obligations. The Panel is very surprised that given the numerous delays that have occurred, the department does not see it as a priority. Furthermore, although the legislation is currently within the remit of the Home Affairs Department, historically this issue fell within the Chief Minister’s Department’s remit. However, it appears to have ended up in Home Affairs because of the interest of a previous Minister. As such, it now has to compete with other Ministerial priorities. The Panel would seek clarification as to whether it can be moved back to the Chief Minister’s Department for progression.

The Panel considers the implementation of this legislation to be a priority, and has therefore lodged this amendment accordingly, in order to prevent the legislation being delayed further until 2012.

#### **Financial and manpower implications**

This amendment is cost-neutral as, although it would increase the expenditure of the Home Affairs Department by £100,000 in 2011, this would be offset by a decrease of the same amount in the £6 million set aside for Restructuring Costs under the Treasury and Resources heading. The £100,000 is intended to cover any additional manpower requirements that would arise from the implementation of the legislation.

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<sup>14</sup> Strategic Plan 2009 – 2014, Priority 6 – Provide for the Ageing Population