

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 29th MARCH 2022**

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

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

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

Firstly this morning, could Members welcome His Excellency the Lieutenant Governor to the Chamber? **[Approbation]**

### **1.2 Resignation of Dr. Helen Miles from the Public Accounts Committee**

I have one more announcement. The Bailiff has received a letter from Dr. Helen Miles indicating her intention to resign from the Public Accounts Committee, and under Standing Order 133 that resignation now takes effect.

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Deputy I. Gardiner of St. Helier of the Minister for Social Security regarding childcare support payments (WQ.79/2022)**

##### **Question**

Will the Minister advise what determines the decision on whether the childcare support component is paid directly to an authorised provider or to the families themselves; and will she provide any specific rules or procedures that are in place regarding to whom these payments are made?

##### **Answer**

The Income Support legislation gives the power to make payments from a household's weekly benefit entitlement direct to a third party. This is generally used for the payment of rent, although only a proportion of households require this service.

An administrative decision was taken in 2018 to cease using this power to routinely pay childcare costs directly to providers. It can still be used in cases where the household experiences challenges in budgeting. This decision was taken based on feedback from childcare providers, parents/carers, and administrative staff in Customer and Local Services.

The reason for the administrative change was that the childcare component is in most cases only available to households who are in employment and weekly entitlement is based on the working pattern of the parent/carer. This means that the weekly value of the childcare component can vary when household earnings change, or when there is a change to the hours worked by the parent/carer because of other caring responsibilities, sickness or school holidays. It can cease if a household stops being entitled to Income Support. There will always be a slight administrative delay in these changes being reflected in the Income Support payment system, with the result that childcare providers were receiving inconsistent amounts of payment and faced administrative work in addressing this with parents/carers.

Outside Income Support, working parents/carers will pay their own childcare costs directly, and since the change was made the majority of Income Support households have handled childcare payments themselves without issue. If there are issues with the way this policy affects authorised providers, I am happy to ask officers to liaise with them directly.

## **2.2 Deputy M.R. Le Hegarat of St. Helier of the Minister for the Environment regarding greenhouses and polytunnels (WQ.80/2022)**

### **Question**

In relation to greenhouses and polytunnels, will the Minister advise –

- (a) how many have been returned to agriculture in the last 20 years;
- (b) whether the process for their removal is determined by any Government policy or procedure and, if so, what the process is;
- (c) whether any Government policy or procedure determines whether the land, after removal, is deemed suitable for all types of agriculture; and
- (d) whether there is, or has been, any financial assistance available from the Government for the purpose of removing greenhouses or polytunnels?

### **Answer**

Glasshouses and polytunnels are considered to be temporary structures associated with the agricultural use of land. The policy structure within successive Rural Economy Strategies and Island Plans has been aimed at; first, securing their use within agriculture; or second, seeking an alternative agricultural (or rural) use; or third, their removal and the land returned to other agricultural uses.

- (a) No comprehensive data is held relating to the number of glasshouse or polytunnel structures that may have been removed in the last 20 years.
- (b) Some glasshouses and polytunnels secured planning permission that was conditional upon their removal when they fall out of use. Compliance with this aspect of permission, however, remains poor.
- (c) see (a).

Some land, where it has been the subject of sale or lease post-1974, will be required to remain in agricultural use under the auspices of the Agricultural Land (Control of Sales and Leases) (Jersey) Law;

- (d) There is no current or historic financial assistance scheme available from Government for the purposes of removing glasshouses or polytunnels.

## **2.3 Deputy J.M. Macon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding filming at hustings (WQ.81/2022)**

### **Question**

Further to the response to Written Question 54/2022 in relation to hustings arrangements for the elections of June 2022, will the Chair advise –

- (a) the rationale for changing the filming arrangements offered for hustings;
- (b) what consultation, if any, was undertaken in reaching the decision on filming arrangements;
- (c) whether the change was identified as a cost-saving measure;
- (d) whether it is the Committee's assessment that not offering localised filming for hustings is seen as a reduction of service to the public; and
- (e) why the decision was not brought to the States Assembly for debate?

### **Answer**

- (a) PPC is very keen to improve the level of participation and engagement by the public in the elections process, but having listened to public feedback, recognises that the format of hustings is a little tired. The rationale for the proposed changes was to try and broaden the reach of these valuable events. It was therefore decided that for 2022 we would offer candidates the chance to attend live broadcast hustings to which the public could submit questions both in advance and in real time. Given the uncertainty of the last 2 years we also recognised the need to Covid-proof opportunities for the public to hear from candidates and ask them questions about their views. This is especially important in those constituencies which are now quite large geographically, as the likelihood of candidates being able to undertake traditional door stepping across the entire area will be somewhat limited and could be seen by the public as an unwelcome transmission risk.
- (b) There was no direct consultation in relation to the filming arrangements apart from with the Jersey Electoral Authority. There is no legal requirement for the hustings to be filmed.
- (c) Vote.je started filming hustings in 2014 – prior to this date the public either attended hustings in person, or relied upon media reports of the events afterwards. In 2014 and 2018 each hustings meeting was filmed by an external provider and then uploaded onto vote.je the next day. This was at considerable cost as a professional camera person had to be employed to undertake the filming, dedicated individual microphones had to be used to ensure the sound quality was sufficient and the events had to be edited and uploaded the day after the event. Basing the online hustings in the Chamber, using the existing web casting equipment, will result in a considerable cost saving, allowing the vote.je team additional resources with which to promote and publicise the importance of registration and voting. However, as explained above, this change was motivated by a desire to increase public participation in hustings not by financial considerations.
- (d) Due to the rising number of Covid cases, Parishioners were invited to ask questions and watch the hustings meeting online via Zoom or the Vote.je Facebook and YouTube pages when the by-election was held in St. Clement in 2021. This enabled a small number of Parishioners to attend in person, but allowed others to view the event online in real time and to put forward questions to the candidates. The questions were selected randomly, so both those at home and in the venue had equal opportunity to ask questions, with priority given to residents of the district. This was extremely well received with 23 questions submitted of which 21 were asked and answered, including 4 from young people, who were allocated a specific section of the event. Facebook had 61 peak live viewers and YouTube 39 and there have been 602 views

since the hustings went live on Facebook, whilst 541 people have viewed the hustings on YouTube. The video of the event was also shown in the Parish Hall on a loop for people without digital access afterwards, before the election. Rather than reducing the service to the public, PPC considers this will actually extend the electorate's access to the events, as they will be able to submit questions in advance or in real time; still participate even if they cannot attend the meeting in person and they will be able to view the webcasts live and after the event. Candidates wishing to hold additional 'traditional' hustings are very welcome to do so, in fact this should be encouraged to provide further opportunities for them to engage with the electorate. We will be happy to publicise such events on [vote.je](http://vote.je) and provide links to any live streams or filming undertaken.

- (e) Hustings have always been a matter for the candidates to arrange and they are not prescribed in the Elections Law, so there would have been no provision for this matter to have been debated by the Assembly. PPC is not stopping candidates from holding additional hustings in Parish Halls or community spaces. We want to make the events as accessible as possible and we believe that the proposed way forward will only increase public engagement in the hustings process.

## **2.4 Senator S.Y. Mezec of the Chief Minister regarding the Government of Jersey's Finance and I.T. systems (WQ.82/2022)**

### **Question**

Will the Chief Minister provide –

- (a) the initial budget and timeline for the Government's new Finance I.T. systems;
- (b) the current forecast of the total spend on these systems and the timeline for delivery;
- (c) the amount of the expenditure to date that there has been on project management; and
- (d) the reasons for any increase, if any, there has been in the forecasted total spend or change in the timeline over?

### **Answer**

- (a) The Integrated Technology Solution Programme is planning to replace existing Finance, HR, Procurement and Asset Management systems as well as adding additional functionality in these areas. The Programme includes not only the acquisition, design, build, test and deployment of the necessary IT components but also process redesign, related organisational redesign and business change. The overall business case approved by the Treasury and Exchequer in March 2021 included both capital and revenue spend for the period 2021 to 2026 and totalled £63.02m, including contingency of £6.4m. The programme plan that sat alongside the business case indicated that implementation and rollout of the elements included in the business case would be completed by December 2023.
- (b) The current forecast, including contingency, has increased by £1.28m to £64.3m, as a result of two additional elements being included in the programme. The timeline for implementation remains unchanged.

- (c) The structure of the programme is that there is a Delivery Partner who is responsible for designing, building and deploying the new processes and capabilities, and a Programme Partner who is responsible for the programme and project management of the overall programme. In addition the Government has an Intelligent Client Function which includes a Programme Director and some other programme and project management capability. The costs of the Programme Partner and the Intelligent Client Function programme and project management to date are £2,532,986. In addition, there will be some programme and project management costs within the Delivery Partner and within the functional teams but these are not captured separately.
- (d) As stated in (b) the increase is as a result of the inclusion of two additional modules, which cover Health & Safety and Property Assets. These additional modules were included in the capital programme set out in the Government Plan 2022 to 2025 and were funded by offsetting reductions in other IT Programmes.

## **2.5 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the States of Jersey's investment holdings (WQ.83/2022)**

### **Question**

In respect of the States of Jersey's investment holdings, will the Minister advise Members of the following –

- (a) the extent, if any, that the holdings are directly invested in Russian-based assets;
- (b) the extent, if any, that the holdings are indirectly exposed to Russian-based assets through investments in companies that themselves are directly invested in Russian-based assets (for example, oil and gas companies); and
- (c) the effect any such investments are expected to have on the returns from Jersey investments, both in the short and longer term?

### **Answer**

The Minister would like to advise Members that:

- (a) The States' Investment portfolio has no direct holdings in Russian assets. Indirectly, the portfolio holds a small amount of Russian assets through investment funds where the States is invested alongside other external investors. As at the 28<sup>th</sup> February 2022, the value of these holdings represents only 0.05% (£1.92million) of the total portfolio value.
- (b) The Minister doesn't hold the level of granular detail on how or where companies within the States portfolio ultimately invest their capital. Furthermore, this information would change on a frequent basis as companies divest and re-invest their capital over time.
- (c) Given the nominal value of the indirect investments their impact on the returns of the portfolio will be negligible. The majority of the States investment portfolio has a long-term investment horizon with consideration given to various market conditions, it is well diversified to help protect asset values during a downturn. Periods of underperformance can be experienced from time to time but the portfolio is well placed to meet its long-term investment objectives.

The Minister wishes to assure Members that communication with the relevant investment managers is ongoing to understand their plans for the future retention of any Russian-based investments.

## **2.6 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the contract with the HCT Group (LibertyBus) (WQ.84/2022)**

### **Question**

Will the Minister state –

- (a) whether there will be review of the contract with the HCT Group (LibertyBus) ahead of any new tendering process and, if so, when that review will take place;
- (b) whether the Minister will be responsible for undertaking any such review or, if not, which Minister shall take responsibility; and
- (c) what tendering process will be used for any new contract?

### **Amended Answer**

- (a) The ‘procurement strategy’ will incorporate an internal review of the 2013 Bus Operator Contract and its fitness to meet the needs of current government policy, such as the 2019 Sustainable Transport Policy and the Carbon Neutral Strategy to ensure proper alignment of objectives. The programme for this work is at present provisional and a timescale cannot be reported at this time, forming part of a policy under development.
- (b) As Minister for Infrastructure, under the Motor Traffic Law 1935, it is my duty to commission bus services which protect and further both the short and long-term interests of bus users. In doing so, I will work in partnership with my Ministerial colleagues to ensure proper alignment with government policy objectives.
- (c) The procurement process will be undertaken in accordance with the requirements of Government’s Financial Codes (as set out within the Public Finances Manual) and the Government of Jersey’s procurement guidelines, this work will be supported by the corporate Commercial Services Department. The process emerges from the procurement strategy, which is being worked on and as such, remains policy under development.

## **2.7 Deputy C.S. Alves of St. Helier of the Minister for Social Security regarding research into period poverty (WQ.85/2022)**

### **Question**

“Further to the Minister’s response in December 2020 to the e-petition entitled ‘[Follow Scotland and make period products free for all](#)’ in which it was stated that she “*has, therefore, asked officers to undertake further research on this issue with a view to reporting findings to the States Assembly within the term of this Government*”, will the Minister advise –

- (a) what research, if any, has been conducted into period poverty since the response; and
- (b) if research has been conducted, what data were collected and what the results were?”

### **Answer**

- (a) Desk-based research has been undertaken by officers to understand the approaches of other jurisdictions to this issue and the associated costs of those approaches. Discussions were also held with the Red Box Project Jersey to understand more about their work in schools.

In December 2021 a survey was sent out to schools, and promoted on social media, to better understand whether pupils were having difficulty accessing products when they needed them, and any associated impacts related to this.

(b) Key findings from the survey are as follows:

- Over 50% of respondents reported experiencing difficulty accessing period products.
  - The main reason stated for struggling to access products was being ‘caught short’ – not having the products on hand when needed.
  - With affordability being an issue for 10% of those reporting difficulties accessing products.
- Over 10% of respondents reported missing school or college due to difficulty accessing period products when they needed them, whilst 23% of respondents reported attending school or college late, and over 25% of respondents reported leaving school or college early.
- Nearly 60% of survey respondents reported having missed an activity such as sport, socialising or a hobby etc., whilst 35% had been late to an activity, and 37% reported leaving an activity early.
- Over 60% of respondents reported feeling embarrassed as a result of having difficulty accessing products, with 60% stating they felt anxious or worried, and 50%<sup>1</sup> feeling unable to concentrate at school or college.

Caution must be applied in interpreting the local survey results as this was not a representative survey. As such the findings cannot be used to demonstrate the scale of the issue in Jersey, rather they reflect the views and experiences of some students who chose to respond to the survey. However, the findings do reflect the issues and challenges identified in other jurisdictions.

I will update the Assembly on the next steps for this project on the 29<sup>th</sup> March.

## **2.8 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding settled status applications (WQ.86/2022)**

### **Question**

In relation to settled status, will the Minister advise –

- (a) how many applications have been received since 30th June 2021;
- (b) what percentage of these applications have been rejected;
- (c) on what grounds any such applications have been rejected; and
- (d) how many people who are eligible for settled status are predicted not to have applied?

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<sup>1</sup> NB: For some questions respondents were able to select more than one answer that applied which means totals will exceed 100%.

**Answer**

- (a) 511
- (b) 18 applications refused, 3.5%
- (c) 17 for not meeting the residency criteria and 1 due to not meeting the relationship criteria as a Joining Family Member. A large proportion of these refusals originate from EU nationals who were unaware of the residency requirements and only came to the Island for the first time after 2020.
- (d) It is not possible to provide an estimate to this figure, there have never been any clear figures of the number of EU nationals who were living in the Island prior to 2021. Even if there were there is no way to determine how many may have left and not returned. In the last 6 months there have been less than 20 people that have come the attention of the Jersey Customs & Immigration Service who are eligible to the scheme but had not yet applied.

**2.9 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding breaches on immigration controls following Brexit (WQ.87/2022)****Question**

Since the introduction of work permits and stricter immigration controls following Brexit, will the Minister advise –

- (a) how many people, if any, have had to be removed from the Island for being in breach of these controls; and
- (b) what procedure was followed in the lead-up to the removal?

**Answer**

For clarity, immigration controls have not become stricter since Brexit, immigration work permits have been in place since 1995. The difference, post-Brexit, is simply that these controls now affect EEA and Swiss (EU) nationals that arrived in the Island for the first time since 31<sup>st</sup> December 2020. A concession period was in place during the first 6 months of 2021 which enabled EU nationals, who should have acquired a visa prior to arrival, to regularise their immigration permission without having to leave the Island.

- (a) In 2021, 62 people who were present in the Island had their immigration ‘permission to remain’ curtailed, 5 of these were EU nationals and a further 3 EU nationals were refused entry at the border. None were subject to removal proceedings.
- (b) None of the 62 who had their immigration permission curtailed were arrested or detained. All 62 were spoken to in person by Customs & Immigration Officers to explain the reasons for the curtailment and were given a period of time, often up to 10 days, to voluntarily leave the Island, which they all did.

**2.10 Senator K.L. Moore of the Minister for Treasury and Resources regarding the audit of the Co-Funded Payroll Scheme (WQ.88/2022)**



### **Question**

Will the Minister inform the Assembly what sum it has been agreed to pay the accountants who are providing an audit of the Co-Funded Payroll Scheme?

### **Answer**

The total cost incurred in respect of payments to the accountancy firm that provided the audit of the CFPS is £155,978. This represents 0.1% of the total cost of the CFPS.

## **2.11 Deputy K.F. Morel of St. Lawrence of the Minister for Treasury and Resources regarding Russian assets held in the Common Investment Fund (WQ.89/2022)**

### **Question**

Will the Minister advise the Assembly of the number and value of Russian assets (whether equities in Russian companies, Russian government or corporate bonds or any other type of asset related to Russia, and whether traded on Russian or other exchanges) held in the Common Investment Fund on both 21st February 2022 and 1st March 2022; and whether any of these assets were linked to U.S., E.U. or U.K. sanctioned entities or individuals?

### **Answer**

As detailed in the response to Deputy Higgins question WQ.83/2022, the Common Investment Fund held no Russian assets directly on 21<sup>st</sup> February nor on 1<sup>st</sup> March 2022. Directly held assets covers 42% of the Common Investment Fund's ('CIF') total value of £4.1 billion.

The remaining assets (58%) are held in pooled vehicles, where underlying assets are not held by the States of Jersey, but by Investment Funds in which the States of Jersey is a minority shareholder. Four of these Funds held a total of £1.92 million (0.05% of CIF value) of Russian assets on behalf of the Common Investment Fund as of 1<sup>st</sup> March 2022.

The Minister does not hold intra-month transactional information for indirect holdings and is therefore unable to confirm the indirect holdings in Russia as of 21<sup>st</sup> February. However, from recent discussions with Investment Managers, the Minister believes that the position would not have been materially higher than the figure on 1<sup>st</sup> March.

Control over the assets in these indirect holdings is carried out by the Investment Managers in line with their specific mandates. The Minister has written to each Investment Manager to make clear the States' preference for immediate divestment from any Russian holdings. Ongoing monitoring of Russian investments is being carried out by the Minister's independent Treasury Advisory Panel.

Exact positions are proprietary information to the Funds holding the assets, but as of 7<sup>th</sup> March 2022 (the date this response was prepared) none of those indirect holdings were subject to direct sanctions, although this is being monitored by the investment managers, who have regulatory responsibility to ensure any sanctions are fully complied with.

## **2.12 Connétable of St. John of the Minister for Health and Social Services regarding rehabilitation beds (WQ.90/2022)**

### **Question**

Further to his statement in the States on 1st March 2022, will the Minister advise how many rehabilitation beds will be available in Samarès Ward from July to December 2022?

### **Answer**

There will be 14 beds for rehabilitation available in Samarès Ward from July to December 2022.

## **2.13 Connétable of St. John of the Minister for Health and Social Services regarding rehabilitation patients in Samares Ward prior to its closure (WQ.91/2022)**

### **Question**

Will the Minister advise how many rehabilitation patients were in Samarès Ward for each of the 12 months prior to its closure (including stroke patients, neurological patients, orthopaedic patients or any other patients using the ward for rehabilitation) and how many other occupants, if any, were there during this period?

### **Answer**

The answer provided to part a) of WQ507/2021 on 20<sup>th</sup> December 2021 is applicable to this question [wq.507-2021.pdf \(gov.je\)](#) A further breakdown of the data would require a full audit of all the patient notes – a task that cannot be undertaken before the deadline for submission of the answer to this question.

The last patient recorded in the specialty “Rehabilitation” was discharged from Samarès Ward in March 2020 so the period 1 April 2019 to 31 March 2020 has been used. Please note that there were less than 5 patients where the specialty was not “Rehabilitation” – these patients have been excluded from this analysis.

Patients can be transferred to a rehabilitation ward when they do not need rehabilitation. This is to place all patients within the hospital in the ward that best cares for their needs. This includes patients waiting for community residential/nursing home placement or care at home provision. These patients are classified as ‘Rehabilitation’ on TrakCare, so form part of the figures in total discharges.

Table 1: Number of patients discharged from Samarès Ward, April 2019 – March 2020

<b>Discharge Month</b>	<b>Number of discharges</b>
Apr-19	22
May-19	26
Jun-19	18
Jul-19	21
Aug-19	19
Sep-19	23

Oct-19	20
Nov-19	26
Dec-19	26
Jan-20	30
Feb-20	22
Mar-20	38

Data Source: Hospital Patient Administration System (TrakCare, Report ATD5L)

## 2.14 Connétable of St. John of the Minister for Health and Social Services regarding the Wessex Junior Doctor Scheme (WQ.92/2022)

### Question

Will the Minister advise –

- (a) how Jersey has been rated for Junior Doctors in the Wessex region for each of the last 6 years;
- (b) how many applications have been received from Junior Doctors in each of the last 6 years;
- (c) whether there has been any warning that our continued membership of the Wessex Junior Doctor scheme is at risk; and
- (d) whether he will publish the latest Foundation School visit feedback report?

### Answer

- a) The most recent review of Doctors' training was carried out by Health Education England in relation to our Foundation Doctors' training programme in January this year. This is a cyclical review which normally takes place every 2-3 years, but, as with all other training programme reviews across the UK, was delayed due to COVID.

The previous review was in 2017, when Jersey received a green 1 rating.

**Green  
1**

Meets all national standards for education and provides an appropriate training experience. Clear action plans for any challenges which arise, with the impact of difficult to resolve issues minimised.

The format of the report has since changed and a rating is no longer given as part of the report. The 2022 review does not give a rating, but provides feedback which falls into 3 main categories:

- Mandatory requirements
- Recommendations
- Areas of good practice

The mandatory requirements covered 3 areas to improve which were to:

- (i) Provide support for the Foundation Doctors in one area to both produce their rotas and help fill gaps if there are absences. Up until now, these Drs have been managing their own rotas (as is common

for junior doctors) to cover their day-to-day duties and overnight shifts. However, occasionally they have felt that they have been left to find cover particularly if someone goes off sick. We have advertised for rota co-ordinators and expect to have these posts filled by the 1<sup>st</sup> of April. In the interim period, a temporary arrangement has been put in place to address this.

(ii) The foundation Drs in one area felt that they were not supported enough by more senior staff on occasions when they had to deal with sicker patients.

(iii) The foundation Drs in the same area felt that the communication between their senior staff and senior staff in other areas was on occasions poor, again leaving them with less support than they would like when dealing with sicker patients. To address both these points, very clear lines of escalation have been explained to these foundation Drs in that they should immediately ask the consultant on call for help. They are also being proactively supported through the daily operational hub meetings where they are being asked to highlight any patients they have concerns about and support is being provided where necessary.

The recommendations included:

(i) Giving consideration to changing the Foundation Teaching programme that is run on an annual basis, which means it is repeated as Foundation Drs are with us for 2 years. We may make it a 2-year programme or split the teaching so that 1<sup>st</sup> year and 2<sup>nd</sup> year Drs are taught separately. This is on-going work.

(ii) Review our induction programmes for each specialty so that there is a more robust induction programme for every specialty when these Drs move, which happens 3 times a year. All specialties are being asked to review their individual induction programmes and feedback to the education team.

(iii) The organisation should consider how to further embed a culture of teaching and learning across all areas of the hospital to maximise the learning experience for trainees. This is already part of a bigger piece of work reviewing our educational offering for all professional groups which we are undertaking this year.

Areas of good practice included:

(i) The education team was highly valued; trainees reported that the team was supportive, easily accessible and organised.

(ii) Trainees reported good support from educational supervisors across the hospital.

(iii) The TRiM programme to provide support for those who have had a traumatic experience was highly valued. (TRiM is a peer-led system used in many different settings and workplaces to support workers who may have undergone traumatic experiences; it originated in the military but has been adopted by others including healthcare.)

(iv) The Review Panel heard reports of a significant positive change in the experience of trainees in a department.

(v) Trainees were very appreciative of the quality of accommodation provided by the government which allows them to access training on the island.

b) We don't receive applications for junior doctors directly as the whole recruitment process is managed by Health Education England (HEE) Wessex. There is a central competitive clearing system, whereby new graduate UK Drs (and some overseas Drs) apply for Foundation Training posts throughout the UK and rank their preferences.

Foundation doctors and GP trainees are placed with JGH by Health Education Wessex under the terms of the NHS Education Contract. Health Education Wessex places 14 foundation year 1 doctors, 13 foundation year 2 doctors, and 8 GP trainees with HCS for each rotation. JGH's medical staffing department is responsible for completing all pre-employment checks and issuing employment contracts for the junior doctors. At any one point, HCS will have some doctors working in mental health wards and GP practices as well as in the hospital as part of their speciality rotation.

c) There has been no such warning. Indeed, we are in the process of increasing the number of Foundation training posts in the coming years in response to the increase in the number of students studying medicine in the UK. Health Education Wessex has asked us to take an extra 2 trainees in 2023 and a further 3 in 2024.

d) We will be releasing the latest report, subject to appropriate redactions, once it has been disseminated to our staff.

## **2.15 Deputy R.J. Ward of St. Helier of the Minister for External Relations and Financial Services registers of ownership being used to enforce sanctions against Russian citizens (WQ.93/2022)**

### **Question**

Will the Minister advise what registers of ownership of Jersey property and other assets, if any, are being used to enforce sanctions against Russian citizens identified as close to the Putin regime; and if no such registers exist, how are sanctions being enforced?

### **Answer**

Authorities will draw from all available sources when enforcing sanctions, including the Jersey Financial Services Commission's verified register of beneficial ownership information, property information collected under the Control of Housing and Work Law, tax information submitted to Revenue Jersey, notifications by financial services providers, and wider intelligence sources.

As Members are aware, I have established an operational taskforce so that key agencies, charged with tackling financial crime in Jersey, can work together to build an intelligence picture and better understand risk posed in Jersey. The taskforce includes representation from the States of Jersey Police, Jersey Financial Services Commission, Jersey Customs and Immigration Services and others

including the Government of Jersey Sanctions Team. That multi agency forum has access to a wide range of information. The taskforce is examining information relevant to Russian customers and assets held in Jersey, sharing information between agencies, and working jointly with UK and international authorities through existing formalised channels. Any links to sanctions or suspected criminality will be referred to law and regulatory enforcement agencies for consideration of investigation. This includes the ability to freeze assets found to be linked to sanctioned individuals.

**2.16 Deputy R.J. Ward of St. Helier of the Chief Minister regarding access for the current leader of the Jersey Alliance Party to government buildings and officers (WQ.94/2022)**

**Question**

Will the Chief Minister advise what access, if any, has been given since 4th July 2021 to the current leader of the Jersey Alliance party to government buildings, including Broad Street, and to government officers?

**Answer**

Further to the answer provided to WQ.61/2022, Sir Mark Boleat was engaged as a consultant for the Island Identity Project between 31 March 2021 – 30 September 2021. During this period, he was not provided with officer support but did work collaboratively with the project lead for the Island Identity Project. Additionally, as part of his scope of work, he was expected to correspond regularly with the lead minister, and her officers, including the project lead, to provide them with updates on his work and further the Island Identity Project.

He was not provided with an access card for entry into Broad Street or any other government building. Further to WQ.61/2022 he was invited to the Broad Street offices on a number of occasions for meetings as part of his engagement with the Island Identity project.

Following the conclusion of his engagement as a consultant (September 2021) and his subsequent membership of the Jersey Alliance Party (November 2021), Sir Mark Boleat has not been provided with special access to Government buildings or government officers.

It should be noted that civil servants have an obligation to impartially and reasonably provide information upon request to prospective election candidates to support an informed debate. To this extent, government officers are accessible to all prospective candidates.

**2.17 Deputy K.F. Morel of St. Lawrence of the Minister for External Relations and Financial Services regarding E.U. sanctions against Russia (WQ.95/2022)**

**Question**

Will the Minister advise the Assembly the reasons why, despite having the legal ability to do so, he has chosen not to implement E.U. sanctions against Russia in addition to those U.K. sanctions which have been implemented by the Government of Jersey; and will he state, given the decision not to implement such E.U. sanctions, what risk there is that there are individuals and entities which will

not have any Jersey-based assets frozen or their ability to trade via Jersey reduced, despite being subject to E.U. sanctions?

**Answer**

The UK has announced a large and strong package of sanctions and other economic measures against Russia in response to its illegal invasion of Ukraine. These actions were coordinated at the highest level by the UK, EU, and USA, sharing intelligence and agreeing a similar set of targeted restrictions designed to have maximum impact and be brought into force by a large number of countries.

The appropriate level at which to manage alignment of UK measures with measures imposed by other jurisdictions is between the UK itself and those jurisdictions with which the UK is in regular dialogue. That is the best way to ensure that sanctions restrictions and other economic measures are appropriately targeted and sanctioned across multiple jurisdictions, including the UK, USA, EU.

Ultimately, it is the UK which is responsible for the island's foreign relations as a matter of international law and Jersey has always been aligned with the UK on sanctions. Jersey is not best placed to make decisions about sanctions outside the UK framework. As I have said before, we do not have the intelligence services of the UK, and we rely on information held by the UK to defend Jersey's interests, as is the established constitutional position. We cannot independently verify whether restrictions introduced by the EU, but not the UK, will have the intended effect.

A majority of the UK sanctions measures announced have already been brought into force, and Jersey has implemented all UK sanctions, either automatically by virtue of the ambulatory provisions of our sanctions legislation, or through additional legislation. Additional measures continue to be announced and brought into force by the UK on a regular basis and, as with all asset-freeze designations made under the UK sanctions framework, new designations will be effective immediately in Jersey.

Wherever there are differences in sanctions restrictions applied by jurisdictions there is the possibility that an individual or entity sanctioned in one jurisdiction is able to carry out actions or transactions that would be prohibited in another. This is why it is important that jurisdictions work together to continue to align as closely as possible with each other on the sanctions they implement. On Friday 11 March, the UK designated 386 members of the Russian Duma for an asset-freeze and we expect amendments to the UK Sanctions and Anti-Money Laundering Act 2018 to come into force today, which will allow the UK to implement hundreds more asset-freeze designations of individuals and entities connected with Russia, including designations already made by the US, EU, Canada, and Australia. This will bring a higher level of alignment between asset-freeze designations in force in Jersey and those in force in other jurisdictions around the world, including in the EU.

**2.18 Deputy M. Tadier of St. Brelade of the Minister for the Environment regarding the wall surrounding Field B139) in St. Brelade (WQ.96/2022)**

**Question**

Further to concerns I have raised about the wall surrounding Field B139 in St. Brelade (Parcq du Pont Marquet), has either the Minister or his officers inspected the wall and, if so, has it been assessed

as being in an acceptable state of repair and safe under the relevant legislation; and if it has been assessed as being not safe and in an acceptable state, what steps will he take to ensure that action is taken by the owner or their agents to repair the wall?

**Answer**

I have instructed officers to visit the area this week and, if necessary, liaise with the Parish of St. Brelade. The officers will update the Deputy when this has taken place. As Minister I will need to avoid direct involvement in case the matter becomes a live compliance case and the subject of a future appeal, which I would need to determine.

**2.19 Deputy G.P Southern of St. Helier of the Chair of the Privileges and Procedures Committee regarding investigations into the actions of the Deputy of Grouville and Deputy S. M. Wickenden of St. Helier in lodging amendments to the Draft Bridging Island Plan that proposed re-zoning fields G403C, G403D and part of G432A for housing (WQ.97/2022)**

**Question**

Given the Code of Conduct for Elected Members require that they should act solely in the public interest, will the Chair advise members –

- (a) what investigations, if any, have been undertaken into the actions of the Deputy of Grouville and Deputy Wickenden in lodging amendments to the Draft Bridging Island Plan that proposed re-zoning fields G403C, G403D and part of G432A for housing;
  - (e)
- (b) if no investigations have been undertaken, why not; and
  - (f)
- (c) whether the issue of “reversionary ownership” of land should be referred to the Commissioner for Standards?

**Answer**

The Commissioner for Standards is responsible for investigating possible breaches of the Code of Conduct for Elected Members, under the terms of the Commissioner for Standards (Jersey) Law 2017. The Commissioner may initiate an investigation himself, if he believes that a breach of the code may have occurred, or may initiate an investigation having received a complaint. When a complaint is received or an investigation commences brief details are published on the States Assembly's website here [Complaints about States Members or States Greffe employees \(gov.je\)](https://www.gov.je/Complaints-about-States-Members-or-States-Greffe-employees).

At the present time, the Commissioner has not indicated that he has received a complaint or initiated an investigation in connection with the matters referred to by the Deputy in his question.

The Commissioner is not responsible for the States Assembly's rules on the registration and declaration of interests nor the contents of the Code of Conduct, so it would not be appropriate to refer the issue of the reversionary ownership of land to him. The requirements in relation to the registration of interests in land are set out in section 7 of Schedule 2 to the Standing Orders. A



Member who owns land in Jersey, other than their principal residence, must register that land, including if someone else benefits from use of the land on a reversionary basis.

**2.20 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Education regarding legislation to remove the discrimination regarding the legal parent status and parental responsibility for same sex parents in Jersey (WQ.98/2022)**

**Question**

Following the Assembly's adoption of 'Legal parent status and parental responsibility for same sex parents' (P.26/2022), will the Minister update members on whether legislation to remove the discrimination regarding the legal parent status and parental responsibility for same sex parents in Jersey will be lodged in time for consideration by the current Assembly; and, if so, when will he lodge the relevant Draft Law?

**Answer**

In the 11 working days that have passed since the adoption of 'Legal parent status and parental responsibility for same sex parents' (P.26/2022), I have as requested by the adopted proposition continued to prioritise the drafting of legislation. In accordance with my commitment to the Assembly, I will continue to maintain the current priority and continual progress of the work between now and 29 April 2022, when the last Sitting of the current Assembly commences, and beyond if necessary.

In my comments lodged in response to P.26/2022 I detailed the many challenges associated with lodging this important legislation in such an unrealistic timescale. I reiterated these challenges during the debate, and I can confirm that these challenges remain, although officers are working hard, and real progress is being made to resolve them.

However, it is simply not possible, at this time, to give a firm indication on whether I will be able to lodge the Draft Law and on what date. As I set out during the debate my officers have discussed with stakeholders the request made in the proposition. My officers have also advised me throughout that it is highly improbable that a properly consulted law that fully addresses all the issues in this policy area could be lodged pre-election.

I am not happy to bring forward rushed legislation to the assembly and the law must be absolutely correct without any possibility of unintended consequences. The way to achieve this is through robust discussion between policy officers and law drafters and full and proper consultation with all stakeholders, anything less would do a disservice to both same-sex and opposite sex-parents who will all be subject to the provisions contained within the draft Law.

**2.21 Senator S.C. Ferguson of the Assistant Chief Minister regarding the Our Hospital Project (WQ.99/2022)**

**Question**

In relation to the Our Hospital project, will the Assistant Chief Minister explain –

- (a) how it was decided which officers would take part in the short-listing process and what consideration was given to their length of residence in the Island;
- (b) what consideration the Our Hospital Political Oversight Group (the “OH POG”) gave to the comments from the Senior Planning Officer regarding the planning application.
- (c) whether 2 fields to the north of Warwick Farm had been offered to the States and what assessment the OH POG made of how soon work could begin on Warwick Farm, when considering the site for the Hospital;
- (d) how the OH POG considered, in light of the Planning Officer's comments, the mass and height of the proposed development at Overdale;
- (e) what consideration was given by the OH POG to the roadworks that would be needed to provide access to the Overdale site, compared with what had been assessed in that regard in relation to Warwick Farm as a possible site; and
- (f) in light of the implementation of the Jersey Care Model, whether it is the OH POG’s assessment that Island needs a general hospital rather than an acute hospital?”

**Answer**

- (a) Officers were chosen for the site selection shortlisting panel on the basis of relevant professional background and experience. Length of residence in Jersey was not a criterion. The panel was supported by technical advisors covering:
  - Highways and infrastructure
  - Town planning
  - Hospital planning, architecture and design

The shortlisting panel was convened to ratify the initial assessments of sites:

- that could accommodate a new hospital in terms of area
- whether factors restricted the delivery timetable for a new hospital

The shortlisting then applied the selection criteria that had been previously developed and agreed by the Citizens’ Panel. The process for site selection and the assessments of sites is outlined in detail at:

<https://www.gov.je/health/ourhospital/pages/sitesuggestion.aspx#anchor-1>

- (b) After pre-application advice was received by the project team, updates were made to the design of the new hospital that reduced the size and height of the development. These design changes were discussed by the OH POG before being presented to all States Members prior to the submission of the planning application.

The design changes are summarised in Section 5.0 of the Proof of Evidence from the project's Planning Lead/Town Planner and within other Proofs of Evidence from the applicant team, which are available on the Public Inquiry webpage:

<https://www.gov.je/Government/PublicInquiries/InquiryDocuments/Inquiry%20Documents%20List%209%203%2022.pdf>

The latest comments in the Planning Department's Proof of Evidence are being considered ahead of the Public Planning inquiry, which is due to start on 4<sup>th</sup> April 2022.

(c) Two fields north of Warwick Farm were offered to the OH project in January 2022.

The Warwick Farm site was considered by the site selection panel and was discounted. As Warwick Farm was not one of the five shortlisted sites, detailed assessment work was not progressed.

Overdale was approved by the States Assembly [P.123/2020] for a number of reasons including the proximity to the built-up area and centre of population, and because the site requires the least compulsory purchase.

A full assessment of sites is outlined in detail at:

<https://www.gov.je/health/ourhospital/pages/sitesuggestion.aspx#anchor-1>

(d) The design team responded to pre-application advice from planning officers by amending the design as summarised in Section 5.0 of the Proof of Evidence from the project's Planning Lead/Town Planner. In relation to mass and height, Section 3.29 of the Proof of Evidence from the project's Lead Architect is also relevant.

(e) Warwick Farm was not one of the five shortlisted sites and, as a result, detailed assessment work did not continue as it did for Overdale.

The Warwick Farm site did not meet the Citizens' Panel criteria, specifically:

- there would be a significant likelihood of major highway improvements to cope with the capacity that a hospital would require, both locally and on the wider highway network
- the location would encourage the use of the private car
- the lack of social and community facilities nearby would not support sustainable behaviour

In addition, during the previous Future Hospital project a planning inspector's report stated the following: "This option would involve major challenges to the Island Plan and could only

be realistically considered, in Planning terms, if more sustainably located sites were demonstrably not available or workable."

- (f) It is a key objective of Our Hospital to deliver an Acute and General Hospital with co-located mental health facilities for the future delivery of clinical and other services.

Our Hospital is informed by the Jersey Care Model but is not dependent on it. The new hospital is being designed in a flexible way so that the layout of clinical and non-clinical areas can be adapted to meet future care models as healthcare, medical technologies and working practices continue to evolve.

**2.22 Deputy J.A. Martin of the Chair of the Care of Children in Jersey Review Panel regarding meetings of the Care of Children in Jersey Review Panel (WQ.100/2022)**

**Question**

Will the Chair –

- (a) provide annual details of the membership of the Care of Children in Jersey Review Panel, since its establishment;
- (b) provide the date of all Panel meetings from 2018 to date, including the attendance of Panel members at those meetings; and
- (c) indicate which meetings were in person and which were held remotely via Teams?

**Answer**

- (a) The Care of Children in Jersey Review Panel was first constituted in September 2017 during the previous States Assembly. It was then re-constituted by the Scrutiny Liaison Committee in August 2018 following the election. As such the response to part a of the question covers the membership from the initial formation of the Review Panel in the previous Assembly.

<b>Previous States Assembly</b>	
<b>Year</b>	<b>Membership</b>
2017	Deputy Sam Mézec (Chair) Deputy Tracey Vallois (Vice-Chair) Senator Sarah Ferguson Deputy Jackie Hilton Deputy Mike Higgins (joined 6 <sup>th</sup> December 2017)
2018 – until election	Deputy Sam Mézec (Chair) Deputy Tracey Vallois (Vice-Chair) Senator Sarah Ferguson Deputy Mike Higgins

	Deputy Jackie Hilton (resigned on 10 <sup>th</sup> January 2018)
<b>Current States Assembly</b>	
<b>Year</b>	<b>Membership</b>
2018 – post election	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mary Le Hegarat (Joined September 24, 2018, resigned December 2018) Deputy Trevor Pointon Deputy Mike Higgins Senator Kristina Moore (Joined September 24, 2018)
2019	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins Senator Kristina Moore (Resigned 23 <sup>rd</sup> September 2019) Deputy Louise Doublet (Joined 7 <sup>th</sup> October 2019)
2020	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon (Resigned 19 <sup>th</sup> October 2020) Deputy Louise Doublet Deputy Mike Higgins
2021	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair (Resigned 13 <sup>th</sup> April 2021) Deputy Louise Doublet Deputy Mike Higgins Deputy Montfort Tadier (Joined 11 February 2021)
2022	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier

(b) and (c) – as with the response to part a, the Care of Children in Jersey Review Panel was first established in the previous State Assembly up to the 2018 election. As such meetings were held by the previously constituted Panel from the start of 2018 until the election.

<b>Previous States Assembly</b>		
<b>Year</b>	<b>Date</b>	<b>Attendance</b>
<b>2018</b>	10.01.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	11.01.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	19.01.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	24.01.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson
	26.01.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair
	07.02.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	08.02.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	14.03.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Deputy Mike Higgins
	28.03.2018 (In person)	Deputy Sam Mézec, Chair

		Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	29.03.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
	18.04.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson
	20.04.2018 (In person)	Deputy Sam Mézec, Chair Deputy Tracey Vallois, Vice-Chair Senator Sarah Ferguson Deputy Mike Higgins
<b>Current States Assembly</b>		
<b>Year</b>	<b>Date</b>	<b>Attendance</b>
2018	13.08.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair
	24.09.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Mary Le Hegarat Deputy Trevor Pointon Deputy Mike Higgins
	08.10.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mary Le Hegarat Deputy Trevor Pointon Deputy Mike Higgins
	22.10.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair

		Deputy Trevor Pointon Deputy Mike Higgins
	02.11.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	05.11.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mary Le Hegarat
	03.12.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	11.12.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore
	13.12.2018 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
2019	14.01.2019 (In person)	Deputy Rob Ward, Chairman Deputy Kevin Pamplin, Vice-Chairman Deputy Trevor Pointon Deputy Mike Higgins
	28.01.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins



	04.02.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Mike Higgins
	11.02.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	14.02.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	26.02.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	11.03.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	14.03.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore
	21.03.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	22.03.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	25.03.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins

	05.04.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	08.04.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	11.04.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	23.04.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins
	29.04.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	15.05.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	20.05.2019 (In person)	Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	03.06.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	12.06.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore

		Deputy Trevor Pointon Deputy Mike Higgins
	17.06.2019 (In person)	Deputy Kevin Pamplin, Vice-Chair Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	01.07.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	15.07.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	09.08.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chairman Deputy Mike Higgins
	19.08.2019 (In person)	Deputy Rob Ward, Chairman Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	22.08.2019 (In person)	Deputy Rob Ward, Chair Senator Kristina Moore Deputy Trevor Pointon
	27.08.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Senator Kristina Moore Deputy Trevor Pointon
	04.09.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins
	09.09.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair

		Senator Kristina Moore Deputy Trevor Pointon Deputy Mike Higgins
	23.09.2019 (In person)	Deputy Rob Ward, Chair Senator Kristina Moore Deputy Trevor Pointon
	27.09.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon
	03.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice- Chair Deputy Mike Higgins Deputy Trevor Pointon
	07.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice- Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	15.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	21.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice- Chair Deputy Mike Higgins Deputy Trevor Pointon
	25.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Kevin Pamplin
	31.10.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Kevin Pamplin
	07.11.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Kevin Pamplin
	14.11.2019 (In person)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Kevin Pamplin
	19.11.2019	Deputy Rob Ward, Chair

	(In person)	Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	09.12.2019 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet
2020	20.01.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet Deputy Mike Higgins
	24.01.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins
	03.02.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	17.02.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	27.02.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	04.03.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet

	09.03.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon
	10.03.2020 (In person)	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Trevor Pointon
	23.03.2020 (Via Teams)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet Deputy Mike Higgins
	20.04.2020 (Via Teams)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet Deputy Mike Higgins
	11.05.2020 (Via Teams)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Louise Doublet
	01.06.2020 (In person)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins
	15.06.2020 (Via Teams)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Trevor Pointon Deputy Mike Higgins Deputy Louise Doublet
	13.07.2020 (In person)	Deputy Robert Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Trevor Pointon

	19.08.2020 (Via Teams)	Deputy Rob Ward, Chair Deputy Trevor Pointon Deputy Mike Higgins
	07.09.2020 (Via Teams)	Deputy Rob Ward, Chair Deputy Louise Doublet Deputy Mike Higgins
	21.09.2020 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	05.10.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins Deputy Trevor Pointon
	19.10.2020 (In person)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Trevor Pointon
	30.11.2020 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins
2021	02.02.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Louise Doublet Deputy Mike Higgins
	11.02.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Montfort Tadier
	24.02.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair

		Deputy Mike Higgins Deputy Montfort Tadier
	01.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	09.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	10.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	15.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	18.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	19.03.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	13.04.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Kevin Pamplin, Vice-Chair



		Deputy Mike Higgins
	08.11.2021 (In person)	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Montfort Tadier
	09.11.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Montfort Tadier
	16.11.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Mike Higgins
	09.12.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
	10.12.2021 (Via Teams)	Deputy Rob Ward, Chair Deputy Mike Higgins Deputy Louise Doublet Deputy Montfort Tadier
2022	The Review Panel has not met to date in 2022.	

### **2.23 Connétable of St. Martin of the Minister for Treasury and Resources regarding the use of underspend in 2021 (WQ.101/2022)**

#### **Question**

Is it the Government's intention to use additional funds arising from the underspends in 2021 to provide additional funding to sponsored charities who have seen a decrease in funding, including the Jersey Women's Refuge?

#### **Answer**

As set out in both the End of Year Flexibility report (MD-TR-2022-0083), and subsequent answers to States Questions, the unspent amounts arising in 2021 are not "additional funding".

Nearly £80m related to Projects, and the bulk of these approvals are being transferred to 2022 to allow them to be spent for the purposes approved by this assembly. A further £85 million was an amount held in the Reserve that was not required in 2021. The Reserve is not in general intended to be spent – it is held to meet unforeseen cost pressures. Throughout the pandemic we have been holding the Reserve at a higher level, due to the obvious increase in levels of uncertainty.

The Assembly already agreed that unspent amounts in 2021 were to be prioritised to reduce the level of borrowing to meet the financial impacts of Covid-19, and the decisions made are in line with that decision.

Any additional funding allocation in year must be supported by a robust business case in line with my published reserves policy (prepared by the sponsoring department), and no such business cases

have been received. Where there is an ongoing funding requirement this is more properly considered in the Government Plan by the next Assembly.

In addition, under the Public Finances Manual, “Grants should not be issued to the recipients before the funds are required”. This includes a consideration of the existing cash reserves of the organisations and their ability to raise funding (e.g. through fund-raising). Sponsoring departments would need to consider this in the preparation of any business cases.

There are over 400 charities in the Island, so whilst there is no doubt that the Jersey Women’s refuge provide an excellent service, I am not clear why the Government would choose to single out one in particular, without a robust business case in place. Officers are already engaging with the organisation to review their current service specification with a view to co-producing a longer term arrangement that is sustainable from a funding and staffing perspective

For context - the Jersey Women’s refuge will receive £215k this year from government – around 40% of their base budget. In addition they will receive £41k for the IRIS Service (Identification and Referral to Improve Safety Service).

Good financial management dictates that one-off underspends should not be used to fund ongoing expenditure, and the suggestion that we should be making short-term financial decisions this close to an election is disappointing.

## **2.24 Connétable of St. Martin of the Minister for Social Security regarding the Jersey Women’s Refuge (WQ.102/2022)**

### **Question**

What actions have been undertaken by the Government to review its long-term support for the Jersey Women’s Refuge, both in respect of annual grants and support for the recruitment of additional staff for the charity?

### **Answer**

Government of Jersey Officers work closely with Jersey Women’s Refuge (JWR) across several areas to provide support. This includes regular grant meetings with the Service Manager and the Board, work through the Homelessness Cluster as well as the IRIS Service (Identification and Referral to Improve Safety Service), which is a partnership with General Practice.

Officers are currently engaging with the JWR to review their current service specification with a view to co-producing a longer-term arrangement that is sustainable from a funding and staffing perspective.

## **2.25 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding funding for the Jersey Women’s Refuge (WQ.103/2022)**

### **Question**

Will the Minister state –

- (a) the level of grant, if any, provided by the Government to the Jersey Women's Refuge in 2018, 2019, 2021 and 2022 (to date);
- (b) the estimate, if any, the Minister has undertaken of the proportion of overall expenditure incurred by the Jersey Women's Refuge that was covered by the Government grant in each of those years;
- (c) what assessment, if any, he has made of the adequacy of the Government grant to the Jersey Women's Refuge, in light of the services offered by the Refuge that support the Government's strategy to tackle domestic violence; and
- (d) with reference to the response to Oral Question 297/2019, in which he indicated a wish to see an improvement in the Refuge's funding situation in 2021, what steps, if any, he took to bring about that improvement?

**Answer**

- (a) Jersey Women's Refuge (JWR) has received the following grants:

2018	£209,459
2019	£226,909
2020	£215,332
2021	£215,332
2022	£215,332

In addition, the Jersey Women's Refuge also receives funding for the IRIS Service (Identification and Referral to Improve Safety Service). To cover the years 2018 to 2022, the following payments have been made:

2018	£40,199
2019	£17,450
2020	£17,019
2021	£42,780
2022	£41,020

- (b) Jersey Women's Refuge running costs as provided by the Service Manager are as follows:

2018	£469,467
2019	£490,894
2020	£545,470
2021	£525,645 <sup>2</sup>
2022	TBC

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<sup>2</sup> This figure is draft and is lower due to vacancies at JWR

This equates to the following % contribution from the Government Grant.

2018 53%  
2019 50%  
2020 42.6%  
2021 49%<sup>3</sup>  
2022 TBC

(c) The Government Grant was transferred from Health and Community Services to Customer and Local Services in 2021. Officers are currently engaging with the JWR to review its current service specification with a view to co-producing a longer-term arrangement that is sustainable from a funding and staffing perspective.

In addition to the services JWR offers, the Government also funds Jersey Domestic Abuse Support and has supported, through Fiscal Stimulus, the development of a new Women's Shelter which will provide accommodation and support for over 20 women as part of our strategy to support vulnerable people.

(d) The grant agreement was extended for an initial 12 months and then a subsequent 24 months as outlined in the response to Oral Question 297/2019. It is the intention of Government to work in partnership with JWR to review its current service specification and to develop a longer-term sustainable model of service delivery.

## **2.26 Deputy L.M.C. Doublet of the Minister for Treasury and Resources regarding the underspends from 2021 going to the Jersey Women's Refuge (WQ.104/2022)**

### **Question**

Will the Minister commit to ensuring that departmental underspends from 2021 are utilised to make additional funding available to Jersey Women's Refuge in 2022?

### **Answer**

As set out in both the End of Year Flexibility report (MD-TR-2022-0083), and subsequent answers to States Questions, the unspent amounts arising in 2021 are not "additional funding".

Nearly £80m related to Projects, and the bulk of these approvals are being transferred to 2022 to allow them to be spent for the purposes approved by this assembly. A further £85 million was an amount held in the Reserve that was not required in 2021. The Reserve is not in general intended to be spent – it is held to meet unforeseen cost pressures. Throughout the pandemic we have been holding the Reserve at a higher level, due to the obvious increase in levels of uncertainty.

The Assembly already agreed that unspent amounts in 2021 were to be prioritised to reduce the level of borrowing to meet the financial impacts of Covid-19, and the decisions made are in line with that decision.

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<sup>3</sup> Will need to be revised once 2021 running costs are confirmed

Any additional funding allocation in year must be supported by a robust business case in line with my published reserves policy (prepared by the sponsoring department), and no such business cases have been received. Where there is an ongoing funding requirement this is more properly considered in the Government Plan by the next Assembly.

In addition, under the public finances manual, “Grants should not be issued to the recipients before the funds are required”. This includes a consideration of the existing cash reserves of the organisations and their ability to raise funding (e.g. through fund-raising). Sponsoring departments would need to consider this in the preparation of any business cases.

There are over 400 charities in the Island, so whilst there is no doubt that the Jersey Women’s refuge provide an excellent service, I am not clear why the Government would choose to single out one in particular, without a robust business case in place. Officers are already engaging with the organisation to review their current service specification with a view to co-producing a longer-term arrangement that is sustainable from a funding and staffing perspective

For context - the Jersey Women’s refuge will receive £215k this year from government – around 40% of their base budget. In addition, they will receive £41k for the IRIS Service (Identification and Referral to Improve Safety Service).

### **3. Oral Questions**

#### **3.1 Deputy M. Tadier of St. Brelade of the Minister for Children and Education regarding language assistants (OQ.53/2022)**

Further to the answer given to Written Question 45/2022 and, in particular, part (b) which said that the decision on whether to reinstate the £40,000 per annum to fund language assistants in primary schools would be made this year, will the Minister provide the Assembly with an update?

#### **Deputy S.M. Wickenden of St. Helier (The Minister for Children and Education):**

There is currently no funding allocated to continue the previous relationship with the Alliance Francaise that specifically funded their language assistants in primary schools. This evolved as we developed the French Experience model, which followed a successful pilot that the Deputy will recall was rolled out to local primary schools. This required additional investment, including the reallocation of some of the resources previously allocated to the Alliance. Secondly, schools continue to access language assistants to support their examination years for students entering modern language qualifications. It is important to note that funding for all streams of education follows a commissioning model with any funding justified in terms of agreed measurable outcomes. I will leave it there for a supplementary.

#### **3.1.1 Deputy M. Tadier:**

I cannot quite figure out whether that was a yes or a no but perhaps one should not be so naïve as to expect such a binary answer. In the written answer that was circulated to my previous question it is suggested that one of the reasons the money was cut was because of COVID. Is the Minister saying now that is not the reason that it was cut and it was done as some kind of restructuring?

**Deputy S.M. Wickenden:**

In the written answer that I gave, it talks about the furloughing during COVID, during lockdown, and that a decision was going to be made about whether to continue on with what is going on. What actually happened was that we evolved the French lessons and we rolled out the French Experience model.

[9:45]

We have recruitment for 1½ qualified teachers and we have extended French lessons to years 3 and 4, as well as 5 and 6.

**3.1.2 Deputy K.F. Morel of St. Lawrence:**

I was just wondering if the Minister would advise the Assembly: the reduction in funding for this service, does it indicate a reduction in the value placed on language learning within education?

**Deputy S.M. Wickenden:**

No, absolutely not. The funding, rather than a reduction, it is being spent in a different way. That is with the French Experience, that is booster sessions for French within primary schools, it is to pay for the 1½ qualified teachers, that extended out to years 3 and 4 in French lessons, showing that we have extended and we do more French now than we did before. It was about trying to provide French longer and earlier in schools because we see it as such an important language.

**3.1.3 Deputy R.J. Ward of St. Helier:**

How long has the French Experience and the language assistant provision been running side by side in schools?

**Deputy S.M. Wickenden:**

I am afraid I cannot answer that question directly on how long it has been going but I will find out for the Deputy and get that information out.

**3.1.4 Deputy R.J. Ward:**

I just want to ask the Minister, is it a choice of one or the other if both have been accompanying each other? It is difficult we do not know how long. Is it really a choice of one or the other or do they not complement each other?

**Deputy S.M. Wickenden:**

I do not know if they will complement each other. All funding proposals, if Alliance Francaise comes forward with a new funding proposal or new proposal to us, that will be looked at. We do have a new C.Y.P.E.S. (Children, Young People, Education and Skills) adviser in language who is taking up post in April this year and with the implementation of the new languages strategy. But until a costed formal proposal is received we cannot go further than that, but we are looking forward to the starting of a new language adviser in April that will start bringing other ideas forward.

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

What we have done is replaced some lessons with a strategy; how practised we are at that. But is it not the case that the new language adviser will be taking up her place with a reduced budget? Has the budget for languages in schools been reduced?

**Deputy S.M. Wickenden:**

I do not know if the Deputy was ... I said that we have employed 1½ qualified teachers and with expanded French lessons down to years 3 and 4 that was not previously done. So we have not replaced teaching with a strategy but we are employing an adviser for languages who will start looking at what languages will look like going in the future, and we will set that up. I am sure that will be part of a strategy but one that will be costed that could go forward.

**3.1.6 Deputy G.P. Southern:**

I repeat: is it the case that the funding of languages in schools has been reduced and will the new officer be setting up from scratch with a reduced budget? Is that the fact?

**Deputy S.M. Wickenden:**

No, because we are spending the same amount, we have just allocated it differently.

**3.1.7 Deputy C.S. Alves of St. Helier:**

Given that the language strategy is due to be launched in early May, would this not be a good time for the Minister to show his commitment to languages and reinstate that funding of £40,000 to allow for the good work of the language assistants to continue?

**Deputy S.M. Wickenden:**

I dispute that again because I feel that by actually extending French further within schools and providing teachers shows that there is a commitment to French, and about expanding it and making sure that children are learning French earlier than they were previously that shows a commitment to the language.

**3.1.8 Deputy M. Tadier:**

I would ask the Minister if he agrees with me that he is giving with one hand and taking with the other. Would he go back to his department, speak to them about languages there, find out how long the French Experience that he has been lauding has been running for because it is a very good project but it has been running side by side with the language assistants, which are provided in primary school? Does he agree that it is absolutely imperative that children in our primary schools not only have teachers but they are able to hear a native speaker speak in the correct accent in their own language or a correct accent in their own language because if you wait until secondary school for that kind of exposure it is unfortunately too late.

**Deputy S.M. Wickenden:**

I can continue to talk to my department. We have qualified teachers that teach in primary school French lessons, and they have been expanded. But I will go back with what the Deputy has said and speak to my department.

**3.2 Senator S.W. Pallett of the Minister for Health and Social Services regarding the reinstatement of Samares Ward (OQ.57/2022)**

Will the Minister provide the Assembly with an update on the progress made to reinstate a full suite of stroke and injury rehabilitation services on Samarès Ward at Overdale, as agreed in P.115/2021, and advise when this reinstatement will be completed?

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

I am grateful for the question and pleased to update members on the progress made. Since I made my statement to the Assembly on 1st March, officers have been working together to prepare, to plan and to implement the package of improvements I outlined. To facilitate the move, working groups have been set up specifically to address the logistics of moving, the refurbishment design, the financial requirements and community therapy provision. The representatives on those groups have been fully briefed on the decision made by this Assembly and work has begun to establish the requirements for the move in July. A project manager has been allocated to support the groups and services to ensure the timeline remains unaffected by any risks and issues. They are tracking the actions of the workstreams, keeping services to task, while ensuring that an oversight group is fully sighted on any risks and issues that arise.

**3.2.1 Senator S.W. Pallett:**

I thank the Minister for his update and it is good that he has got working groups up and running and he is heading towards a reinstatement date of July, that is what I take from his answer. But could the Minister explain what work is being carried out today to relocate services currently being provided at Samarès Ward by Health and Community Services, such as the assisted reproduction unit, and can he assure the Assembly these services have been consulted fully on any relocation?

**The Deputy of St. Ouen:**

Yes, that work is being done and services are being consulted. So we know that we have to safely relocate a number of services, including the A.R.U. (Assisted Reproduction Unit) so we are looking at all parts of the health estate to see where services can be located. Plans have been discussed and confirmations of these locations will be confirmed shortly. Those moves are all planned to take place between May and June.

**3.2.2 Connétable A. Jehan of St. John:**

Can the Minister explain his answer to Written Question 90/2022 where he said there would only be 14 beds available when the Deputy Chief Minister confirmed to 2 written questions saying the new hospital would have up to 30 beds?

**The Deputy of St. Ouen:**

There have, in recent years, been 14 beds available for rehabilitation. That was the case when services were delivered at Samarès Ward in Overdale, and continued to be the case when services were moved to Plémont Ward. So we are continuing with that level of bedded care in the move back to Samarès, and that is the reason why 14 is the number. I am aware of the plans for the new hospital, which have come forward as a result of consultation with all involved. I think it is great that we are able to provide a ward of 30 beds, most of which will be in single rooms, of course.

**3.2.3 The Connétable of St. John:**

In answer to Written Question 91/2022 there were an average of 24 patients at Samarès Ward, so how does he achieve 14?



**The Deputy of St. Ouen:**

As previously explained, the 14 beds were for those patients receiving rehabilitation treatments and therapies. The remainder of patients on Samarès Ward were often not there for rehabilitation but were there awaiting an onward placement either into residential homes or to domiciliary care in their own home.

**3.2.4 Deputy G.P. Southern:**

Does the Minister accept that in order to deliver these services staffing must be kept up, and can he inform Members whether or not he is using short-term contracts for specialists in this area, some as short as 9 months, in order that the overall figures look good?

**The Deputy of St. Ouen:**

There will be no reduction in staffing upon the move back to Samarès, and indeed we are recruiting 3 further consultants in the area of frailty and rehabilitation. There is additional staff. I do not have the full breakdown of which staff are permanent which are on other types of contract but, undoubtedly, there will be some who are not permanent either because they might choose to work on a part-time or zero-hour basis or because they may be locum posts, because that is the way health services do operate to ensure that services are covered. I do not believe that that results necessarily in any reduction in service because these persons are qualified and are vetted before they come to the Island.

**3.2.5 Deputy G.P. Southern:**

Will the Minister come to the House with the figures that he is missing at the moment?

**The Deputy of St. Ouen:**

If the Deputy will refine his question; do I understand that he wishes to know of all those staff working in rehabilitation which are full-time permanent posts and which are not?

**Deputy G.P. Southern:**

Yes, please.

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

I think that is what the Deputy wants.

**The Deputy of St. Ouen:**

I will provide that and circulate that.

Outstanding shifts due to vacancies and short-term sickness have been covered by staff on the nurse bank. Many bank staff are themselves employed on permanent contracts in HCS and choose to make themselves available for additional work.

*Circulated Response below*

I can confirm that all the staff employed as part of the in-patient rehabilitation team are substantive and on permanent contracts.

There are currently two registered nurse vacancies and three health care assistant vacancies in the team. The posts have been filled and are awaiting clearances and a start date.

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

Can the Minister state whether while this work is taking place if there has been a reduction in any of the services that are currently being provided to patients in Plémont Ward?

### **The Greffier of the States (in the Chair):**

Sorry, there was a musical interlude from Deputy Le Hegarat. Thank you. Minister, it is over, so you can carry on.

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

Members would not have wanted me to sing along, so I am glad it is over. Absolutely no reduction. We are looking hard and fast at the services we offer and want to enhance them. We are ensuring that the community offer, and particularly the care that patients receive after their stay in Samarès, or now Plémont, is co-ordinated well, is thorough and gives them the support they need.

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

Is the Minister aware of any complaints that have been made by patients in recent times who are currently in Plémont Ward, as I am aware of at least 2 who are not satisfied with the level of service they are receiving and are going through the complaints process.

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

I have not heard of any recent complaints, apart from subsequent to those that I mentioned in the debates we had some months ago but I confess I have not asked. If the Deputy would wish to speak to me about the constituents or a patient she might know and if I can offer any help in resolving issues I will do so.

### **3.2.8 Senator S.W. Pallett:**

Like Deputy Alves, my main concern is ensuring Islanders are provided with good standards of rehabilitation care. Could the Minister explain what he is currently doing to ensure that the experience of patients within rehabilitation services is being improved? In light of the stories that were shared with this Assembly during the debate on P.15, what is he specifically doing to ensuring that care is improved?

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

Of course, I well remember that difficult, anxious time.

[10:00]

It seemed to me that many of the issues revolved around communication, communication of what our care should be, of how patients were to be looked after and what patients could expect, and not only communication with patients but also with their family. Of course, this was during COVID which made communication often so much more difficult. But a very significant change, I believe, has been the introduction of what we have called a passport, which is a document which sets out for a patient coming on to the ward exactly what they can expect in terms of treatment, who will be looking after them and when they will receive treatments. It provides an opportunity for patients to record what they feel they need, for staff to record what is being offered, and gives a programme for their care moving forward with dates and times. I understand that is going a long way towards addressing the communication that is needed, so that patients can understand the pathway that they

are on and families can read this document too and understand how their loved one is being looked after.

**Senator I.J. Gorst:**

May we raise the défaut on Senator Farnham, please?

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

The défaut is raised on Senator Farnham.

**3.3 Deputy S.M. Ahier of St. Helier of the Minister for Treasury and Resources regarding reduction in Fuel Duty (OQ.52/2022)**

Given that the U.K. (United Kingdom) Chancellor of the Exchequer has reduced fuel duty by 5p a litre, will the Minister advise whether she will be proposing a similar reduction in Jersey to alleviate the growing energy crisis which is affecting so many Islanders?

**Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):**

Ministers have been considering what practical steps we can take in the short to medium term to help alleviate the impact of inflation. However, we are not convinced that a fuel duty reduction would provide the sort of targeted help that is most needed by lower income households. Reducing fuel duty in Jersey would not benefit all households equally. Lower income households own fewer cars and account for a small percentage of motor fuel spending. A reduction in fuel duty would disproportionately benefit higher income households. Additionally, for obvious reasons, Islanders drive fewer miles compared to people on average or low incomes in the U.K. Finally, fuel duty is a valuable source of funding for the Climate Emergency Fund, which seeks to reduce Jersey's dependence on fossil fuels and in doing so reduce our exposure to fuel price shocks over the long term.

**3.3.1 Deputy S.M. Ahier:**

Recently in the media the Assistant Minister for Treasury and Resources mentioned that he would reduce fuel duty by 10p per litre before the election and the Jersey Consumer Council is calling for an urgent reduction of 9p per litre and are also suggesting £100 vouchers to households towards energy bills. Will the Minister be implementing any of these suggestions?

**Deputy S.J. Pinel:**

Yes, and I thank the Deputy for his question but, as I said in my opening remarks, that we are looking at it and if we were to bring forward a reduction in fuel duty it would have to be in a response as an emergency budget change, which is legislation, which can be done but it cannot be done immediately. It would be debated at the next sitting.

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

Thank you. Can I just say supplementaries have to be about fuel duty, not other potential solutions?

**3.3.2 Deputy S.G. Luce of St. Martin:**

If there is a higher income household it certainly does not apply to fishermen who have seen their fuel prices more than double in the last few weeks. The Minister talks about disproportionate benefit

but certainly when it comes to French versus Jersey fishermen in our local waters the French are receiving over 15 euro cents per litre subsidy and could this disbenefit there to our local fishermen, who are having to compete on the same market, even though it is more difficult to get their product into Europe? Can I ask the Minister this: will she consider immediately a subsidy scheme to allow our fishermen to compete on a level playing field with their French counterparts?

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

I feel I may not have been heard. This is a fuel duty question, I am afraid, Deputy, so the answer has to be about fuel duty possibilities in relation to fishermen, not a wider subsidy scheme; that would be a different question.

**The Deputy of St. Martin:**

Will the Minister consider reducing the fuel duty for fishermen?

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

Thank you, Deputy.

**Deputy S.J. Pinel:**

No, I think the Presiding Officer has it totally right, it has got to be an overarching reduction and not just appropriate for one industry.

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

I was going to say my question had been answered but the Minister's answer is far from satisfactory. The fuel duty in this particular industry is quite different in that the French Government subsidise their French fishermen, our Government do not subsidise ours. I would ask her to give consideration to the needs of our fishing industry in terms of fuel subsidies at this moment in time.

**Deputy S.J. Pinel:**

I think I answered that in my opening remarks, that we are looking at it all across the board and it cannot be particular to one sort of industry. I cannot say any more than we are looking at what we could reduce it to or not, as the case may be.

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

The Minister is saying she cannot do it for one particular industry, can she confirm that motor yachts are paying no duty or no V.A.T. (value added tax) on their fuel and, therefore, is that not different to what fishermen are paying?

**Deputy S.J. Pinel:**

I think we are moving a little off the subject.

**Deputy M.R. Higgins:**

No, we are not.

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

I think that is my job. This did seem very much like a fuel duty question, asking whether there were differences in the application of fuel duties in the wider sense to different categories of vehicle and in this case motor yachts versus cars, for example.

**Deputy M.R. Higgins:**

Fishermen, yes.

**Deputy S.J. Pinel:**

As I keep saying, it is fuel duty across the board, it cannot be apportioned to any particular ... whether it is motor vessels or fishing vessels or cars, it cannot be brought down to just one industry. It would be across the board if we were to look at reducing it.

**3.3.5 Deputy M.R. Higgins:**

Can the Minister explain why it cannot be? We have different taxes for different things all the time and obviously in this particular area there are different rates. Why can the Minister not just do it?

**Deputy S.J. Pinel:**

At the risk of repetition, we are looking at how we could do it and where it would be most effective. I said in my opening remarks, in answer to the question, which few of the supplementaries have been, is that it would help people in financial difficulties if it were to be reduced; now that is what we would aim to do.

**3.3.6 Deputy R.J. Ward:**

Can I ask the Minister what the estimate of the cost of a 5p reduction is in fuel duty?

**Deputy S.J. Pinel:**

From an inflation meeting yesterday I think the cost, in answer to the Deputy's question, if it was just 1p reduction would be a loss of about £425,000.

**3.3.7 Deputy R.J. Ward:**

That is around £2.5 million. Would the Minister agree that because that is not targeted that money would be much better spent on subsidising the bus service so that people can access for free and travel around the Island?

**Deputy S.J. Pinel:**

Again, this is all being considered. We are looking at all the options across the board. One must remember that if the duty is reduced, then we could not then enforce it because it was passed across the board. It would be duty on import of fuel and no guarantee that that would be reacted on the retail sales.

**3.3.8 Deputy M. Tadier:**

The Minister said that she thought a reduction in fuel duty or G.S.T. (goods and services tax) on fuel would disproportionately benefit the wealthier drivers. Does she agree that poorer drivers, who spend more of their percentage of income on petrol or diesel or even biofuel because that also attracts duty, will be the ones more penalised by the recent increases in petrol prices, fuel prices?

**Deputy S.J. Pinel:**

I am not sure that I can say more than I have already said, that we are considering all ways of looking after people. I know the Minister for Social Security has got a statement to make later but we are looking at all ways to help out in this situation. But reducing fuel at the cost, that it will be in reduction into the Exchequer, which then funds the lower income households, is not the way to go, in my view, unless it can be across the board and not a particular avenue.

**3.3.9 Deputy M. Tadier:**

I will wait to hear what the targeted response is then, that might have been my second question. But does the Minister then agree that what we have here, what the Government has here is a windfall, it is an unexpected windfall to Government because petrol prices have gone up, therefore, certainly the G.S.T. and I presume the duty has gone up if it is a percentage? Should that windfall not, therefore, be used for some benefit; either to target it towards the poorer in our society who need it at the moment or at least to use that for some kind of Climate Emergency Fund so we can use it for transitional change to get people using more sustainable transport, which is not reliable on fossil fuels?

**Deputy S.J. Pinel:**

As the Deputy will know, there is 4p already directed straight to the Climate Emergency Fund. If we were to reduce the duty by 9p, as the Consumer Council has suggested and others have suggested more, then is it reasonable that that 4p per litre of duty would not go to the Climate Emergency Fund?

**Deputy M. Tadier:**

The Minister is not answering the question there.

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

I think she has given the answer she is going to give.

**3.3.10 Deputy G.P. Southern:**

Let us see what sort of answer this produces. Is it not the case, using her own logic, that those who are wealthier drive bigger cars and, therefore, consume more fuel?

**Deputy S.J. Pinel:**

I think that is what I addressed in my opening remarks.

**3.3.11 Deputy G.P. Southern:**

But the Minister was making a completely different point around a different proposal. Is it not the case that wealthier people drive bigger cars and, therefore, proportionately use more fuel?

**Deputy S.J. Pinel:**

I am not sure, I do not know how many people have how many cars in their garage or how often they drive them, so I cannot answer that. But in my opening remarks I did say it is, generally speaking, the wealthier people have more cars and I have said that, so I do not know how else to answer the question.

**Deputy G.P. Southern:**

Even the Minister cannot miss the ...

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

Thank you, thank you, Deputy.

**3.3.12 Senator S.C. Ferguson:**

Would the Minister, from the point of view of public information, like to tell everybody exactly what percentage of the cost of a litre of petrol goes in all forms of tax and fuel duty?

**Deputy S.J. Pinel:**

Okay, well I have come up with some figures and the fuel duty in Jersey is levied at the following rates, as of the beginning of this year. The super unleaded petrol, 65.83 per litre, unleaded petrol at 63.89 per litre, diesel 63.89 per litre and other fuel, for example, leaded high sulphur at 67.97 per litre. I know that is not answering the Senator's question as to what percentage in duty but the duty is less than the 5 per cent G.S.T., it is about 4.2 per cent.

**3.3.13 Senator S.C. Ferguson:**

The total tax cost of petrol is something like 50 plus whatever a litre, does the Minister not think that she is being a bit parsimonious with refusing to deduct a fuel duty, which has been recommended by leading economists in the Island?

[10:15]

**Deputy S.J. Pinel:**

As the Senator will know, there have been a lot of meetings about all of this in the current situation and the economists who advise us have not recommended that we reduce the fuel duty. We are working on it, we are considering it, as, again I repeat and said in my opening remarks, if we do do something it will come back to the next States Assembly.

**Senator K.L. Moore:**

You will be pleased to know my question has been asked.

**3.3.14 Deputy S.M. Ahier:**

With the price of brown crude currently at 111 dollars a barrel and prices at the pumps having risen by approximately 40 per cent, how will the Minister ensure that there is no profiteering by the fuel companies?

**Deputy S.J. Pinel:**

I cannot in short because it depends when the fuel was imported into the Island, as to how long it has been at the depot, as to when it goes to the filling stations and to then after that as to when it is sold. There is no enforcement agency to deal with that.

**3.4 Deputy M.R. Higgins of the Minister for External Relations and Financial Services regarding assets of Russian oligarchs (OQ.48/2022)**

Following reports that Russian oligarchs have tried, and may have succeeded, in transferring their U.K. assets into irrevocable trusts, will the Minister advise Members whether any Russian oligarchs

(on the various sanctions lists) have evaded their UK and Jersey assets being frozen or seized, through the use of Jersey trusts; and, if so, how has this been allowed to happen?

**Senator I.J. Gorst (The Minister for External Relations and Financial Services):**

The Deputy will be familiar that we have set up a taskforce to examine customer relationships associated with Russia and Belarus and entities and assets where there is a link to Jersey. The work naturally has particular focus on sanctioned individuals and would include the examination of any structure linked to those individuals, including trusts. The taskforce continues to carry out its work and I have committed to publishing appropriate and relevant monthly statistics, the first set of which will be published next week. The Deputy will be familiar with the fact we cannot comment on any active cases, including those that might involve trusts, so I cannot answer this question concerning any active investigations that may be ongoing. More generally, of course, we have made the financial services industry aware of their relevant sanctions obligations, published with the J.F.S.C. (Jersey Financial Services Commission) a joint risk statement concerning customer relationships associated with Russia and Belarus on 18th March. We have particularly highlighted the circumventing provisions in sanctions legislation if a person participates in an activity knowing that the object is to evade sanctions.

**3.4.1 Deputy M.R. Higgins:**

Is it not the case, Minister, that weaknesses have been found in the system and that many companies are having to have increased supervision because of perhaps laxness in the past? Will the Minister tell us what things have been found in terms of systemic problems? I say systemic, it may only involve a few but there are certainly cases. Will he give us indications of what they have found so far?

**Senator I.J. Gorst:**

The Deputy realises that in answer to his direct question it puts me in a very difficult position because if there are ongoing cases, which his question is really about, then it is inappropriate for me to comment on them in the public domain. The work of the taskforce, which was published and will be further published this week, is categorising industry and it is not saying that there are systemic issues but it is categorising the work that they do with firms that have a high level of Russian assets that they administer or a high level of Russian P.E.P.s (politically exposed person) that are U.B.O.s (ultimate beneficial owner). They are taking a very appropriate risk-based approach and we are doing that in conjunction of course with the U.K. and the taskforce that we have in Jersey, works very closely and in conjunction with the taskforce in the United Kingdom and across Western Europe.

**3.4.2 Deputy G.P. Southern:**

Could I ask what new measures are in place, if any, to increase over and above the normal know-your-client measures already in place? In particular, have there been any extra enforcement officers employed in order to satisfy that our measures are sufficient?

**Senator I.J. Gorst:**

If I take the last part of that question first, resources and individuals have been added and allocated to the taskforce work, not only in my department and in the sanctions area but in the J.F.S.C. and



right across all of the agencies that are involved in this taskforce work, ensuring, firstly, that sanctions are appropriately implemented and that there are not the loopholes, which I know the Deputy is rightly concerned about. Secondly, if there has been inappropriate activity they are rightfully brought to justice through the Jersey court system; so that is in answer to the second part. The first part, the Deputy will know from answers that I have previously given in this place, that there are already enhanced requirements for all Russian and Belarusian facing individuals or structures.

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

The question remains: what new measures, if any, are in place?

### **Senator I.J. Gorst:**

It does not quite work like that. The Deputy can laugh and show his ignorance if he wishes to but of course it does not quite work like that, as he well ... I do not know if he wishes for a point of clarification, Sir.

### **The Greffier of the States (in the Chair):**

No, you cannot do a point of clarification on a question. I think the Deputy needs to listen to the answer.

### **Senator I.J. Gorst:**

Arising out of the Island-wide risk review, the national risk assessment, as I informed Members at the last States sitting, enhanced procedures were put in place for all Russian and Belarusian-faced either U.B.O.s or structures or where there was a major connection. Those enhanced procedures are not just straightforward, they go to the level of expertise in the individual firm, the way that they have been supervised and can provide confidence to the supervisor. They go to the complexity of the individual structure, they also of course go to the relationships that the U.B.O. might have. They are very complex but they are greatly enhanced from other normal business.

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

I was just thinking as a slight aside it might be worth explaining some of the acronyms used, just for the public record for the acronyms. My question is the taskforce that the Minister mentioned in his response to Deputy Higgins, what legal powers does it have to compel the provision of documents to the taskforce to uncover the reality behind these charges, which naturally are many-layered and often created to hide things? What legal powers does the taskforce have?

### **Senator I.J. Gorst:**

There is a very great difference between appropriate confidentiality and the accusation that something is created to hide things. As the Deputy knows, because he was involved in scrutinising the new sanctions legislation before he became the Assistant Minister for Economic Development, Tourism, Sport and Culture, there are legal powers that I have as Minister to compel the production of information in regard to sanctions. There are legal powers that the law officers have, there are legal powers that the Financial Intelligence Unit have, and there are legal powers that the J.F.S.C. have. There are legal powers in place to make sure that information is provided and that people are acting appropriately and where they might be found not to act appropriately that they are brought to justice.

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

Excuse my ignorance, could the Minister confirm that all those legal powers for all those different individuals and authorities sit within the taskforce as well? I apologise for my ignorance on this but I just want to ensure the taskforce has legal powers.

**Senator I.J. Gorst:**

Yes, they do and that of course was the underlying purpose of creating the taskforce, was to make sure that the legal or the authorities, as we refer to them, which are the ones that I have just described, were working very closely together, appropriately with strict lines of demarcation and operational independence but that they were brought together so that we could not have things slipping between the net, as it were.

**3.4.6 Senator S.W. Pallett:**

A more general question, and I hope there is a very simple answer to this. Can I ask the Minister whether he believes the asset-freezing legislation in Jersey was adequate to deal with the sanctions imposed by the U.K. Government on Russian companies and individuals and, if not, is he doing anything to strengthen that legislation?

**Senator I.J. Gorst:**

You could say this is a benefit of Brexit but I would not possibly say that. Of course the sanctions legislation was amended and we have a brand new piece of up-to-date appropriate sanctions legislation arising out of the fact that the U.K. left the European Union and it meets best practice and of course follows U.K. best practice as well.

**3.4.7 Senator S.W. Pallett:**

Does the new legislation fill any potential loopholes that may have allowed Russian companies or individuals to run away with their assets before they were frozen?

**Senator I.J. Gorst:**

Sanctions legislation applies to sanctioned individuals and companies where sanctions are in place. I think that is as much as I can say without wanting to be drawn into other actions that members of the taskforce might be taking.

**3.4.8 Deputy M.R. Higgins:**

The Minister is being very evasive on all of these areas, perhaps he can tell Members how many billions of pounds of Russian assets have been discovered so far through the work of the taskforce but are based in Jersey?

**Senator I.J. Gorst:**

I have a question from Senator Mézec about the total amount of current frozen assets, and I intend to answer that question later in the Order Paper. I will be, as I indicated in my opening response, rather than being evasive I am doing the reverse. For the first time we will be publishing amounts of frozen assets in Jersey, the number of notifications and I will be doing that and updating the public on a monthly basis, but I will be firstly answering Senator Mézec's question later this morning.

**Deputy M.R. Higgins:**

But since he will not answer my question, can I ask another one then?

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

Deputy, that is enough, thank you.

### **3.5 Senator S.Y. Mézec of H.M. Attorney General regarding employment protection rules (OQ.58/2022)**

Will the Solicitor General advise whether any provision in Jersey law enables U.K. seafaring businesses to employ people using Jersey employment contracts to avoid fulfilling usual employment protection rules in their home jurisdiction, as has been alleged with the recent mass redundancy committed by P.&O. Ferries?

**Mr. M. Jowitt, H.M. Solicitor General (rapporteur):**

The answer is, no, there is no provision in Jersey law which could have that effect. Seafarers, if they are based in the U.K., as I think the P.&O. employees are, enjoy all the employment rights that exist in U.K. law, and they do so regardless of whether their employment contracts are made under some law other than the law of the United Kingdom. That is so because of section 204 of the Employment Rights Act 1996, that is the U.K. statute, which provides the application of the employee rights that exist in that law apply and it is immaterial for those purposes whether the choice of law governing any person's employment is expressed to be a different law from that of the U.K. The short answer is an employer cannot deprive its U.K.-based employees of their rights under U.K. law by using a Jersey employment contract. I hope that is helpful.

#### **3.5.1 Senator S.Y. Mézec:**

That certainly is helpful. With the particular case that I have referenced in the question, we know that many of these people who have been made redundant were employed through Jersey-registered companies. In the event that people are working for Jersey-registered companies but reside in the U.K. and do their work in the U.K., are they bound by the Jersey provisions when it comes to redundancy, for example, the provisions on notifications to the Minister for Social Security and consultation with workers?

**The Solicitor General:**

No, employment law is primarily geographic in its application. For example, our employment law applies in terms of its rights and its remedies, only to people who work wholly or mainly in Jersey; that is a geographical test.

[10:30]

The short point is that all of those employees at P.&O. because they are based in the U.K. will have the full measure of remedies available to them as a matter of U.K. law, if necessary, through the English courts.

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

I thank the Solicitor General for his answer. Could he advise the Assembly: is there a difference between someone working on a boat, they may be based in the U.K. but that route is wholly within the U.K. and someone who works on a ferry that operates on an international route? I think back to

a time when there were some sailors operating on the Jersey ferry, which was an international route and, therefore, they were able to operate under international provisions, rather than the geographic provisions that the Solicitor General is referring to.

**The Solicitor General:**

I think the answer in terms of what Jersey's law is is this, and it is provided for by Article 37 of the Employment Law, our employment law, which applies specifically to mariners. The law is that an individual employee to work on board a merchant ship registered in Jersey shall be treated as an individual, who under his or her contract ordinarily works in Jersey and, therefore, would have application to all the rights and remedies afforded by Jersey law, unless the employment is wholly outside of Jersey, that is a geographical test, or the person is not ordinarily resident in Jersey. There has to be a geographical connection or a nexus between the employee and this Island for that person to have recourse to the remedies under our Employment Law, otherwise that person will have to have recourse to whatever remedies are available in the jurisdiction with which that person has a geographical connection. In the sense of it, they are ordinarily resident in that country or they work on a ship that is registered under that country.

**3.5.3 Deputy M.R. Higgins:**

Can I ask the Solicitor General if he has been in touch with U.K. counterparts and if he can explain why it is that U.K. Ministers are blaming Jersey law for part of the predicament?

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

I am not sure the Solicitor General's reference as far as the minds of U.K. Ministers, I am afraid.

**Deputy M.R. Higgins:**

Can he tell us what the legal position is then? The U.K. Ministers are saying the problem is Jersey law, can he explain why that is the case?

**The Solicitor General:**

I cannot speak for U.K. Ministers. I was not aware that they, frankly, were saying that and I have not heard that reported anywhere. But my writ, as it were, or my obligation is to advise the Assembly on the state of Jersey law. I cannot speak for the views that politicians in the U.K. might have about our law and indeed their own law.

**3.5.4 Deputy G.P. Southern:**

My original question, I think, stands: is there any protection under Jersey law to employees who have a geographical connection with the U.K. or in the fact that they are normally resident in Jersey?

**The Solicitor General:**

The application of our law, our employment law, is that the person, the employee, must work wholly or mainly in Jersey and that, as I say, is a geographical test. I do not think I can provide any further answer than that. For the employee to have the benefit of our law must work geographically wholly or mainly in this Island.

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

Could the Solicitor General indicate what he understands as mainly geographically in Jersey waters? Would that include round trips to the U.K. and to France?

#### **The Solicitor General:**

I imagine it is a question of fact in every case if there is ever a dispute that makes its way to a courtroom or a tribunal. But it seems to me that those words are to be given their plain English meaning. One would think that to work wholly or mainly in Jersey means that a substantial amount of your working life takes place within the Island or within its territorial waters.

### **3.5.6 Senator I.J. Gorst:**

Could the Solicitor General confirm from a legal perspective that there is no confusion or complexity in regard to a U.K. resident working mainly in the U.K. falling under U.K. employment legislation, just in the same way that a Jersey resident working in Jersey would fall under Jersey legislation? From a legal perspective there is no confusion or added complexity in that regard.

#### **The Solicitor General:**

I do not consider there is any complexity or uncertainty. As I said, I think at the outset one of the principles of employment law is it is geographically focused in its application. The U.K. Act of Parliament is very specific about the application of employment rights there, as indeed is the Jersey law very clear about the application of its rights to employees in Jersey.

### **3.5.7 Connétable R.A. Buchanan of St. Ouen:**

Given what the Solicitor General has said, could he confirm was P.&O. using a Jersey-based entity to employ their U.K. employees? Does it confer them any advantage in terms of evading their U.K. employment responsibilities?

#### **The Solicitor General:**

No, it gets no advantage at all.

#### **The Connétable of St. Ouen:**

I know the legal profession are not good at speculating, would he like to speculate why P.&O. have done this? [Laughter]

#### **The Greffier of the States (in the Chair):**

I think your instincts on that was not a valid question was in fact accurate.

### **3.5.8 Senator S.Y. Mézec:**

I can speculate. There is a widely-held suspicion by officers in the U.K. that what has happened in this particular instance has constituted a breach of law somewhere. Given that they were Jersey-registered companies from which these people were sacked, could the Solicitor General advise whether he thinks that that would open up an opportunity for potential legal action against those companies to be taken in Jersey or would the law require that to be taken in the U.K.?

#### **The Solicitor General:**

I think the Senator may be referring to the suggestion that there was a failure to consult prior to the redundancies by P.&O. in the U.K. If that were so and if there is to be either a negotiated settlement or indeed legal action, that will have to be in the United Kingdom for the simple reason that wherever the employing company is geographically, as it were, where it is incorporated, is neither here nor there for the purposes of U.K. law. U.K. law will apply, as I said at the outset, and rights and remedies which it creates will fall to be pursued in England and not in Jersey.

### **3.6 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding Clinique Pinel (OQ.49/2022)**

Will the Minister explain what has caused the delay in the creation of the new mental health in-patient facility at Clinique Pinel?

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

There have been several events that have contributed to the delay, in addition to setbacks related to the pandemic and a general shortage of construction labour, exceptionally inclement weather for a start and the need to relocate a J.E.C. (Jersey Electricity Company) main only became apparent once the work had commenced, additional works to remedy legacy issues relating to the existing building and essential upgrade work to address safeguarding issues that were only identified once the existing building was vacated.

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

I thank the Minister for his answer. Given the priority of this service and it is also an active ward very close by, can he give a reassurance and a date when this service will be up and running?

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

We are doing our best to progress work. The contractor obviously under contract to us must use their best endeavours to finish the work as soon as possible. But the very latest will be September but, hopefully, they will take on additional staff and bring work forward to complete it much sooner than that.

#### **3.6.2 Senator S.W. Pallett:**

I very much appreciate the Minister's answer but can the Minister explain what pragmatic oversight his department provides on a day-to-day, week-by-week basis in regards to this contract, to ensure this much-needed facility is completed?

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

The Senator is quite right, this is a much-needed facility and there is operational oversight through Property Holdings, which keep a watching brief on progress.

#### **3.6.3 Deputy S.W. Pallett:**

He needs to answer the question. What day-to-day week-by-week practical oversight is provided by his department and, while I am at that, could I also ask, since the contract was awarded has the contract been amended and, if so, when? Does it include penalty clauses?

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

That is 4 questions for you there, Minister.

**Deputy S.W. Pallett:**

Answer which way you want.

**Deputy K.C. Lewis:**

Which one, in which particular order? Yes, as I mentioned, the contract was amended. There were several things that needed to be augmented, shall we say? There were several things regarding client safety - I will not go into details but I am sure the Senator is aware of what I am talking about - that needed to be addressed. The lead nurse attends the monthly site meetings and weekly updates and aware of any revised completion dates. The H.C.S. (Health and Community Services) estate manager receives a copy of the site meeting minutes, so everything is audited.

**Deputy S.W. Pallett:**

What about penalty clauses, Sir?

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

The penalty clause was the fourth question in Senator Pallett's ...

**Deputy K.C. Lewis:**

The penalty clause, yes. There are penalty clauses there but, as I say, the contractors must use their best endeavours to finish as soon as possible. There are clauses in there to make sure that does happen.

**3.6.4 Deputy R.J. Ward:**

Given the answer to the previous question, can I ask the Minister what is the current completion date for the facility, please?

**Deputy K.C. Lewis:**

As previously mentioned, the latest will be September.

**Deputy R.J. Ward:**

Is that the beginning or end of September? Just some precision would be a nice answer.

**Deputy K.C. Lewis:**

All I have is September, I do not have anything further than that.

**Deputy R.J. Ward:**

I will check that is this year.

**Deputy K.C. Lewis:**

That is 2022.

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

I think we knew that.

**3.6.5 Deputy M.R. Le Hegarat of St. Helier:**

When was the last occasion that the Minister visited the site?

**Deputy K.C. Lewis:**

Personally, I think that was about 8 months ago.

**3.6.6 Deputy K.G. Pamplin:**

I thank my colleagues for joining in, especially the chair of the Scrutiny Panel and picking up from that: will the Minister confirm by the end of the day that he will accompany us to a site visit to meet the contractors as soon as possible, preferably by the end of this week or next?

**Deputy K.C. Lewis:**

End of this week I think the Deputy will be lucky to clear business, but next week more than happy.

**3.7 Deputy R.J. Ward of the Minister for Treasury and Resources regarding duty on biodiesel (OQ.55/2022)**

Given the current increase in diesel fuel prices, will the Minister advise what considerations, if any, have been given to removing the level of duty from biodiesel in order to encourage conversion to this renewable transition fuel?

**Deputy S.J. Pinel (The Minister for Treasury and Resources):**

As mentioned on the previous question, the awareness of 63.89 of duty is charged on a litre of diesel, regardless of whether it has been produced using more sustainable methods. Much consideration has been given to how best to promote the uptake of transition fuels, including second generation renewable diesel and the renewable content fossil fuels. This is a topic my department has debated extensively with the counterparts in the Department of Infrastructure, Housing and Environment. The draft carbon neutral roadmap bears the evidence of that debate, which pledges to bring forward policies that subsidise fuel duty on second generation renewable diesel and to explore the suitability of renewable content fuels as standard grade in Jersey. The retail price of road fuels has risen across the board, biodiesel is no exception and is more expensive than traditional fossil fuel diesel. While I am committed to the proposals laid out in the carbon neutral roadmap, I believe that now is not the right time to implement them and that we should consider the policies at the time they are debated by the Assembly in April.

[10:45]

Instead the Government's immediate focus is on targeted action that will ease the increases to the cost of living for those who need it most.

**3.7.1 Deputy R.J. Ward:**

I asked the Minister whether she would consider again in fact that we may be missing an opportunity here because the differential between biodiesel and non-renewable diesel has gone from something like 60p a litre to something now about 15p a litre. Now is an ideal opportunity to make a small cut in duty in order to make that transition and change culture. Would the Minister agree that now is the time and that there is an opportunity being missed?

**Deputy S.J. Pinel:**



I can only answer that at the risk of repetition from the previous question that all these avenues are being considered but it cannot be done with the wave of a wand. We have got legislation that deals with it and all departments are looking at what we do to best advantage those who are disadvantaged in the current situation.

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

Would the Minister, given the complexity of fuel importation and storage and mixing, confirm that she is liaising with the various fuel suppliers to achieve the best result for residents?

#### **Deputy S.J. Pinel:**

The importation of fuel is not in my remit but, yes, we try to watch what happens but, as I said, in the previous question, that one cannot enforce what the retailers do, one can only deal with the import and distribution.

#### **The Greffier of the States (in the Chair):**

This is a biodiesel question, just to remind Members.

### **3.7.3 The Connétable of St. John:**

Would the Minister agree with me that it would be advantageous to remove the environmental duty element from all renewable fuels?

#### **Deputy S.J. Pinel:**

I am not quite sure what the Connétable means by the environmental one. Is that the amounts that goes to the Climate Emergency Fund?

#### **The Connétable of St. John:**

Yes.

#### **Deputy S.J. Pinel:**

Everything is under consideration but of course the Climate Emergency Fund is very high on everybody's agenda and I think it would be very difficult to remove the amount of money that goes to the Climate Emergency Fund, bearing in mind that is a much bigger problem than the current situation, which of course the Consumer Council brought up, which I understand, but they suggested a reduction in duty for 3 months. We are talking about a Climate Emergency Fund, hopefully, to be achieved in 2030.

### **3.7.4 The Connétable of St. John:**

The clue is in the title, "climate emergency". Surely we could take the environmental duty off of renewable diesel to assist and encourage people to use a more friendly fuel.

#### **Deputy S.J. Pinel:**

In answer to that, I think we are doing everything we can to assist people with being environmentally friendly.

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

The Minister's answers this morning so far have told us that there is much consideration going on but what is the timeline on those considerations and when will the public hear the fruits of those discussions?

#### **Deputy S.J. Pinel:**

A very good question, thank you, Senator. The idea is that if we have to change the law, which I mentioned in answer to a previous question as to an emergency budget, which it would be, we would have to get the law changed, which is not the end of the world but of course then we would have to bring it before the next and last States Assembly and then ask for the permission of the Bailiff President to reduce the lodging time. It can be done, it is being considered.

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

I think I will be steering too far off the subject, Sir, so I will leave it for later.

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

Given the list of things that need to be done as a matter of emergency, which of those is she prepared to proceed with now?

#### **Deputy S.J. Pinel:**

I think I have only mentioned emergency in the title of the Climate Emergency Fund, so I do not consider that there is an emergency otherwise in this case.

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

The point is that the Minister said it requires legislative change; that legislation change could be done now. Why is she not doing it now?

#### **Deputy S.J. Pinel:**

I do not think I have ever repeated myself so often in this Assembly. Just to say that it requires change in legislation if we were going to reduce the duty, which will take time and that has to be approved by the Assembly. It would have to be done for the next sitting.

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

The Climate Emergency Fund was set up to try and reduce emissions of carbon into the atmosphere and ways in which we can do that, does the Minister not agree that by encouraging the culture of change to biodiesel that would reduce our emissions and, therefore, is it a correct use of the Climate Emergency Fund right now and can be done when the differential between 2 fuels is less than it has ever been?

#### **Deputy S.J. Pinel:**

I can only say, again, that all these options are being considered. This is a particular one from the Deputy; it is noted, it is considered and if we are going to do anything it will be for debate at the next Assembly.

### **3.8 Deputy G.P. Southern of the Minister for Social Security regarding P & O Ferries contracts (OQ.60/2022)**

I will try and amend my question in the light of previous statements. Further to reports that staff recently dismissed by P.&O. Ferries were employed via Jersey subsidiary companies, is it the Minister's understanding that the P.&O. staff were employed in this way and can she detail what recourse her department has in cases of breach of notice or consultation requirements under the Employment (Jersey) Law 2003?

#### **Deputy J.A. Martin of St. Helier (The Minister for Social Security):**

As every Member of this Assembly will acknowledge, the treatment of its employees by P.&O. was by any standards of fairness utterly disgraceful and I condemn the company's actions completely. **[Approbation]** I do not have access to the specific details of employment contracts and there would be no reason for me to have this information as Minister. The staff recently dismissed by P.&O. Ferries were not subject to the provisions of Jersey Employment Law. They do not live and work in Jersey.

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

In this particular case then, given the absence of any sanctions to enforce the application of minimum wage in Jersey, what is the point of the Employment Law and what measures has she in mind in order to make the Employment Law 2003, Jersey version, effective?

#### **Deputy J.A. Martin:**

I can assure the Deputy, and the Deputy could assure himself, if anyone has been on me over the last 10 years on employment law it is the Deputy. Our Jersey employment law is to protect people in the way that it should, the way that they live and work in Jersey. I do not know how you can protect somebody who said: "I am in no doubt that we were required to consult with the unions and we chose not to" and that was the head of P.&O. You make laws and you hope people do not break them. There is nothing we can do, these people do not live and work in Jersey. The U.K. is the recourse. The Solicitor General just told the Deputy it is the recourse and there is nothing I can do.

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

Can I just confirm then that subsidiary companies, Jersey companies, have no recourse under Jersey employment law for their employees? Just to confirm that is the case with the Minister.

#### **Deputy J.A. Martin:**

If they are living and working in Jersey and they have a social security number, of course they come under my law. If they are not they have no recourse through my law and they will be dealt with in the company, and it is the U.K. Government that is dealing with them and absolutely harshly and rightly so.

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

Can the Minister just confirm that none of those P.&O. employees had a social security number in Jersey?

#### **Deputy J.A. Martin:**

As far as I know, we cannot find any. Why would they? They are not working here. We only give social security numbers to people who are going to take up a job in Jersey.

### **3.9 Senator K.L. Moore of the Chief Minister regarding the escalation of war in Ukraine (OQ.62/2022)**

Will the Chief Minister advise the Assembly of the consideration he and emergency planning officers have given, if any, to the Island's response and actions in the event of an escalation of the war in Ukraine?

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

I think it is quite important to put this question into context, as I understand it was raised by an individual in a recent *J.E.P. (Jersey Evening Post)* article, more broadly speaking. For the context I should state that that person in question has previously offered his services to the Government during the COVID pandemic. Those services were declined, partially because they were deemed rather expensive. To answer the question, the possibility of a conflict in Ukraine and its possible implications for Jersey was raised before Christmas and officers began considering information and intelligence about the crisis and the risks arising from it before the war began. It was formally raised at Emergencies Council before the invasion and officials had been meeting weekly and well before the invasion occurred. Since the invasion, the Council of Ministers have met 5 times to discuss the impact of further escalation and the Emergencies Council has also met and there have also been 2 States Members' briefings. Taking policy direction from the Emergencies Council and the Council of Ministers, teams led and staffed by experts from Government, as well as other sectors where appropriate, have been working on contingency plans relating to cybersecurity, radiological and nuclear, critical matter of infrastructure, supply chain, economic impact, sanctions and wider diplomatic matters and of course direct financial support to Ukraine and arrangements to welcome Ukrainian nationals with family in Jersey to escape the terrible risks they face at home.

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

I am grateful to the Chief Minister for his answer. Could the Chief Minister perhaps assure the Assembly that communication of these discussions might be forthcoming on a regular basis in the future?

#### **Senator J.A.N. Le Fondré:**

As I said, Members have been offered 2 briefings and we have also updated, on a very regular basis, the position on, for example, dealing with the most impactful issue on Jersey at the moment, which is the direct plight of the Ukraine individuals and families, either we are assisting financially or assisting relief for financially or are coming to this Island. There is a report due and, in compliance with the proposition and passed by the Assembly, a report will be presented to this Assembly this week, which will give the next update.

#### **3.9.2 Senator S.Y. Mézec:**

The Chief Minister mentioned supply chains in one of his previous answers. Can the Minister confirm whether and, if so, how often discussions are being had with U.K. counterparts in ensuring that in any eventuality that supply chains are disrupted to the point where Jersey could be affected, that contingencies are in place?

**Senator J.A.N. Le Fondré:**

I would have to go in and see the information as to how often the discussions they are having are, but I would point out that obviously there has been a lot of contingency planning around Brexit over the last 2 years or plus and during COVID. In fact it has been more than 2 years and, therefore, that all feeds into the contingency planning that is already in place.

**3.9.3 Deputy R.J. Ward:**

Can the Minister reassure us that, in a similar situation regards Brexit of us being a key part of the U.K. supply chain, those reassurances are in place should there be - and we do not want to see it - any escalation in the war in Ukraine that may affect our supply chain?

**Senator J.A.N. Le Fondré:**

Insofar as I can give any assurance on that front, yes. It is my understanding there is absolutely no difference. In terms of how I answered Senator Mézec's response, i.e. the contingency plan that was put in place for Brexit and also during the COVID side of things, all that contingency planning remains in place. Supply chains are one of the issues that remain very clearly the focus of the officers who are dealing with this on a very, very regular basis.

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

Senator Mézec, did I miss your supplementary in my keenness to hear Deputy Ward?

**Senator S.Y. Mézec:**

You did not but I was hoping I might since I did not ask for a supplementary or ask a single question that is not connected to my original one, if there is time when other Members have asked.

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

Well, we will see. Deputy Ward, did you have a supplementary?

**Deputy R.J. Ward:**

No, thank you, Sir.

**3.9.4 The Connétable of St. John:**

Can the Minister confirm that our supply chain partners are involved in these meetings that he has indicated are taking place on a regular basis?

[11:00]

**Senator J.A.N. Le Fondré:**

I will confirm directly later. My understanding is absolutely, yes, because of the way of the structure, which I think Members were briefed on, so, for example, if I use the utilities, which I know is not the same, but the utility companies do have representation on all the relevant boards. My expectation and understanding from previous instructions we have is that the supply people are involved as well. I will go back and confirm that but that was certainly my expectation and it is my understanding.

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

We are doing well for time and this is an important subject so I will allow Senator Mézec.

**The Connétable of St. John:**

A supplementary, Sir?

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

Sorry, you were slow off the mark there, Constable.

**3.9.5 The Connétable of St. John:**

I always wait, Sir. Does the Chief Minister agree with me that it is time to review on-Island stocks of essential supplies because of threats such as the Ukrainian war?

**Senator J.A.N. Le Fondré:**

I think, from that perspective, it depends what we mean because it might have been before the Connétable was in this Assembly, and I cannot recall now, but there were discussions, for example, around emergency warehousing being required for Brexit versus COVID and there were a variety of discussions obviously. What you are getting involved in there is the commercial side of the supply chain versus, for example, what we need to do within the health service side for those kind of emergency supplies. Again, I make the point that we have no disruptions in the supply at all at the moment but, obviously, all of this remains very actively under review on a very regular basis.

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

Senator Mézec, one question please.

**3.9.6 Senator S.Y. Mézec:**

Could I ask the Chief Minister who, at both political and officer levels, is responsible for overseeing the maintenance of our resilience against potential cyberattacks should the war escalate and how much time are they dedicating to this role at the moment?

**Senator J.A.N. Le Fondré:**

Well, for obvious reasons, I will not go into too many details about issues around cybersecurity. What I will remind the Senator of is there is one individual, by the way, who I will not name, who is responsible for cybersecurity and that percolates down in terms of the official level. I remind the Senator of the briefing we gave Members back, I think, in 2019 in terms of the early days of the first Government Plan which was around our systems and around the investment that we were putting in there. I think Members have had a further update on I.T. (information technology) generally in the more recent past. There is an individual who is then responsible and we do obviously tie in both locally to bodies outside of government and also international bodies.

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

The Ministerial responsibility, I think, was part of the question, Chief Minister.

**Senator J.A.N. Le Fondré:**

It does depend on the nature of the emergency because, ultimately, the buck stops with me but obviously the initial point would be the Minister for Economic Development, Tourism, Sport and Culture.

**3.9.7 Senator K.L. Moore:**

Could the Chief Minister describe how the supply chain risks in this situation differs from those of Brexit and if he could also confirm how he proposes to communicate to the public rather than simply briefing Members?

**Senator J.A.N. Le Fondré:**

Well, the point I would make is that we do not have supply chain issues at the moment and I think that is quite important in terms of not wishing to create alarm where there is no need for alarm in that territory. In terms of messaging, to date it has not been an issue that has been raised other than by one or 2 individuals in the public domain. As I have said, the supply chain issues are very regularly kept under review and, to date, we have no indications at all that they are lacking.

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

Thank you. Deputy Doublet is *malade* so we cannot deal with question 10.

**3.10 Deputy G.P. Southern of the Chief Minister regarding an update of the Income Distribution Survey (OQ.61/2022)**

I apologise to Members if this question sounds familiar. It is even familiar to me. Further to previous statements that the results of the updated income distribution survey will be published by the first quarter of 2022, will the Chief Minister advise Members when he understands that the results of the survey will in fact be published?

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

I do not think the Deputy has any need to apologise at all because I have to say I am incredibly disappointed to be answering the question in the way I am going to be because I share his disappointment. The chief statistician apologises for the delay in the publication of the analysis from the 2019/2020 Living Costs and Household Income Survey. The member of staff producing this analysis has been diverted to census processing, which has pushed back this work by a few weeks. I have relayed to Statistics Jersey the firm desire of Ministers and Members to see this data published and my disappointment at the further delay. The chief statistician has given assurance that these results will definitely be published before the election period. In addition, the new survey which, as the Deputy is aware and Members should be aware, the old survey was disrupted as a result of COVID and this has been the real problem. The new survey, which will give the data that we are all looking for, did commence last year. The preliminary results are expected in August of this year and I anticipate that will inform the next C.S.P. (Common Strategic Policy) and Government Plan as well. As has previously been offered, I would be very happy to arrange a meeting between the Deputy and the chief statistician on this matter.

**3.10.1 Deputy G.P. Southern:**

I find the response, as the Chief Minister says, quite incredible but I will take up his offer of a meeting with the chief statistician in order to ensure that a publication arrives in time for decent treatment in the election period. The election period could be April, it could be May or it could be into June. If

it is into June, then the numbers become irrelevant because you cannot really analyse it. At the end of May, perhaps. At the end of April, definitely. I shall be trying to persuade the officer that they should be able to produce something in a limited way by the end of April and to get on with that.

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

Can you frame that as a question, Deputy?

**Deputy G.P. Southern:**

I would ask the Minister to support me in that endeavour.

**Senator J.A.N. Le Fondré:**

Hopefully, the Deputy does recognise I share his frustration and I am trying not to make an issue of it because I understand the competing issues that Statistics Jersey are facing. I also make the point, which I have to be quite careful in what I say, that the law basically does state that the Chief Minister or the Minister must not influence any decision of the chief statistician in the exercise of his or her responsibilities and that does include the form, timing and methods of dissemination of statistics compiled by Statistics Jersey. The crucial thing here is about maintaining the independence of Statistics Jersey and that they are free from political influence, which is why I find it somewhat difficult in how we answer these questions. I think I am in the same territory as the Deputy in expressing my disappointment. I recognise the problem. It was one of the things that I was as equally keen on as the Deputy in that we have solid data updated from 2014/2015 - I cannot remember the dates - to then influence the policies that we would have been putting in place over the last 3 to 4 years. Unfortunately, that has not been the case. Hopefully, we do not get another pandemic. We do not get one very often and so I understand absolutely the reasons behind it despite the fact it is very frustrating for all of us.

**3.10.2 Senator K.L. Moore:**

Given that both the income distribution survey and the census were known and planned for, could the Chief Minister describe whether it is perhaps a resourcing issue within Statistics Jersey that has caused this inability to meet the deadlines on both items of their business?

**Senator J.A.N. Le Fondré:**

The issue on the Living Costs and Household Income Survey was that the initial survey was happening and happening on time but, as I understand matters, when the pandemic hit and lockdown took place in March, April, et cetera, of 2020, that severely disrupted the gathering of data. When analysis was then able to take place with all the issues, bear in mind, obviously, there had been a lot of moving within all departments. Obviously, Statistics Jersey is independent but there has been a lot of activity which has been diverted to dealing with the pandemic. I assume the case was the same within Statistics Jersey about how they reported things. When the analysis was done, they then discovered there were a lot of issues with the quality of the data and of course having poor quality statistics is almost as bad as having no statistics or potentially even worse. In terms of the census, it is my understanding there have been some relatively recent resource issues, i.e. I believe a vacancy arose and, therefore, that is why a resource has been diverted to trying to get the census data out. My



understanding is that a report is going to be made or an announcement will be made in early April as to the timing of the first tranche of census data and when that will come out.

**3.10.3 Senator T.A. Vallois:**

I would like the Chief Minister to further explain the exact impact that COVID had on the publication of these particularly important pieces of data but also whether the restructuring and the change to professional independence has had any impact in terms of the analysis of such data as well.

**Senator J.A.N. Le Fondré:**

I do not think I can add anything more in terms of the impact of the pandemic. I have, hopefully, elaborated on that with a reasonable level of detail. In terms of the restructuring rules, the Deputy is on the working group that is looking at the statutory position and I look forward to their report because we are all absolutely in earnest agreement on this about the protection of the independence of the chief statistician and his department effectively. That is incredibly important. My understanding is it is not directly to do with the restructuring, and I am very happy to be corrected, but it is more to say that one or 2 vacancies have arisen and that has caused the prioritisation of the work to be shifted with I think the priority, in this instance, being given to the census. That is my understanding.

**3.10.4 Senator S.Y. Mézec:**

The data provided by an income distribution survey would help identify which groups are most at risk of living in relative low income. It is something that might inform what a Government may wish to do to respond to inflationary pressures. We can see that there is a statement due to be delivered on this later in this sitting so can I ask the Chief Minister if the Government has had any sort of indication from Statistics Jersey of what the preliminary findings of the income distribution survey may be to help them inform whatever it is they are going to be announcing shortly?

**Senator J.A.N. Le Fondré:**

In relation to Statistics Jersey and the household income survey, the short answer is no as, to my knowledge - and the Minister for Social Security may correct me on this - there has been no direct input. However, there has obviously been, as I understand matters, certainly discussions occurring with, for example, an economic adviser, et cetera. What the Minister will be announcing is obviously the initial and timely response to matters that are facing Islanders and then, obviously, as more information comes to light over the next few weeks, the new Council of Ministers and the new Assembly will then be in a position to make further decisions should they so wish.

**3.10.5 Deputy M. Tadier:**

I will be more direct. Is the Minister aware that there are members of the public who I have certainly heard say that they think it is completely unacceptable that there are the 2 big surveys of the census and now the income distribution survey which are effectively ready but the information has not been published while the Government and the Assembly have had to make big strategic decisions? Would he respond to those who say that?

[11:15]

**Senator J.A.N. Le Fondré:**

I think the response goes in 2 ways. Number one is the overriding priority and what is always a matter for Members is that politicians do not interfere in the production of quality statistics and that interference is laid down in the law, and that includes the timing of the release of that data. That is what I am bound by and that is what I am upholding. As I have said, it is disappointing but that is the position. That does not mean that we cannot put measures in place that will assist Islanders, particularly those who are struggling, and that is a matter for the statement that will come later.

**3.10.6 Deputy M. Tadier:**

I think we may be arguing at cross-purposes. This is not about politicians interfering with the data. This is about deadlines being met which have been set well in the past and when the data is available to be published. So my question is to the Chief Minister: has the Chief Minister seen any of this data which others have not seen and, if not, what assurances can he give us about who might be privy to that data and how that might be being used to inform policy at the moment?

**Senator J.A.N. Le Fondré:**

The point I am trying to make is that Statistics Jersey is an independent body. Therefore, it is independent and we have had issues in the past where there have been allegations - not under this Council of Ministers - of interference within different bodies and things like that and we have been very clear that we do not do that. That is what the law is and that is about protecting the quality of the data so that is that point. In terms of the census data, I should say that my understanding is that the position of the census has always been that the first tranche of numbers would be released in quarter 1/quarter 2, as I said, so that the timetable is being adhered to, and I believe that is the priority of the Statistics Department. As I said, an announcement will be made in early April as to when that first date of publication will take place. I just keep making the point that that is what the law says. I have been very, very clear that, although, yes, we would all like this information and, frankly, we would all have liked it a lot earlier because it could have informed better decision-making, we do not interfere in that process. As Members will hear later from the statement from the Minister for Social Security, it does not stop us putting measures in place if we believe it will assist Islanders in the period between now and when a new Council of Ministers and new Assembly take up the reins.

**3.10.7 Deputy G.P. Southern:**

Just to express my disappointment and seek agreement once more from the Minister for this shambolic failure to meet his own targets.

**Senator J.A.N. Le Fondré:**

Yes, my targets are not being met but they are not being met by an independent body. The reason is basically the delays that we have been engendered because of the pandemic we have had for the last 2 years. As I said, and as we have offered in the past, I will ensure that we do arrange a meeting between the Deputy and the chief statistician to understand the issues directly.

**3.11 Deputy R.J. Ward of the Minister for Infrastructure regarding sea lettuce in St. Aubin's Bay (OQ.56/2022)**

Will the Minister advise what action is being taken to avoid a bloom of sea lettuce in St. Aubin's Bay as the time of year approaches when increasing light levels and higher temperatures drive its growth?

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

The Environment Department will be producing a report supported by scientific data which is intending to confirm where we are and help us to emphasise the importance of managing and avoiding the bloom. However, it must be remembered that this is not always within the Island's gift. As touched upon in the question, many natural factors play a part in producing the microalgae blooms and so are not within our control and, therefore, it is difficult to say how we can avoid a bloom. Natural events such as when water temperatures and weather conditions are particularly unfavourable for algae growth could avoid a bloom or, conversely, if they are favourable, they could encourage a bloom. In the meantime, officers from the Operations and Transport team will do what they can to minimise the impact through active clearance.

**3.11.1 Deputy R.J. Ward:**

I must say that, sometimes, I think we are using up our supplementaries to get an initial answer to a question but we will do it again. Can I ask the Minister at what point does he see the beach becoming unusable, as it is each year because it will become unusable again? Is the Minister saying that he has no control over that except clearance and, if it is clearance, can he give a schedule of that clearance so that we know when the beach will be usable again?

**Deputy K.C. Lewis:**

I think the Deputy is looking at the wrong end of the telescope. Operations and Transport are clearing this up. We are not causing this. Nitrates on the land is something that causes this and our colleagues in Environment and Planning are constantly talking to farmers and growers to reduce the quantity of nitrates they do put on the land. This is having an effect and nitrates are reducing. There are quite a few factors involved. Obviously, the bay warms up very, very easily during the summer months. The Island slopes from north to south so most of the runoff comes out in St. Aubin's Bay. We have at least 4 runoff pipes taking fresh water off the land there, we have the sewerage treatment works which comes out to the bay, there are nutrients there as well and this is all part of the problem that we are trying to control. We do have a new sewerage treatment plant coming online in the not-too-distant future but that is not really the problem. Nitrates on the land is the problem. Growers, farmers and dairy farmers are all doing their best to reduce the nitrate because we have to watch what goes into our fresh drinking water. Our colleagues at Jersey Water do their very best to minimise the amount of nitrates going into the water. We also have to watch what goes into boreholes, so the use of nitrates is critical. As I say, we are the clear-up team basically. We do our best to keep the beaches clean. It is very difficult.

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

I think I will have to ask you to draw your answer to that supplementary to a conclusion.

**Deputy R.J. Ward:**

Within all that time, the answer to the question of the schedule of clearance was not answered.

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

I think you will get another shot at the end, Deputy.

### **3.11.2 Deputy M. Tadier:**

I am beginning to think this is part of the Government's strategy to create more green open spaces in and around St. Helier and let us just hope they do not end up getting built on and rezoned for affordable housing. There clearly is a disconnect between the Minister's department and the Environment Department and I sympathise that it is his job to clean the beaches up and he has acknowledged that the problem at the base is nitrates getting into our waters. Does he believe, like me, that it is a problem when the Environment Department routinely issue dispensations to Jersey Water when they go above the legal limit of nitrates they are allowed to have in the water? What that does is it fundamentally stops anybody, including them, addressing the problem. Were they to be fined by the department, they would then start talking to farmers saying: "It is completely unacceptable that these nitrates are getting into the water table in the first place."

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

I cannot speak for Jersey Water. I know they do their very best to minimise nitrates coming into the system but they can only work with what they have. We only have one water supply on Island and that comes from rainfall and runoffs through the land. I am not sure where the Deputy wants me to go with this but we do our very best. There is no disconnect. My team are in constant conversations with the environment team and I know that the Environment Department are doing their best working with stakeholders. I think we are down by a quarter the amount of nitrates that enters the water supply so, obviously, there is still a way to go but this is a problem that affects many countries in the world from the United States, Australia and China. Where you have largescale agriculture next to the sea, this quite often happens. I am not saying it is an excuse. We do our best to minimise it and if we can eradicate it completely, we will do.

### **3.11.3 Deputy M. Tadier:**

I heard of this phenomenon in the past called OneGov but I am not sure what that is. It is just another once upon a time fairy story in Jersey because it seems that we do not have a joined-up government. The question I would ask is that, in terms of what the Minister is directly in control of - and it seems to me to be the sewer network and the water overflow network - is he able to do anything in his department to start to find those who pollute in terms of whether it is an ecocide policy about nitrates and other pollutants getting into the water table which then not only cause problems like the sea lettuce in St. Aubin's Bay but are very costly to then remedy?

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

Fining comes under the remit of the Environment Department and I know they do fine people. We have several reservoirs on the Island and one or 2 have become polluted over the years with pesticides, glyphosates, et cetera, and various other products that have been put on the land. They have been, I am glad to say, eradicated but sometimes Jersey Water has to flush out some of the reservoirs and blend it with other reservoirs to make sure that any toxins are kept to an absolute minimum. I cannot speak for Jersey Water. I know they do their very best to provide an excellent product. As I say, I am not sure where the Deputy wants me to go. We are not disjointed. We know what the problem is. The Environment Department are trying to solve it and we are trying to solve it.

### **3.11.4 The Constable of St. Brelade:**

The Minister alluded earlier to the new sewerage treatment works. Can he be a bit more accurate as to when it will become on stream and will it contribute towards the mitigation of this problem?

**Deputy K.C. Lewis:**

It will contribute towards alleviating the problem. The water that goes into St. Aubin's Bay is obviously clean before it goes out but there are nutrients in the water than can aggravate the problem. We do have a new sewerage treatment works coming online in the not-too-distant future. I am happy to show Members around that very soon. It is coming along very nicely but, as I say, we are limited in what we can do. We are at the bottom end, if you like. We just clear up the bay. Obviously, there is a contributing effect from the sewerage treatment works. If you are showering, water has nitrates in it and when it reaches Bellozanne, we cannot take it out or very little anyway so this is a problem we have to tackle at the source in both senses of the word.

**3.11.5 The Constable of St. Brelade:**

Can I ask the Minister to expand on "not-too-distant future" with regard to the operation of the sewerage treatment works please?

**Deputy K.C. Lewis:**

I believe 2023.

**3.11.6 Deputy G.J. Truscott of St. Brelade:**

Could the Minister advise how much it cost the Jersey taxpayers last year to clean it up and how much has been included in this year's budget to do the same?

**Deputy K.C. Lewis:**

I do not have the exact figure. I have it written down here but it is going to take me a while to find it. I need to come back to the Deputy on that but I believe it is about 2,500 tonnes that has been moved.

**3.11.7 The Deputy of St. Martin:**

The Minister answered a question from Deputy Tadier about Jersey Water exceeding nitrate levels in drinking water but is the Minister aware that Jersey Water have had to seek any dispensation in recent years?

**Deputy K.C. Lewis:**

Yes, and as I mentioned, our colleagues in Environment are monitoring that very carefully but, as I say, we are just dealing with the remnants of that.

**3.11.8 The Deputy of St. Martin:**

It is just a question, Minister. Is the Minister saying yes, he is aware of dispensations being given to Jersey Water in recent years?

**Deputy K.C. Lewis:**

I believe that is the case, I am not totally sure. My information is probably no better than the Deputy's.

**3.11.9 Deputy R.J. Ward:**

It is clear from the answers that you cannot stop the cause, so can I ask the Minister whether he will produce a schedule of clearance when it happens for the residents, the businesses, and indeed my dog who hurt his leg on it last year, slipping when he was out for a walk? We know we can use the beaches in a way that is not just, well, unusable, to be quite frank.

**Deputy K.C. Lewis:**

I do not have a schedule for cleaning; cleaning is done as and when required. We clean the beaches on behalf of tourism and the people of Jersey. We do not dictate when it arrives.

[11:30]

Sometimes it can be quite bad and we know there is a huge storm coming the following day and that normally clears it but it is awful. I want to see golden, sandy beaches as much as everybody else but it is a problem and it is a problem we are dealing with.

**Deputy M. Tadier:**

If it helps the Deputy of St. Martin, there was a dispensation in 2020 issue for pollutants.

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

Thank you for that, Deputy, but we have finished the question now.

**The Connétable of St. John:**

Can I raise the *défaut* on the Constable of St. Mary, please?

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

The *défaut* is raised on the Constable of St. Mary.

### **3.12 Senator S.Y. Mézec of the Minister for External Relations and Financial Services regarding assets of Russian nationals in Jersey (OQ.59/2022)**

Following Jersey's adoption of sanctions against Russian nationals associated with the Putin regime, will the Minister state the total value of assets held in Jersey which he has been notified have been frozen?

**Senator I.J. Gorst (The Minister for External Relations and Financial Services):**

Since Russia's illegal and unjustified invasion of Ukraine we have aligned with international partners in implementing a severe and wide-ranging package of sanctions measures. This has included more than 800 asset-freeze designations of individuals and entities that were automatically and immediately enforced in Jersey as soon as they were made requiring any assets owned, held or controlled directly or indirectly to be frozen. Since the new sanctions package against Russia was introduced, assets with a value of £259,300,000 have been reported to me as having been frozen by firms in compliance with their obligations under the Sanctions and Asset-Freezing (Jersey) Law 2019. This figure is correct as of yesterday and is rounded up to the nearest £100,000; that is sterling.

#### **3.12.1 Senator S.Y. Mézec:**

I thank the Minister for his answer. He indicated in an answer to a previous question on a similar subject that he would be looking to update the public on this information as we go along. Could he inform the Assembly what his plans are to be transparent about this?

**Senator I.J. Gorst:**

Yes, if I could also just clarify that number. We have converted holdings which were in dollars and euros, et cetera, into sterling for ease of information. I will be making a public update by way of a report to the Assembly, including the number of the frozen-asset amount at the end of each month. I will therefore be publishing a report for the end of March next week.

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

I would like the Minister to repeat the figure as well because I misheard it but what my question is, could he tell me what proportion of those assets are based in Jersey property, meaning buildings and land, et cetera?

**Senator I.J. Gorst:**

The figure was £259,300,000 and, no, I will not be giving a breakdown further than the overall amount of assets frozen or the value.

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

Why not, as it is of direct relevance to Islanders?

**Senator I.J. Gorst:**

I am already going out of previous policy in what I think is important public information but I think what is important is the overall number rather than individual breakdowns.

**3.12.4 Senator S.Y. Mézec:**

The value of the assets which have been frozen that the Minister has informed us is quite a large sum and even though this has been provoked by Russia's illegal action in Ukraine recently, it could have been said before then that this was business from the kinds of people Jersey would not want to have been associated with anyway. Does the Minister think there needs to be some sort of think in future about not encouraging people from disreputable regimes with connections to disreputable authoritarian leaders to use Jersey for conducting their business?

**Senator I.J. Gorst:**

I think that is a question that the whole of western Europe is now wrestling with the sense of hindsight but we must remind ourselves that sanctions are a political tool, in effect an economic war against the Putin regime. There is no indication as I stand here, and it would not be appropriate for me to say so, that the money that is managed currently by Jersey firms and is the subject of sanctions has done anything inappropriate. That is the work that the taskforce will be seeking to ascertain so we should not prejudge that. Prior to this economic war which the sanctions have triggered, there is no indication of a breach of Jersey regulation with regard to A.M.L. (anti-money laundering) or C.F.T. (combating the financing of terrorism) nor elsewhere across Europe.

**3.13 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding the Dementia Strategy within the Jersey Care Model (OQ.50/2022)**

Will the Minister advise what work has been done to date in regards to the implementation of the dementia strategy as part of the Jersey Care Model?

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

Work has recently commenced on developing a dementia strategy, which is an agreed priority within the Jersey Care Model for this year. To date, work has been undertaken to identify key stakeholders and individual meetings have been held with them. Preparatory work has also started to consider what should be included in the strategy and how this may best be developed. The next steps are that a working group will be initiated within the next 6 weeks to bring together the identified stakeholders and agree the approach developing the strategy as well as agreeing a proposed work programme and completion date.

**3.13.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. According to public health statistics, by next year one in every 5 people will be aged 65 and over and dementia will affect 7 per cent of that age group. Will the Minister ensure by the end of his term that this urgent matter is addressed, that the due date for the implementation will be as soon as possible?

**The Deputy of St. Ouen:**

The end of my term is in June and I think this is a piece of work which needs to be thoroughly worked through. Stakeholders will be doing that during the whole of the year rather than the end of the electoral term, which is unrelated really to what they need to do but the target is for completion by the end of the year.

**3.13.2 Senator S.W. Pallett:**

From what the Minister said, it very much sounds as if the intention is to co-produce a dementia strategy. I just would like some reassurance from the Minister that those with lived experience, those that have unfortunately suffered from dementia and their families will be part of that process.

**The Deputy of St. Ouen:**

That would be so valuable and I am sure that that is included within the work going on because organisations such as Dementia Jersey, Family Nursing, Mind Jersey are all involved. It is going to be very much co-produced and not just an H.C.S. matter.

**3.13.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

Is there help now for families who have someone with dementia or do they have to wait until towards the end before they can get States help which means that up until then the families are having to pay to have people in homes and to be cared for?

**The Deputy of St. Ouen:**

Well help starts with the assessment and diagnosis of patients and then Adult Mental Health Services do provide support services and family nursing and other care agencies are involved. But of course where ongoing care is needed, whether for dementia or any other condition, then the long-term care scheme comes into operation which, as we know, does mean that payment is made for services by those who can afford such a payment.

**3.13.4 The Connétable of St. Saviour:**



Yes, if it is at all possible. The dementia villages that are in the pipeline at the moment, will they be of help or do they need the staff and will Islanders have to pay for the care there?

**The Deputy of St. Ouen:**

I think a private company has mooted building a dementia village so this is not something that Government is pursuing. But insofar as it may be a care facility, then I imagine it would operate in much the same way as all other residential care in that patients will be able to claim a benefit under the long-term care scheme for the care they receive if they are eligible for that long-term care scheme. There is one component, which are the living costs, which essentially we all have to pay for.

**3.13.5 Deputy K.G. Pamplin:**

While the work continues this year, will the Minister ensure that work is being looked at the current pressures while we wait for the implementation, including the legal situation that care homes are finding when they cannot deliver the specialist care and the pressure that is putting on government-provided facilities?

**The Deputy of St. Ouen:**

Yes, we continue to look at pressures and needs and try and address those as best we can with all stakeholders and partners. That includes the charitable sector and those who are providing the residential care.

#### **4. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture**

**4.1 The Deputy of St. Martin:**

This morning the Minister for Treasury and Resources in an answer to a question about fishing fuel said that Government were considering their options. Is the Minister involved in discussions considering options for fuel? If so, what is he doing about it?

**Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):**

I thank the Deputy for his question. Yes, the Minister for Treasury and Resources is correct, there are active considerations going on about how we can help certain sectors of the community - economic sectors in particular - deal with the rising costs and the forthcoming predictions for inflation. That is a work in progress. I am strongly in favour of supporting our fishers, our fishing fleet, and I very much hope that after receiving the appropriate advice from our economic advisers to ensure any help we do give is properly used and utilised, then I very much hope we can be in a position to act and help that particular sector as soon as possible.

**4.2 Senator S.W. Pallett:**

There were some comments made by the Minister's Assistant Minister that the world-class skatepark facility will be completed this summer. Can the Minister advise whether a tender process has already begun for the new skatepark, when the Minister expects the contract to be in place and the date, even if he can give the month, that he expects the skatepark to open. So many people are waiting with bated breath.

**Senator L.J. Farnham:**

I would like to check on the facts and come back to the Senator on that. My understanding is that work was underway and that part of the project had been agreed and was moving forward. That is my current understanding but the Senator's question will lead me to double-check on that. But I want to reiterate that I will stick to the previous position that the skatepark will be operational this summer as has always been the target.

#### **4.2.1 Senator S.W. Pallett:**

A short supplementary just while the Minister is going to gain that knowledge. Could he also explain which elements of the skatepark will be carried out by local contractors? I am thinking particularly in terms of the contract aspects of the build. A simple question I presume he can answer now is, who is politically responsible for delivering it?

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

I can confirm, just checking my notes, that the current programme has Les Quennevais skatepark for completion 15th July, that is the target date. As Minister, ultimately the Minister is responsible but, as the Senator will know because he held the delegation for sport for many years as Assistant Minister, this particular part of the portfolio is delegated to the Deputy of Trinity as Assistant Minister; that is where responsibilities lie.

[11:45]

On a working practice with the Assistant Minister, responsibility always remains with the Minister.

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

What is the current government forecast for inflation in Jersey? Can the Minister reassure Members what his department is doing about the growing need?

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

Of course we will await the forthcoming report from the Fiscal Policy Panel, which is due out imminently. The current forecasts, from the Fiscal Policy Panel's previous report, were for inflation to reach just over 4 per cent this year. The updated forecast provided by the Economics Unit is predicting that inflation will peak towards the end of this year at somewhere between 5 and 6 per cent. Deputy Martin, the Minister for Social Security, will be making a statement after question time which will outline the Government's early action in helping to combat the impact of inflationary pressure on Islanders. The Inflation Strategy Group has been stood up again and work is underway there, as the Minister for Treasury and Resources mentioned earlier, and advice is being taken on how further support will be forthcoming. I want to make it absolutely clear that the Government will act to support Islanders during these challenging times but we want to do it on the back of proper economic advice.

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

Will the Minister agree with me that communication is critical in this given that of course we are hearing about the inflation rates and rises in the United Kingdom but the Jersey number has to cut through to Islanders? Does he agree with me that communication of the Jersey position is vital and what is he doing about that?

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

I could not agree more with the Deputy. I am always pleased to take communications advice from Deputy Pamplin because of course he is an expert in that field. It is important, and I welcome his question, because I think it is the first time we can state in public what the current predictions are for inflationary pressure over here. While they are not particularly good, they are perhaps not as high as some people might be expecting, which is also welcome of course. We are in the hands of global inflationary pressures on many of these items. Of course, we must not get our inflationary pressures mixed up with the U.K. Although we have always run slightly ahead of the U.K.'s inflationary pressures, this is slightly different because our reliance is different on different types of energy and how we source that energy. So we do not have thankfully the same energy inflationary pressures as the U.K.

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

I am pleased to confirm to the Assistant Minister that the excavation work for the skatepark at St. Brelade is underway and I have a photograph in front of me to prove it. But aligned to that, the construction traffic to achieve the well-deserved park is having an effect on the cycle tracks approaching it and I just wondered whether it will be his department taking on responsibility for putting that back in order for the benefit of the cycling fraternity or is it another department?

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

Can I thank the Constable just for confirming that work has begun? As I said before, that was my understanding and I am pleased that he has confirmed it. The project has responsibility for building the park and returning the area to the state it was in before construction work started and the project team handling that will ensure that happens. Whether that ultimately falls under my department who are managing the project or the Department of I.H.E. (Infrastructure, Housing and Environment) which will have further input, I could not tell you but I can assure him that it will be put back to exactly how it was.

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

Please can I ask him to, shall we say, sharpen up on that conversation? It is my understanding there was a bit of uncertainty from the department, who are presently managing it, who is going to be looking towards particularly the financial costs of so doing.

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

I will but I am surprised to hear that because it has always been the understanding on the project that the project would be complete and there would be no disruption or long-term changes to the surrounding infrastructure. So I am surprised to hear that but I will seek clarification and provide the Constable as asked.

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

Just following up on the inflation questions and the answers given by the Minister. The U.K. is forecasting that inflation will be 7.4 per cent in the fourth quarter of this year and that real household disposable incomes are going to fall by 2.2 per cent. Now I accept that we do not have the energy cost increases they have but, at the same time, inflation in Jersey has always been above the U.K.

level because of transport costs, et cetera, so how confident is the Minister of his figures for inflation going forward? I will leave it at that for the first question.

**Senator L.J. Farnham:**

I am very confident in our forecast with the caveat of course that there are global uncertainties especially caused by geopolitical disruption currently, so we need to keep updating our forecasts. For example, and I do have a comparison of U.K. and Jersey, the breakdown and the different inflationary pressures over different categories which I am happy to share with the Deputy, the U.K.'s reliance on gas is 34 per cent of the population whereas our aligns as 4 per cent. We also use a different form; we use liquid petroleum gas and the U.K. use natural gas. Also, we source our electricity from a French connection, if I can use that expression, and we have the advantage of having long-term hedged pricing which also leads our economists to, after working with the J.E.C. to predict that, while there are likely to be rises, they are likely to be far smaller than the U.K. That accounts for the bulk of the gap between our inflation, what is predicted here and what is predicted in the U.K. So there are other lots of smaller subcategories which I can go through now in detail but it might use up all of my time, so I will send it to the Deputy if that helps.

**Deputy M.R. Higgins:**

I will just wait until I get those figures and follow up then.

**4.6 Senator K.L. Moore:**

The Minister championed the introduction of the co-funded payroll scheme 2 years ago when we went into lockdown. Now there is a group of rather stressed members of the public who are being asked to repay some of the monies that they received under that scheme. What is the Minister's view of the advice that was given to claimants at the time, in particular with regard to the provision of gross income?

**Senator L.J. Farnham:**

The introduction of the co-funded payroll scheme, as Members will know, was key to ensuring that businesses and livelihoods were protected throughout the pandemic. I have to say I think that has succeeded as well as could have been expected. I remember too well the challenges we all faced around the Council of Ministers' table working with colleagues, Ministers, Assistant Ministers, other States Members with Deputy Morel who was chair of the relevant Scrutiny Panel at the time, the challenges of putting in place a scheme to support business and livelihoods that was appropriate because the landscape was changing all the time as the pandemic gathered momentum. Given the financial responsibility of Government to ensure taxpayers' funds are properly used, there had to be quite a long list of terms and conditions attached to the granting of payroll support. Officers worked quite often around the clock to literally put that in place and I think that obviously did lead to some confusion, not intentional, but, for example, one of the early forms did state that submissions should be made based on average monthly gross income. I think that was changed later in the scheme, and that has led to the confusion that we see in place now where claimants who have been asked to pay back money are stating in some instances that they were following the rules at the time and of course there is some conflict about that. I am not quite sure how we are going to get around it but, just for the record, I know the Minister for Treasury and Resources wants to ensure that that is dealt with properly and that the taxpayer is repaid.

**The Bailiff:**

I am going to have to ask you to bring your answer to a close, Minister. We are well over the one minute 30 seconds.

**Senator L.J. Farnham:**

But for the avoidance of doubt, I want to fully support the businesses that are in these challenging times and I think the Government has a duty to do that.

**4.6.1 Senator K.L. Moore:**

A simple question, really: how does the Minister wish to show his support for those businesses who are struggling to make repayments and in fact do not feel that their requests for repayment are justified?

**Senator L.J. Farnham:**

I am not sure, I think all the support has been beaten out of me over the past 2 years. As the Senator said, together with other Ministers and other Members, we have all championed the business support schemes but I will continue to work with the Minister for Treasury and Resources and persuade the Minister for Treasury and Resources where she needs to be persuaded. She needs to be persuaded quite a lot these days with her tight control of the Treasury. I think we have to remember the real challenging times these businesses have gone through and we must do whatever we can to ensure that we do not take any businesses out of play now by claiming monies back that they cannot afford to pay and allowing the appropriate time and method and process to do that.

**The Bailiff:**

Senator Pallett, were you simply drawing my attention to Senator Moore's need for a ...

**Senator S.W. Pallett:**

No, I have another question if I am allowed.

**The Bailiff:**

There is only about one minute.

**4.7 Senator S.W. Pallett:**

I will be quick; I will shorten the question. Could the Minister update on us where he is with the Aircraft Registry, i.e., how many aircraft he has and what are his intentions?

**Senator L.J. Farnham:**

I currently understand there are 3 registered aircrafts. I understand Scrutiny received a private briefing from the Assistant Minister who has delegated responsibility for this. The long-term plans for the registry are being considered currently. We have always said from the word go this was not a short-term plan and if we were to close the registry now we would be writing off previous investment in it. So the current plan is to maintain the position ...

**The Bailiff:**

I am afraid that brings the time available to a close, Minister.

**5. Questions to Ministers without notice - The Minister for Children and Education**

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

Given the importance of online learning opportunities, can the Minister confirm his support and funding for online degree courses, particularly when small numbers of students are involved?

### **Deputy S.M. Wickenden (The Minister for Children and Education):**

Yes, I think online degree courses are a really, really helpful tool but we have to do more about online learning altogether. There is a complete difference between learning in a classroom and ...

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

Sorry, I meant on-Island. Sorry, I thought I had said on-Island. Apologies, before the Minister goes into an answer for something and I just say it was not what I asked. It was on-Island. It may have been my pronunciation, sorry.

### **The Bailiff:**

Does that assist you, Minister? The Deputy clarifies his question relates to on-Island.

### **Deputy S.M. Wickenden:**

We need to do better at changing, where I was answering there, which is there is a difference between turning a classroom lesson into an online lesson and creating a lesson to be taught online; they are 2 different things. I do support learning online, yes.

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

Yes, the question was about on-Island learning. Let me rephrase it. The degree courses we offer in Jersey, mainly at Highlands College, are they supported, particularly given the circumstances where I believe one course with a small number of students has been cancelled at the last minute after students may have received their confirmation of the course. Can the Minister make a pledge to look at this in order to provide these opportunities that those students will not have anywhere else?

### **Deputy S.M. Wickenden:**

Sorry to the Deputy for the confusion in his question. Yes, so I was made aware late last week that there were some courses where students had been told they were not going to be continued. I have a meeting today at lunchtime, when we go to recess, with staff and Highlands College to discuss this matter to see if we can find a resolution.

### **5.2 Deputy J.M. Maçon of St. Saviour:**

I was going to ask a question in this area as well. Does the Minister agree that one of the great advantages of University College Jersey is that it allows mature students the ability to retrain and reskill themselves on-Island?

[12:00]

Therefore, to withdraw a course midway through their course, so at 2 years when it is a 3-year course, would be a great disadvantage to these particular type of students.

### **Deputy S.M. Wickenden:**

The statement that the Deputy makes is correct. In this instance it was a 2-year course where there was a possibility of a top-up at the end, and this is where this has fallen down. The university has

always made it clear that they will look at placements when they are going through the courses to see the viability. I am absolutely determined to see if we can find a way forward with this to help those students that are left in that way. But the Deputy is right, for mature students our offering at University College Jersey really is one of the best options that some of them have.

**5.2.1 Deputy J.M. Maçon:**

Therefore, does the Minister think, if there was a small shortfall in order to ensure these courses, he has funding available in order to support these courses, if appropriate? If not, would he approach the Minister for Treasury and Resources in order to secure these funds?

**Deputy S.M. Wickenden:**

That is exactly the conversation I will be having at lunchtime.

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

In a similar vein, could the Minister agree that our grant scheme only allows one chance of a funded 3-year course and therefore once that is used up there will be no more funds if a student's only option will be to start a different course?

**Deputy S.M. Wickenden:**

I am not sure if that is utterly true. I think that certainly in this instance, to go to the extra part, the third-year funding could be requested through our grant scheme. So it is still possible to go ahead but I know it is not plausible, as Deputy Maçon's question, for some people to be able to go off-Island to be able to do the third part of their course if they want to carry on in education, to try and go somewhere else, so yes and no.

**The Connétable of St. Brelade:**

I thank the Minister.

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

Having only looked on the website in the last 24 hours, it would appear to me that degree courses at Highlands College have reduced over the last few years. Is this due to the lack of participants on those courses or is this due to a lack of tutors?

**Deputy S.M. Wickenden:**

I believe that we have increased our offering for courses to the lines of what the economy of Jersey is asking us, a need within the Island. The information that I have is that the courses have increased not reduced.

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

I would disagree from the perspective that when I looked there are very little financial courses. Previously there were I think 3 or 4 different offerings whereas there now would only appear to be one and also in other areas like art and design, et cetera. So it was just to clarify that the courses have increased and by how much then?

**Deputy S.M. Wickenden:**

The University College Jersey has expanded its degree-level study to 10 major subject groups to meet student, parental and employer needs on the Island. Maybe the volume of a particular course may have reduced but the availability of other courses and the plethora of courses has expanded.

**5.5 Deputy K.G. Pamplin:**

Given the recent tragic news of the loss of a young Islander recently in the Island where our hearts continue, and I am sure Members will agree, to the family as they move forward, what has the Minister and his department done in relation to this reviewing what services are available for young people in regards to their mental health?

**Deputy S.M. Wickenden:**

We have continued to expand with Kooth and Y.E.S. (Youth Enquiry Service) and we have increased our amount of awareness and advertising and support across the schools. The tragic, tragic loss of a young lady in the Island has been really difficult for so many Islanders but we have put support services and we have increased support services in areas where we know it is most needed. All of education staff and teachers have been on heightened levels to make sure that we can see if there is undue stress for any students.

**5.5.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. Can he give us an indication of what feedback he has had over recent weeks from staff and anybody he has had interaction on where the acute need is?

**Deputy S.M. Wickenden:**

As the Deputy will be aware, we have been through an Island Plan in the last couple of weeks. My senior leadership team give me confidence that continual conversations are happening every morning with heads and their teachers, the heads and the senior leadership team in Education. It might not go directly through to me as there is a lot going on with the Island Plan and catching up on other business but I am comforted to know that the conversations are happening at a senior level to make sure that we do target where needed at an operational level.

**5.6 The Connétable of St. Saviour:**

Does the Minister feel that if he were to add things to the curriculum like home economics and family planning/life it would be very good to help the older generation coming through as to what is going to happen when they do leave college and do leave school?

**Deputy S.M. Wickenden:**

I thank the Constable for her question. Can I just ask a bit further? Increased levels of family planning at university level or at college level, is that what the Connétable is asking, can I just clarify?

**The Connétable of St. Saviour:**

No, before they leave school, while they are still at school, to be educated on how things are going to be when they leave school or when things could happen, if that is all right.

**Deputy S.M. Wickenden:**

So this is something that has been requested by the Youth Parliament to me and I made a commitment to go to the Curriculum Council with the Youth Parliament, which we have, to discuss this. I am



meeting the Curriculum Council I think later this week, if not next week, to continue the conversations about increasing areas of financial management and family planning within the P.H.S.E. (Personal Health and Sexual Education) curriculum. So, yes, I agree with the Constable that it is something that is important and it is something that is being requested by the young people of this Island.

**The Connétable of St. Saviour:**

That is lovely to hear, thank you very much.

**5.7 Deputy K.F. Morel:**

I am asking this question effectively on behalf of a young Islander and in response to Deputy Pamplin's question. In his response to Deputy Pamplin, the Minister said that the Education Department was looking at how best to target mental health services for young Islanders but I was approached by a young Islander who is particularly concerned. Her critique was that there is the Y.E.S. service and there is C.A.M.H.S. (Child and Adolescent Mental Health Service) and there is nothing in between. I was wondering how the Minister would respond to that particular critique.

**Deputy S.M. Wickenden:**

I would certainly say that the school is also a big part of making sure that there are consistent people, teachers and staff or somebody to go to. We have Kooth, we have Y.E.S., we have C.A.M.H.S. and we have the schools, we have the Children and Families Hub also. So I would respond by saying that the help is out there and the teachers at the schools do know where to point and the advertisement does show it as well.

**5.7.1 Deputy K.F. Morel:**

I thank the Minister for his answer. This particular Islander is concerned that the Y.E.S. service is very informal, it is a drop-in service, it is easy but it is very low level, it is having a chat. C.A.M.H.S. is a referral service where you have to be referred by your G.P. (general practitioner) to get there. For young Islanders who have slightly more complex mental health issues and want to speak to people in depth about their issues, going to their school teachers may not always be the best way forward. Would the Minister confirm to the Assembly that he is willing to look into this potential gap in service in provision of mental health services for young Islanders?

**Deputy S.M. Wickenden:**

I thank the Deputy for his question again. Certainly, if the particular Islander wants to come to me directly, I can help, or through the Deputy himself. There are more services online now to help in this area in multiple places than before but of course we will always keep this under review. If I start to hear that there are deficiencies or there are apparent deficiencies, we need to resolve that as soon as possible.

**5.8 Deputy M. Tadier:**

Can the Minister confirm that a 2.6 per cent increase in student grant levels has been agreed? If so, does he feel that this is adequate given the significant increase in living costs in the U.K. where the monies are likely to be spent?

**Deputy S.M. Wickenden:**

Yes, I have agreed a cost-of-living rise in the maintenance part of the funding for university. I think it is a significant increase than we have ever had before, so I am happy to be able to put up the amount of money in maintenance grants.

**The Bailiff:**

I think the question was in addition did you think, given the cost-of-living increase in the United Kingdom, it was adequate?

**Deputy S.M. Wickenden:**

I am going by the cost of living and I will have to wait and see if that is the case or not.

**5.8.1 Deputy M. Tadier:**

Yes, just to try and pin the Minister down on the first question. Can he confirm that it is a 2.6 per cent increase in the student grant which he signed off? If so, that represents clearly now an older figure which is not really realistic compared to the rampant information we are seeing more recently.

**Deputy S.M. Wickenden:**

It has been a long couple of weeks. I do believe it is 2.6 per cent or it is very close to that figure.

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

**6.1 Senator S.Y. Mézec:**

Would the Chief Minister agree that questions without notice periods to the Chief Minister is an important exercise of democracy in this Assembly to hold him to account? Would he further agree that any suggestion that it be abolished should be dismissed as the anti-democratic nonsense it is?

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

Without going into what I suspect is a supplementary question of the Senator, I do support oddly enough the volitions of Q.W.O.N. (Questions Without Notice) to all Ministers because I believe it keeps all Ministers on their toes. I would of course recommend its extension to Scrutiny chairs and equals.

**6.1.1 Senator S.Y. Mézec:**

Then can we therefore count on the Chief Minister to robustly oppose this proposition in whatever form it may come in, be that in a proposition in this Assembly or in fact perhaps some theoretical suggestion in a wider election campaign?

**Senator J.A.N. Le Fondré:**

I know there are people who have different views about how the Assembly runs. That will be a matter for any future Assembly. My understanding in terms of what the Senator is referring to is effectively a consultation exercise. One does have to remember in the overall context of making sure that obviously the Assembly focuses on its work for the public. But to go back to the fundamental point, without knowing any alternatives at this stage, I do believe that Q.W.O.N. do serve a very useful purpose.

## **6.2 The Connétable of St. John:**

Does the Chief Minister support a Jersey Homes for Ukraine Scheme?

### **Senator J.A.N. Le Fondré:**

As a fundamental principle, yes, but - I hate to start the next bit with a “but” - one has to make very careful and clear what the consequences are of adopting that scheme directly and so it is very difficult to translate directly the U.K. scheme into a Jersey scheme. But if it helps, because I am sure it will be relevant to other discussions, the activities we have taken in dealing with the Ukraine crisis are very firstly the actions that Jersey Overseas Aid took, the £350,000 done within a matter of days, the £1 million then done within the week. Then obviously what we are now presently focusing on is assisting those Ukrainians who have direct contacts with the Island. There are I think to date about 12 that are on-Island now and we are expecting obviously more to be coming down. We know I think there are at least 2 other families en route and those numbers will flex and will likely increase. What we have got to make sure, which is our most immediate focus, is that the right support - and it is not just financial, that is obviously medical, educational, potentially dealing with people who have been through severe trauma - is in place for those people who are coming.

[12:15]

That is the main focus now. Obviously we are then considering what else we can do beyond that but we have got to make sure we have financial support - big financial support - for helping people off-Island, we have to make sure we are in the right place to assist those people who are coming into the Island first.

### **6.2.1 The Connétable of St. John:**

Given the chief executive’s recognition yesterday at the P.A.C. (Public Accounts Committee) that vacancies in H.C.S. are a significant risk, would the Chief Minister consider offering roles in health for suitably-qualified people?

### **Senator J.A.N. Le Fondré:**

The short answer is yes. If somebody comes over who is able to work and has the right qualifications, I see no reasons at all why they should not be able to take that place and contribute to the community.

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

Would the Chief Minister advise us what progress has been made on the Digital Property Register that was approved in September 2020 and for which he signed a Ministerial Order I think authorising £100,000 to do the work? Can he give us an update as to where that has got?

### **Senator J.A.N. Le Fondré:**

As the Deputy knows, it is another area where I do share a frustration, having had a decision in the Assembly, that it seemed to fall between a number of schools which is the reason why at the end of it I set up the scoping exercise and funded that to the tune of £100,000. I say “I sourced it”, it is ultimately taxpayers’ money. I have not had an update on that scoping exercise and where we are. I am very happy again to arrange for the Deputy to meet the relevant people and to get the update. But it is happening and, in my view, the overall principle is sound.

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

I will take the Minister up on his offer.

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

In a public hearing this year for the review of the response to COVID of children, the Chief Minister stated he needed more data to understand the use of food banks by families on the Island. Can I ask the Chief Minister what he is doing to gather this data and has his understanding of the use of food banks increased since that time?

#### **Senator J.A.N. Le Fondré:**

I cannot remember the date of the review but I rather suspect that it was before the Ukrainian invasion, so obviously our focus has been dealing with that more direct issue. I have not had an update on the data and obviously I will reach out to find out what the position is.

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

Of course we all have concerns and we do not want to see what is happening in the Ukraine happening but can I ask the Chief Minister: does he feel that the use of food banks on this Island is a sad reflection of Jersey and what action will he take to prevent the need for such use, particularly as it does seem to be increasing?

#### **Senator J.A.N. Le Fondré:**

That is I think the exact reason why we need data around just to understand the reason and rationale behind the use of food banks. What I have been informed is that the use of food banks, for example, I will say in the United Kingdom, is operated under very, very strict conditions and it is limited as to how often you can access it and there are quite strict criteria whereas here, I understand, I do not know, it is obviously somewhat less controlled. Therefore, we have very much got to understand what the circumstances are because we do have a very good income support system, which in theory should be supporting most people but obviously, as we know, does not support people who have been here for less than 5 years.

#### **6.5 Deputy M. Tadier:**

In his capacity as Chief Minister, does he agree that questions with notice, oral questions are an important part of holding any Government to account? Therefore, does he wish to see that period reduced from its current 2 hours or more, which generally allows all Members to ask questions that they wish, to a period of only 40 minutes in the future?

#### **Senator J.A.N. Le Fondré:**

The principles to the answer I gave previously apply to this one as well, emphasising that my understanding is part of that is a consultation exercise.

##### **6.5.1 Deputy M. Tadier:**

In that case, if the Chief Minister does not agree with it, would he tell his own party leader, his elected party leader who has been promoting a series of policies, to curtail these kind of accountabilities and democratic measures from taking place in a future Government, that he does not agree with them?

**Senator J.A.N. Le Fondré:**

I am not too sure if that is a matter for debate and questioning in this Assembly, Sir, but I will go for your judgment and give a response.

**The Bailiff:**

Well it is not a matter for which you are responsible as Chief Minister to what you say to people on the outside but if you wish to address the question as to whether you are ...

**Senator J.A.N. Le Fondré:**

I can address the question which my understanding is it is a consultation exercise and that the challenges for those of us who live and work in what is sometimes regarded as the “bubble” of the Assembly, and what members of the public see and what they consider outside and therefore are seeking views as urgent responses from members of the public and in general informing ultimately policy, it is very much a matter for the next Assembly. I do think question time as a whole, if that is the right expression, serves a very useful purpose. The question will be the length of time and the style it approaches but, as a principle, not having question time would not be a good move.

**6.6 Deputy K.G. Pamplin:**

Would the Chief Minister give a current snapshot of the Government’s handling of the pandemic of where we are at and what the position will be for charging Islanders for the L.F.T. (lateral flow test) testing which comes into force in England on 1st April?

**Senator J.A.N. Le Fondré:**

From recollection, I have to admit there have been quite a few things going across our desks recently, is that the principle of L.F.T.s and free L.F.T.s I believe continues - I am looking at the Minister for Health and Social Services - until June and then it will be assessed. Other than that, the basic principle, as Members will know, we deferred the decision of making isolation non-mandatory until the end of April and that is the essential position we are going to have to keep under review. We have that balance between I think a great urge to absolutely go back to complete normality versus the principle that obviously Omicron or COVID as a whole is still out there. I will give a statistic which is sort of relevant, and Members may have seen it, that for over-80s in China, where I cannot remember what the vaccination rate is, or Hong Kong rather, which is lower, significantly lower than here, the death rate was something like around 5 per cent whereas in New Zealand where the vaccination rate was very, very good, and bearing in mind I think were at 100 per cent, it was 0.2 per cent. In other words, one must still have to have measures in place going forward, in my view, certainly around the vaccination rate, and keeping an eye on developments across the global community. But that does not mean that we should not be trying to get back to normal.

**6.6.1 Deputy K.G. Pamplin:**

Always my favourite question: does he have any upcoming engagements for Islanders in the form of a press conference, an update, giving the pressures of what is ahead of us with the election, et cetera?

**Senator J.A.N. Le Fondré:**

From recollection, we do have a final “Ask the Ministers” scenario where we can give relevant updates. I am not too sure exactly what date that is but I would imagine that would probably incorporate it. Press conferences, obviously we have something to announce, so it will depend what we do towards the end of April but equally one wants to be cautious around getting too close to election periods. But I think the probable right place would be on the final “Ask the Ministers” in which we can provide an update as part of that, I would think.

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

Following the answer of the Minister for Economic Development, Tourism, Sport and Culture with regards the co-funded payroll scheme, will the Chief Minister commit to prioritising a solution and brokering agreement between his 2 Ministers?

### **Senator J.A.N. Le Fondré:**

I think we are going to work with the relevant Ministers to arrive at the solution.

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

Also a timeframe because the end of the month, which is the cut-off date for those who have repayments outstanding, is fast approaching.

### **Senator J.A.N. Le Fondré:**

We will work together as expeditiously as possible.

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

Could the Chief Minister advise the Assembly as to any positives that he brought back from his recent trip to the United States of America?

### **Senator J.A.N. Le Fondré:**

I am delighted. From the measures we put in place in 2019 when the Jersey Finance office was opened in New York, I am informed - and I believe it is assets under management, I would not want to be quoted - we have seen an increase in business of something like 150 per cent in the last 3 years. I can say that a number of fund providers and a number of funds have significantly increased and I think that is just one positive. There are Jersey firms setting up or looking to set up in the United States with the point of view of bringing greater business and ultimately employment and all those benefits that come with it. On top of that, we had political engagement. I engaged with our direct contacts, who I know relatively well, with the overseas aid programmes that we are doing in Ethiopia, obviously between the U.S. (United States) and Ethiopia. I engaged with an individual to look at the potential trust that has been created on the Jersey coin hoard and we had political engagement in both New York and in Washington, including the British Embassy, around the ability for us, for example, to gain access to consul premises if we wanted to promote the Island. So overall, from the point of view of promoting the Island, I think it was a very useful trip and it is one we have a really good message to tell, not just in the U.S., but it is those types of engagements that are going to be increasingly more important in what is going to be a difficult world ahead.

### **The Bailiff:**

A supplemental question? Does any other Member have a question for the Chief Minister? There is maybe one minute left. No? Very well, that closes questions to the Chief Minister. We now have 2 Statements on the Order Paper but I wonder if I would ask the chair of P.P.C. (Privileges and Procedures Committee), Deputy Alves, I have seen in the email exchanges that there is some suggestion that we make a different arrangement for luncheon and possibly for evening sitting. I wonder as luncheon adjournment is coming up, now might be a time to deal with that if you are ready to do so.

**Deputy C.S. Alves:**

I have spoken to a couple of Members who have obviously already made arrangements for lunchtime today, so I would like to propose that as of tomorrow our lunches are shortened to one hour between 1.00 p.m. and 2.00 p.m.

**The Bailiff:**

All right, so the Assembly would adjourn at 1.00 p.m. and resume at 2.00 p.m. for the rest of the week after today?

**Deputy C.S. Alves:**

That is right, Sir, please. Thank you.

**The Bailiff:**

Very well, do you wish to make the proposition then?

**Deputy C.S. Alves:**

Yes, please.

**The Bailiff:**

Is that proposition seconded? **[Seconded]** Does any Member wish to speak on that proposition? All those in favour, kindly show. Yes, that is adopted. Very well, we shall do an hour ... did you have any proposition relating to evening sitting, Deputy? You do not have to do it now, you can do it later in the week, I am just asking if you wanted to do it.

**Deputy C.S. Alves:**

Yes, I think it may be best to wait until later in the week.

**The Bailiff:**

Very well. The next item then on the Order Paper is a Statement to be made by the Minister for Social Security relating to access to free period products.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**7. The Minister for Social Security will make a statement regarding the access to free period products**

**7.1 Deputy J.A. Martin (The Minister for Social Security):**

Members may be aware I committed to report back to the Assembly on the issue of access to period products in Jersey. This commitment was made in response to an online petition in December 2020 on this matter and I am pleased to be able to fulfil that commitment today. Challenges in access to period products is a global issue, and Jersey is no exception. An increasing number of jurisdictions, including those closer to home, are recognising the impact the difficulties of accessing period products have on young people, whether that be on their mental health, physical health, or their education. Research conducted in the U.K. by Plan International in 2017, the first of its kind, found that one in 10 girls, 10 per cent, have been unable to afford sanitary wear. Almost three-quarters, 71 per cent, of girls admit that they have felt embarrassed buying period products; 49 per cent of girls have missed an entire day of school, because their period, of which 59 have made up a lie or an alternative excuse; 64 per cent had missed a P.E. (physical education) or sports lesson. These findings are shocking, but sadly are issues which are affecting our own children and young people here in Jersey. The findings of our local survey, which I set out in my answer to Written Question 85/2022, highlighted that there is a clear need. This is further demonstrated by the valuable work of volunteers from the Red Box Project Jersey, who are providing products to a majority of our schools as well as from anecdotal reports from teachers past and present. They have been buying products themselves to give to students who need them. I am sure Members will agree that our children and young people should not miss out on their education, not feel shame or stigma because of something that is a natural and normal part of life for half of our population.

[12:30]

That is why I am delighted to announce today that following agreement with the Minister for Children and Education free period products will be available in all schools in Jersey from September 2022. **[Approbation]** Products will be available for all learners in schools who need them, whether that is because they have forgotten their products, cannot afford their products, or who have come on their period unexpectedly. This commitment is a positive step in removing barriers to healthy, active, educational outcomes for our children and part of our commitment to putting children first. We will also help to reduce the unacceptable stigma around this issue of periods and address the overarching gender equality and dignity issues that affect all learners who menstruate. I hope Members will agree that this is a positive contribution towards further ensuring that all our children and young people in schools can learn and achieve their potential. **[Approbation]**

**The Bailiff:**

Thank you very much, Minister. There is now a question period of up to 15 minutes. Questions can be asked of the Minister on matters arising out of this statement.

**7.1.1 Senator K.L. Moore:**

I commend the Minister for Social Security and the Minister for Children and Education for this decisive action. Will the Minister go further and commit to supporting the proposition, which will add period products to the medical supplies that are exempt of G.S.T. (goods and services tax)?

**Deputy J.A. Martin:**

The Minister would like to go further than that, because what they have done in Scotland is made period products free. This is a start. Tinkering with a few pence is not really going to help. This is



the start. We have done it in a short timeframe and I would like to go better and do, as I say, the Scottish version.

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

When will that be?

### **Deputy J.A. Martin:**

As I have just said, this started with the petition and then I was asked a question in the last Youth Assembly, and I was working with the ex-Minister for Children and Education, Deputy Maçon. It can be done. I am just keeping an eye on Scotland as well. It will probably be down to the new Minister to see how we practically get the products out to schools. From there it is simple, people go to school and that is where they need the products. I still say it is better than tinkering with a few pence off of sanitary products.

### **7.1.3 Deputy M. Tadier:**

I was going to ask about that last point. Has the Minister started any consultation work with key stakeholders in the community? There will clearly be adults who have similar needs of affordability who would like to go and pick up these products, either in anonymity and for free if they are struggling with affordability. Who does she envisage the major stakeholders are in the community that she has or will speak to?

### **Deputy J.A. Martin:**

As I say, that is totally the next step. I am working with Deputy Doublet and other States Members on menopause, which I know is a different issue, but again using products that only women will use. As I say, I am following Scotland really closely. We have to take bite-sized chunks to get something done. If I had tried to do everything in the first go with the Minister for Children and Education we would not have got this today. Next step is to absolutely look at that and absolutely to look at the people who are working now with replaceable products, for the environment. We do not want to cut anybody out. We want to know that the best products are going into all schools. This will be primary schools as well, because young ladies are starting their periods earlier. They are the ones who probably will be caught out first, because they may not be expecting it or have experienced it before. The stigma needs to go. It should be just like going and saying: "I have a headache and I need some medicine."

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

I really do thank the Minister for her statement. It is an excellent initiative. Would the Minister advise the Assembly as to what she believes the costs of this particular initiative are to make period products free in schools? As she mentioned making period products free to society, how much does she think that would cost?

### **Deputy J.A. Martin:**

From the top of my head, I believe it is £5 million in Scotland. It is a bigger population and it is the whole population. We have a ballpark figure, but we are literally going out to tender as we speak, so I cannot give a figure. However, we know it is coming, thankfully, the Minister for Children and Education fought for it, out the C.Y.P.E.S. budget. That is exactly what it is, thank you.

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

Really it was to pick up on the last aspect. Does the Minister have an idea of the approximate cost of making period products free to all Islanders who require them?

### **Deputy J.A. Martin:**

No, I do not; not free to all Islanders. As I say, I have been concentrating on schools. That will be the next bit of work. Obviously, you will need to know that, but, as I say, £5 million may be what it is in Scotland. However, I could be wrong. Somebody could Google it and tell me I am £5 million out, but I do not have an idea.

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

I would like to add my thanks to those of everyone else. The Red Box Project have also asked me to pass on their thanks as well. The Minister touched on sustainable period products, I am wondering whether there has been any work done around that to encourage women and young girls to look at things like period pants and moon cups and things like that?

### **Deputy J.A. Martin:**

Well, did I get an education? It was the ex-Minister, who is now my Assistant Minister, who told me all about them. A lady wrote to me, literally yesterday, saying that they are trying them in primary schools with people who are having their first periods. Once you get used to these reusable products they are quite good and they are great for the environment. We are not cutting anybody out. We think there is lots more work to be done. It was getting over this hurdle, announcing it and they are free as of September. My secretary emailed the company or charity back yesterday and said we will be working with them, but things are moving so fast and we will not be ignoring anybody. I did meet with Red Box early on.

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

Will those free products include items like the sustainable options?

### **Deputy J.A. Martin:**

I absolutely hope so; absolutely, yes. They should. They are relatively new; although having done a hundred-year cycle they are new again. You know what I mean. Absolutely, thank you.

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

While being supportive of the initiative, would the Minister elaborate with regard to the supply to society in general whether discussions have taken place with regard to distribution? It seems to me that the options are pharmacies and supermarkets. Has she discussed this with any of those bodies?

### **Deputy J.A. Martin:**

Again, no, Constable. As I say, we broke it up in 2 chunks. We know the petition was for all, every woman on the Island. Knowing the amount of time we have in this Assembly, we can do this for schools, but this is not where it stops. My legacy report will say I started this, but it will be whoever to carry it on. Children will be done, because that is the Minister for Children and Education, but I will not be doing this with my Minister for Social Security hat on, this is my diversity and inclusion hat, which I wear over here towards my left shoulder. It needs to be included going forward. As I

say, I do not know how they will do it. I have tried to find out. I would imagine it would be through pharmacies and supermarkets, anywhere they sell them.

**The Connétable of St. Brelade:**

I would urge the Minister to work with the Minister for Economic Development, Tourism, Sport and Culture to develop that conversation.

**Deputy J.A. Martin:**

Absolutely. As I say, this will continue going forward and the new Minister will do that.

**7.1.9 The Deputy of St. Martin:**

As the Minister says, this commitment is a positive step in removing barriers to healthy active education outcomes for our children. I thank her for it. Will she go further and commit another positive step and provide free access to doctors and dentists for children under 5? [**Approbation**]

**Deputy J.A. Martin:**

For every child on income support, it is free for children under 17 to go to the doctor. I am running at the moment a catch-up COVID-19 for every child between 11 and 18 to go to the dentist. I am just trying to get them to take the money. However, that is a massive ask. The Minister for Health and Social Services is working on the next tranche of who needs to access cheaper or free doctors. Nothing is free in this world. This is going to cost and it will cost. That is what it is.

**The Bailiff:**

I am not going to allow a supplementary on that, Deputy, because I should not have allowed the question in the first place.

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

I welcome this move. It says “products to be available for learners in schools”, can we please, therefore, ask how they are going to get the products they need when they are not in school, during weekends, holidays, et cetera.

**Deputy J.A. Martin:**

We did have discussions about that. I will have to check with the Minister for Children and Education, because we are really concerned, especially with the 6 weeks holiday and possibly the 3 weeks over Christmas. We may have an answer and that is budgeted for. People would take them home with them from school. The finer points will have to come out as it goes along. We did discuss that, because that was also very concerning for me.

**The Bailiff:**

Does anyone else have any questions for this Minister? There are a few minutes left. No. Very well, that concludes questions to the Minister.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The adjournment has been proposed. It seems a reasonable time to take that, so we adjourn until 2.15 p.m.

[12:42]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Bailiff:**

Very well, the next matter before the Assembly is a further statement from the Minister for Social Security on response to inflationary pressures.

### **8. The Minister for Social Security will make a statement regarding a response to inflationary pressures**

#### **8.1 Deputy J.A. Martin (The Minister for Social Security):**

Last September we first started to hear about significant increases in energy costs. U.K. gas prices rose sharply in October. Fortunately, the use of gas for domestic heating in Jersey is very limited. I was very pleased to meet with the Jersey Gas Company last year and agree that they would fund a support package for any consumers affected by the price rise. Unfortunately, since then we have seen a rise in the overall rate of inflation and the conflict in Ukraine has now made the economic situation much worse. Recent U.K. forecasts are suggesting figures of up to 7 to 8 per cent for inflation during the year. The U.K. inflation rate published last week for February was over 6 per cent. Our own Fiscal Policy Panel will provide an update forecast tomorrow. These prices are affecting the cost of many basic goods. International energy prices have risen sharply and the energy mix in Jersey is protecting us from the worse of these increases, but there have been price rises for all types of fuel in recent months. For people on a very tight weekly budget, even small price rises can be difficult to cope with. There are over 11,000 people in Jersey who receive means tested benefits. This includes 9,600 adults and children living in income support households and about 1,800 pensioners who do not qualify for income support, but receive help with heating, health and other costs. Income support rates will rise by 2.6 per cent in October, this was agreed by the Assembly last year, to make sure that these families will not be affected by the timing of the general election. The figure of 2.6 per cent was the best estimate we had at the time for inflation in 2022. At the end of last year, local inflation had already risen to 3.8 per cent and we expect it to rise further during the year. Because of the timing of the election, I do not have the option of proposing a high uplift this year, I also want to act without delay and provide extra help for these families as soon as possible. I will be setting up a temporary scheme to provide extra support for these 11,000 pensioners, adults and children. From 1st April, we will be providing an additional £20 a month per person. These payments will run until the end of 2022 and will be paid on a monthly basis to a household. A pensioner couple will receive £40 a month and a couple with 2 children will receive an extra £80 a month. Payments will be sent automatically. There will be no need for people to apply. These payments will also go to everyone receiving the community cost bonus. Making payments through to December will give time for the next Minister to assess the situation and put in place appropriate support for 2023. The overall cost of this scheme is estimated at £2 million. This funding is available from budgets already allocated to benefit payments. The Jersey economy has recovered well from the impact of the COVID-19 pandemic and the number of people who are

actively seeking work is currently at an all-time low. The number of income support claims has also fallen. Actual numbers are well below the estimate provided in the 2022 Government Plan. These budgets can then be redeployed to provide this temporary support without making any demand on the wider public purse. As Minister for Social Security, my focus is on supporting those who are most in need of help. I believe this scheme will make a real difference to those on low incomes, those just about managing, and families who are struggling with the costs of their weekly shop. Yesterday I met with other Ministers as part of an inflation strategy group. I was pleased to receive the strong endorsement of the group for my scheme. The group will continue to consider other actions across Government. I will be publishing full details of my scheme in the next few weeks and plan to make the first payment towards the end of April.

**The Bailiff:**

Thank you very much, Minister. There is now a period of 15 minutes of questions to this Minister.

**8.1.1 Senator K.L. Moore:**

I am sure the Minister has listened to organisations, such as Citizens Advice and the Salvation Army, who have a very clear message. That is: families and individuals who have never before experienced difficulties with their finances are now struggling with the rising cost of living. How does the Minister think that these proposals here meet the needs of those families?

**Deputy J.A. Martin:**

My officers have worked tirelessly with all the charities that are giving out food. It broke my heart yesterday to read that the Salvation Army reported that people had not eaten for a couple of days or maybe a few days. I deal with people who have the least money. We are trying to find out: is it these people, people who may be paying a mortgage, or people who have not been here for 5 years? Nobody goes from my department with a voucher, like they do in the U.K., and say: "This is a top-up. Can you fulfil it?" I am dealing with the people I know and this goes some way to helping within budget. As I say, it will start early. I am confident it works, because we have done 2 non-statutory schemes over the last few years, C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) and the maternity pay.

**8.1.2 Senator K.L. Moore:**

Essentially, the Minister's message, and I do not wish to put words in your mouth, Minister, is: "Those people that we do not know, those people that we do not currently support, well, you are just going to have to carry on going hungry or doing without until I figure out who you are and then I will extend, or let my successor extend, something to you next year." Is that what I am hearing?

**Deputy J.A. Martin:**

No, the Member is not hearing that. The Member is hearing that this Minister is dealing with the 11,000 people she knows. We know there is a scheme the Senator has brought, that will cost £23 million. It is not targeted, there is no money for it, and there is no vires to do it. However, we have always targeted the people that we know about on lower incomes. These are the people that I am targeting. It is exactly what it is. I am not saying that to people. I do not know the people who are going to the food banks who did not go before. Are they the people going down Social? Are they the people getting the community cost bonus? This scheme gives the people who are ready on the community cost bonus more than the Senator is proposing. It starts at the end of April.

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

Can I say to the Minister, one group we do know is those who are being asked to make repayments? Can I ask the Minister whether she would use her discretion at last and address those repayments and end some of those repayments that are driving people into poverty, because the income that we have agreed is the lowest possible income to survive? Can I ask the Minister perhaps to review that and look at some of those cases and, please, please, try to remove some of those repayments? That will have a direct impact on those most vulnerable.

### **Deputy J.A. Martin:**

Did I not expect that question? Look, we pay a single mum and a couple of children about £350 a week, a married couple with 2 children £400 a week, plus their rent. If they have had double payment and if they owe a few thousand pounds then the repayment is the money that goes round. If I had not collected that money, I would not have the £2 million. Money has to go round. You get extra money, you pay it back. This is going to go some way to help. The Deputy would have you believe that everybody is living on the poverty line. That is not true. Not everybody - in fact very, very few - have overpayments. When they do, some of the overpayments do add up to thousands, because they forget to tell us what is going on in their household, such as Bob has moved in or somebody else. It adds up very quickly. It is not my money to give.

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

For an anticipated question, I would have expected a better answer. Is the fact of the matter not that where circumstances are that it was a mistake by the department and also it is the most vulnerable who are repaying, because they are on income support, that this would be targeted towards those who need it the most. This money is often from previous years funding for Social Security. It is lost in that income, so it is not the money that is paying for this increase in pay. Can I ask the Minister again to genuinely reconsider and look at some, at least, of these cases to see whether that burden can be released?

### **Deputy J.A. Martin:**

It is a rolling payback. It was not written off last year, so the Deputy is absolutely wrong there. The payments are overpayments and some are in the thousands. I cannot write it off. We look at each case individually and some people pay as least back as £2 a day, some £3. It has never changed since 2008. They sit down and look at the overall situation. This, if it is a family of 4, you take the £2 back and you give them what is left out of the £80. Or the £80 they get they just then ... I am mixing up the 2 schemes. I did know I would get this question. We fundamentally disagree about who holds the taxpayers' money and who should pay it back, and we do not agree on that.

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

May I ask the Minister then if she will not deal with the outstanding money that people owe in a fair way, will she at least agree that the extra £20 or whatever the figures are that are going to be paid out as part of this scheme, will not be subject to being clawed back, which will at least give these people some leeway. They will be paying back on most of their income support, but not on the extra, which will enable them to survive a bit better.

**Deputy J.A. Martin:**

That is exactly, Deputy Higgins, how the scheme will work. If you get £100 a week of income support, you still get the £20. If you get everything paid off of income support, you still get the £20. It is completely separate. It is a short scheme, to the end of December, to see us through. In my budget, we have done so well. More people are working and maybe getting better paid out there, because we have also seen a reduced number of people needing income support. So it is a double-whammy.

**8.1.6 Deputy M.R. Higgins:**

The Minister has not answered the question. I am talking about those people who are making repayments at the moment. They are not getting the figure that they could spend on food and everything else if the department is taking away money from the set payment they are getting. What I am saying is: the additional money that she is going to pay out as part of this scheme, will she please not take any deductions from that to enable these families to at least be able to buy food and cover their heating bills?

**Deputy J.A. Martin:**

I answered the question clearly. I said: no, this is going to be their extra money. They will get it at the end of the month. It is for a shop bill. It is to maybe get some staples in. It will not be touched as a payback. Did the Deputy hear that?

**8.1.7 Deputy K.F. Morel:**

I welcome this statement and the extra money that it will provide to those who do need it. I would like to understand, this is obviously an increase in benefits and it is a grant that will be given out, does the Minister agree with the O.E.C.D.'s (Organisation for Economic Co-operation and Development) recommendation that in order to deal with inflation, which is expected to be temporary or relatively temporary, it is better for Governments to use the benefit system rather than to allow extra pressure on wages, which in themselves will drive further wage inflation?

**Deputy J.A. Martin:**

The Deputy, like me, met again with the Inflation Committee. He suggested something like that again yesterday. However, I can only give out money because we have saved some money in the department. I know these people and that is why it can be a quick scheme. They are either getting income support or another benefit, pension plus, et cetera. It is not just for those on income support. I am not saying that it will stay like that going forward. There are better brains than mine, like those from the Economic Department and the Deputy, who are in that group who are looking at finding a way forward. This does not cover everybody, I absolutely agree. There are some schemes that are much too generous, completely untargeted and we have no money for.

**8.1.8 Senator S.Y. Mézec:**

I do not have access to the numbers to work out the maths myself here, but can the Minister confirm clearly whether when this £20 payment is made those claimants will be worse off in real terms, better off in real terms, or the same?

[14:30]

**Deputy J.A. Martin:**

The payments will total about £2.6 million. The claimants will obviously be better off. In the middle of that, last year I put up all the components in income support, because I knew the election was coming. Nobody questioned it and we got that through. The components will all go up again on 1st October 2022, as well as the payment.

**8.1.9 Senator S.Y. Mézec:**

The question I am asking is a technical one and there will be some mathematical process to determine this. She said that obviously they will be better off, well, they will be better off clearly in nominal terms but what about real terms? Can she confirm that the advice that she has been given by her officers confirms that £20, with inflation as it is calculated to be right now, leaves them better off in real terms?

**Deputy J.A. Martin:**

I would have to 100 per cent check that but I was told that people will be better off. I was listening to the electric man this morning and on his calculations electricity has gone up about 70 pence a week. I think I know where the Senator is coming from but an extra £80 from now to October for a family of 4, and then the increase in all of the components, I would say they are better off. But if he says it is mathematics maybe ... I am not sure about that then.

**8.1.10 Senator T.A. Vallois:**

I would just like to say thank you to the Minister and welcome this news. In terms of the comments in her statement could she clarify please with regards to those obtaining a community cost bonus as to whether they have to apply separately because it is a one-off yearly payment. I know she stated that it was not needed to be applied for but they will not be part of income support, so would the Minister be able to clarify that?

**Deputy J.A. Martin:**

Yes, I can clarify that. That is why it works so well. We do know who these people are, Senator; there might be a few people extra who want to claim. They will not need to claim for it. We will contact the people who put in for the community cost bonus last October and they will get the same rate on top, they will start getting their payments at the end of April to see them through to the end of December. I think there are another couple of people who are not on income support but get different health benefits, maybe pension plus people, but they will get exactly the same, they will be paid out, the department knows who they are, they have got their bank accounts, they will notify them first obviously. But, no, everyone will get it monthly to help with those surprise bills at the end of the month hopefully.

**8.1.11 Senator T.A. Vallois:**

I thank the Minister for clarifying that for me but also with regards to the fact that it is being paid to income support community bonus payments but does that also mean the cold weather bonus is taken



into account, and will that be a different amount as well, considering the different amounts that have been identified for pensioners and couples with children.

**Deputy J.A. Martin:**

That is a really good question, Senator, but I checked that, no. The cold weather payments will be given out how they are and how they are calculated. For those people it is on top of, they all get on top of; it is a very straightforward scheme. It is not just income support; it is that other couple of thousand people that will get this payment, as I say, from the end of April. We do know who they are.

**8.1.12 The Connétable of St. John:**

I welcome the - how I calculate - 5 per cent increase for a family of 4. I am sure that will be very welcome by those people who will qualify. Would the Minister agree with me that the time has now come to remove G.S.T. from food?

**Deputy J.A. Martin:**

Well the community cost bonus was put in place for people who were not on income support and did not pay tax to mitigate against G.S.T. I have done a 180, I will say to the Constable, not a 360, but if we keep it at 5 per cent, we keep it low, we keep it simple; I would rather it that than we spend thousands on people administering this and that. So at the moment I think, no. I am sorry, I could not see it coming off food.

**The Bailiff:**

That brings us to the end of the period allowable for questions. It is open to us to extend it by 15 minutes if Members wish to do so.

**Deputy M. Tadier:**

Could I propose that, Sir?

**The Bailiff:**

Is that seconded? [**Seconded**] Does anyone wish to speak on whether it should be extended by 15 minutes? All those in favour kindly show? All right, we will extend it by 15 minutes. A supplementary question, Connétable?

**8.1.13 The Connétable of St. John:**

Would the Minister agree with me that more needs to be done for those families who do not currently qualify for income support at this difficult time?

**Deputy J.A. Martin:**

Yes, I do, and, as I say, the people who get the community cost bonus do not get income support but they do not pay tax. These are included. There are a few other anomalies. So it is looking above that, I think you are saying, but that is not to me tinkering any more with the benefit system. As I say, this new inflation strategy group, the Minister for Economic Development, Tourism, Sport and Culture, Deputy Morel, and the economists are looking at something. We need to find out more, as I say, who is going to the food banks? Is it people under 5 years? What can we do? If they will not tell us ... and we are trying to work very, very hard and it is not that they do not want to work with

us, sometimes you go down there and there is just one person and they are literally putting the food parcels together, they have got no admin or anything. So I do not know how we can overcome that, I mean, probably they need more volunteers but everybody is busy.

**8.1.14 Deputy C.S. Alves:**

I would like to know what work, if any, is the Minister and her department doing to identify people who maybe should be income support and are not because they are not aware of the process and they are not aware of their eligibility.

**Deputy J.A. Martin:**

Again, and I keep going back to the electric man, but if anybody is asking for help in Jersey if they go to Citizen's Advice or you have trouble paying a bill, they had all the signposts, the man this morning, and he is not even Government. But we do encourage people and I think being that we are paying the community cost bonus, which some people do not apply for because it is £230, £240, if they think they are going to get a bit more money and they are going to get it weekly we are trying to encourage ... we are going to obviously do a comms. Once we have got the scheme, I have said that I will announce exactly it but it is not rocket science, it will be what it will be, we need to get to the comms and make sure people are getting all the benefits that they should be getting in Jersey.

**8.1.15 Deputy C.S. Alves:**

Could I ask the Minister to start with her department and maybe the other services that are in the C.L.S. (Customer and Local Services) building, as I have recently dealt with a few cases where they are having difficulty finding housing, they do not have residential qualifications because they do not have the 10 years, but they do have the 5 years which would qualify them for income support and, therefore, some help with rent, for example. So, can the Minister ensure that the services that are based in C.L.S. are communicating this to the people who are contacting them please?

**Deputy J.A. Martin:**

I am not quite sure if I understood the question because I think the Deputy said she was in the income support building trying to help with income support, but they are the people we do know about, absolutely. As I say, this will have to be a good campaign. We are not asking anybody to apply but if anybody is in that middle ... we are telling our staff today, people will start ringing up: "Am I entitled to this? Am I entitled to that?" Then we get another sort of go of saying: "You are, but you are also entitled to this." We do not want to hide any benefits. If you are entitled to a benefit, I want the department to be paying it out.

**8.1.16 Deputy G.P. Southern:**

It really is time for the Minister to declare that what she has got here is a package which contains a sleight of hand. If you do not index link your benefits, your income support and the components within that then of course you can relatively easily save money year on year. The fact is what was happening here is with the right hand we are now giving some money back from money ...

**The Bailiff:**

Deputy, there does have to be a question.

**Deputy G.P. Southern:**

The Minister will agree or not, as I finish the question. So what we have, does the Minister not agree, is giving with the right hand while the left hand has already taken away from the benefit by not being index-linked? Those are the facts, does she not agree?

**Deputy J.A. Martin:**

No, I do not agree. I brought the uprate for this year and nobody said a word, nobody said: “You should have more money” and it is only 2.6 per cent. What the Deputy is trying to say I think is: “Why have you suddenly got money?” Because we have got more people in work. People out there must be paying more wages. I mean, it is not that hard, we are only in March and we have got £2 million that I can put into this scheme. It should have gone on components. It is not because the components have not gone up; people are earning, want to work and we have got the lowest unemployment since records started when we had income support. When the Parishes used to run the welfare they did not really keep so many records. No, I totally disagree with the Deputy, “a sleight of hand”, I am not Tommy Cooper.

**8.1.17 Deputy G.P. Southern:**

Is it not the case that the components of income support have not been index-linked fully over the last 10 years and that makes it relatively easy to pretend to give back with the right hand these sums of money? That is the truth, is it not?

**Deputy J.A. Hilton:**

Some years they have, some years they have gone over, some years we have cut the cake different. I put the £5 on 3 years to the first child. The Deputy brought an amendment not to do that. This is extra money going into extra people’s pockets every year. Now, the argument, if the Deputy did not think that the components were going up ... because I did 2 years in October, when everyone was going off on holiday it was the last debate I think in July, to put the components up this October coming, why was there not an amendment? No, if the Deputy thinks they are not keeping up he should have brought an amendment.

**8.1.18 Deputy M. Tadier:**

I do welcome this statement but the point that needs to be answered is that the Minister has referred to a new rate of inflation, forecasts of 7 or 8 per cent during the year, and already a rate of 6 per cent, so the question is, the £20, the £40 and the £80 that are being talked about for the bonus, is that the equivalent of that inflation or is it less than that inflation?

**Deputy J.A. Martin:**

I would not want to mislead the Assembly. I am not quite sure. The one I am proposing is around 2.6 per cent. The new components are going up in October about 2.6 per cent, so it is new money.

**8.1.19 Deputy M. Tadier:**

If the Minister could get the information and circulate it that would be welcome. I think the point has to be made that in the longer term does she not agree that if inflation is rampant - as it might look it is going to be - when will she or the future Minister be able to increase it in line with the actual rate of inflation rather than a notional one that has got a past date attached to it?

**Deputy J.A. Martin:**

Well it will be the new Minister and the new Minister will sit around a new Council of Ministers, and I know there are lots here who want to be the head of that Council, and then there is a discussion on money and how much money you have got and how much you can increase in this and that and the other. Now, if it is always at wages, Reform would say we have dropped behind with wages, have we dropped behind with benefits? But at the end of the day, you have only got that much money to cut the cake and divide it around every Minister who wants to do something in the next Government Plan. So I do not think this has ever been done before, it is a short scheme, it will incorporate the new uplift on 1st October but also see us through to December, so it gives a chance to the new Ministers to get in, have their bun fight and literally decide where they want to put the money and where they find it from, would be the better question.

[14:45]

**8.1.20 Deputy G.J. Truscott:**

I really do welcome this initiative from the Minister, and there are many positives to take out of this statement. It is great to see that the Jersey economy has recovered so well since the pandemic and circumstances leading on from that. I was just curious to know if the Minister could indicate how much is actually in the underspends. We are spending £2 million at this stage, I was just curious to know how much is left after that in the underspend.

**Deputy J.A. Martin:**

I think we might have about £500,000 left but we are so confident, we are coming up to April, how many people are bucking work, the actual payment out of income support, we are confident this money can be sort of redistributed, if you like.

**8.1.21 Senator S.Y. Mézec:**

Can I ask the Minister if in any of the meetings that she has had about this proposal did anybody ask the question when this amount and inflation are taken together does it leave the claimants better off or worse off? Was that question ever actually asked in those meetings?

**Deputy J.A. Martin:**

Well I did not ask the question, no. We have been talking about electricity going up; spoke about the gas, then the food, over a good few months. If I have £2 million to spend and it does not cover the increase of inflation that is what it will be. It has not covered inflation, but it still gives a family of 4 £80 a month more.

**8.1.22 Senator S.Y. Mézec:**

In which case can I reiterate what I think Deputy Tadier was asking, which is can that question be asked and can an answer be provided to States Members in writing whether that is from a C.L.S. officer or an economic adviser officer. If possible, since it is such an important topic which we are only just learning about today, could that be provided to us by the end of the day?

**Deputy J.A. Martin:**

Sorry, now the penny has dropped exactly what the Senator is asking and Deputy Tadier. Of course, I will get the economists, I will get C.L.S. staff and I will get you the answer. It may be by the end of the day but I know they are quite busy as well dealing with the other things that we need to do and look at to try and help people through this really, really one-off time that everything is added on and then there is the war. It is terrible, terrible times we are in.

**8.1.23 Senator K.L. Moore:**

While I am grateful to the Minister for the consideration she has given to this proposal in helping some people in the Island cope with the cost of living as it rises, the Minister has said today that she has already got £2 million from underspends in her Social Security budget due to fewer people seeking income support, if I have heard her correctly. So, if she is that confident that that is going to continue for the rest of the year then the Minister almost has enough money to meet a different proposal, which will help a wider section of people, those people who are in work yet struggling with the cost of living. So, will the Minister commit to sitting down with Back-Benchers and other Members of the Assembly to consider how we can broaden the scope of this and help working families as well as those people who are already known to her with this rising cost of living? Otherwise, I am afraid, Minister, you will face people bringing more calls for the removal of G.S.T. on food.

**Deputy J.A. Martin:**

I think the Senator may have misunderstood. Yes, we have £2 million projected to go forward that we are not going to spend on the projection of the budgets of income support because people are in work. I have not just found £2 million; the £2 million will see us through to the end of the year. There is no more money in my budget to help anybody outside of this except for the people who we are already helping outside of normal income support payments, like community cost bonus, et cetera. So it is £2 million projected to the end of the year, the scheme will be £2 million projected to the end of the year, and that is exactly what it is. I am not sure if the Senator had understood that when she asked the question.

**8.1.24 Senator K.L. Moore:**

Perhaps I had understood that she meant every quarter she was receiving an additional £2 million. But the question still goes: will the Minister commit to meeting with Back-Benchers, and not cancelling those meetings, to find a better way forward to help support working families to cope with the cost of living?

**Deputy J.A. Martin:**

The Minister very rarely cancels a meeting. When the Minister is trying to put a scheme together that has been on a slow boil since October, November last year, the Minister had to not meet with the Senator, a bit like the Senator not meeting with me when she shoved in her proposition P.39. But we are where we are. I do not hold a grudge; nor does the Senator. The budget is £2 million, it is not for anything else. It is £2 million projected to the year and these are the people with that £2 million we can help. I will meet with anybody when we can ever get out of this Assembly, I am quite happy.

**PUBLIC BUSINESS**

**The Bailiff:**

That brings the time I am afraid available for questions to the Minister to an end. Before we move on to Public Business, Deputy Ward, did you wish the Assembly to take matters out of order?

**Deputy R.J. Ward:**

Yes, Sir, I emailed the Ministers involved, yourself, and States Members yesterday. I am just trying to find the email so I can quote the correct pieces that I want to move, forgive me; you caught me on the hop there. I was wondering if we could move into second in the order, after the Tasers, the Draft Children (Convention Rights) (Jersey) Law and the Draft Police (Complaints and Conduct) (Jersey) Law. Do you want me to give a reason now?

**The Bailiff:**

Just to be clear, you would like to move P.19 and P.22?

**Deputy R.J. Ward:**

Yes, it would have been much more sensible for me to have put the P. numbers down, you are quite right.

**The Bailiff:**

To follow as items 2 and 3 after the first item of Public Business?

**Deputy R.J. Ward:**

Yes, Sir.

**The Bailiff:**

If you would like to explain your reasons to Members.

**Deputy R.J. Ward:**

The panel has put an enormous amount of work into these 2 pieces of work; I believe the Ministers involved will agree that we have attended briefings, put together comments papers and so on and so forth for the Assembly. I unfortunately will not be here on Thursday morning because I have to attend a hospital appointment and I do not know how long that will be, but it just means that the burden of presenting, particularly as one panel member is ill ... there will not be someone there to do it apart from one Member. So, if we can move that forward I think it would be much easier in the debate. We can get out information across and it would be much more of a quality debate if we could do that.

**The Bailiff:**

Very well. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour kindly show. Those against? We have changed the Order Paper and immediately after P.117 we will deal with P.19 and immediately after that we will deal with P.22.

**Deputy R.J. Ward:**

I thank the Assembly for their co-operation.

**Senator I.J. Gorst:**

Sir, I wonder if we are dealing with Order Paper matters I could also raise an observation which might help Members. There are several pieces of law before the Assembly today all connected with the L.L.C. (limited liability company) changes. It seems to me rather than being higgledy-piggledy as they are in the Order Paper, that they are all taken together. I am quite happy to move them so that the first piece falls behind other Members' proposals, which is P.23.

**The Bailiff:**

That is Draft Limited Liability Companies Winding Up and Dissolution?

**Senator I.J. Gorst:**

Yes.

**The Bailiff:**

Where would you like to move that to?

**Senator I.J. Gorst:**

It could go behind P.24, and both P.23 and P.24 could then fall to behind Draft Sea Fisheries and Aquatic Resources, P.29, so that we would then take 23, 24, 30, 31 and then 33 and 34 and we would move 32 up in advance of 23. It sounds confusing but let me assure you it would be far easier than taking them in the order they are currently there and it means that none of them have jumped ahead of anybody else on the Order Paper.

**The Bailiff:**

Effectively P.23 and P.24 drop out of the Order Paper in their current place and are inserted in sequence immediately after P.29, is that correct?

**Senator I.J. Gorst:**

Yes, but with the slight complicating matter that P.32 would also go ahead because while I lodged it, it is not related to L.L.C.

**The Bailiff:**

So, 23, 24 and 39, did you say?

**Senator I.J. Gorst:**

No, 23, 24, 30, 31, 33 and 34 would all sit together.

**The Bailiff:**

Right, so after the Draft Sea Fisheries there will be 23 and 24 and then there will be all the others starting from 30 down through to 34.

**Senator I.J. Gorst:**

That is correct, thank you, if I may.

**The Bailiff:**

Does anyone, said with trepidation, want me to say that again? Very well, you make the proposition then?

**Senator I.J. Gorst:**

Indeed I do, to try and simplify matters.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

**The Connétable of St. Brelade:**

I would ask the Greffe to present Members with a revised running order please. **[Members: Oh!]**

**The Bailiff:**

Can I suggest that perhaps what would suffice, if the Assembly agrees, simply an email to all Members saying they will be taken in the following order, rather than producing a revised document? Does any Member wish to speak? Those in favour kindly show. Those against? Very well, if we can remember how to do it, that is the order we will take them.

## **9. Authorisation of Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police (P.117/2021)**

**The Bailiff**

We now come to the first matter of Public Business on the Order Paper which is the Authorisation of Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police, P.117, lodged by the Minister for Home Affairs. The main respondent will be the chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to endorse the decision of the Minister for Home Affairs to authorise the use and deployment of Energy Conductive Devices (Taser) by the States of Jersey Police according to the following principles: a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard). b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority. c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines. d) Any use of a Taser must, wherever practicable, be recorded on body-worn cameras by all officers attending the situation in which use occurs, with the footage to be submitted, retained and logged alongside the use of force form from the incident.

### **9.1 Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):**

The Assembly will remember a bit more than one year ago when we presented the original proposition, traditionally Tasers in Jersey - and I will try my best to call them directed energy devices because I think we pay a small world here every time we say the brand name - the way that the police were allowed to use energy directed devices was with firearms trained officers, but most importantly, and that is quite important, under a firearms authority. Basically, that is an authorisation that only a handful of officers can give which means that officers can use firearms, and this was massively disproportionate for a device which is completely unrelated to a firearm. We asked to change this so that more officers could carry them and eventually use them in the course of their duty. At the time the Assembly decided to submit this to a trial period of one year, which we did, and we brought the figures back to Scrutiny a few weeks ago. So this is the second coming to this Assembly of this



proposition, which again removes the necessity for a firearms authority to carry and use energy directed devices and instead allows specially-trained officers to carry them as a matter of fact and use them when their training allows them to.

[15:00]

The Scrutiny Panel has suggested an amendment, which I will not support. The Ministry is not terribly bothered with the notion of doing another year of tests; we do not think it is going to be very useful. All statistics are gathered as a matter of fact so it is not terribly difficult to do them, however, the uncertainty is a problem for the police because we are taking part in their operational matters, and also they wish to train more officers and they are not certain that there will be a use for all the time wasted training them if we change our mind in one year. So I will not support the amendment. If Members have had a look at the proposition they will have seen that the figures are very reasonable. Energy directed devices are an extremely useful tool for the States of Jersey Police. They have very probably saved lives already this year during the training period while used by specially-trained officers. They have not only saved the lives of the officers carrying them but at least half of the time they save the lives of the people at the other end. There are at least 2 instances that I have seen where it is very, very possible that a suicide was prevented in fractions of a second by the use of a directed energy device. So, they are really good tools, they are extremely useful, they are used very, very seldom and that is something quite important as well. The States of Jersey Police has about 15,000 interactions with the public every year. Out of these about 400 involve the use of force, so it is a very, very small percentage, less than 3 per cent. Out of these, 10 per cent involve the use of an energy directed device. But what the States of Jersey Police call “use” is actually drawing of a directed energy device, and I think that is the most important part of their use. It is the fact that people submit when they see them, and this has avoided violence because the alternative is violence. This has avoided violence in dozens and dozens of cases. So I just ask this Assembly to support me in letting the States of Jersey Police have the tools that they really need.

**The Bailiff:**

Is the proposition seconded? **[Seconded]**

**Deputy M. Tadier:**

Can I have a point of clarification, if I may, before the amendment is moved? Did I hear the Minister right when he said that a suicide was prevented by using a Taser?

**Deputy G.C. Guida:**

Yes, that is my understanding. We will never know because we do not have a time machine and cannot repeat the incident, but there are not one but several instances where people were ready to do self-harm to a significant degree and that was stopped by using an energy directed device.

**Deputy M. Tadier:**

Well, I suppose it is much more direct than Talking Therapy.

**The Bailiff:**

Deputy, there is no opportunity really for ... presumably you do not want me to treat that as your speech in the main debate, do you? Because that is the only basis on which you could properly have made a comment.

**Deputy M. Tadier:**

I withdraw that comment then, Sir.

**The Bailiff:**

Thank you very much. There is an amendment lodged by the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the amendment.

**Deputy M.R. Higgins:**

Sir, my point of clarification is in the chat.

**The Bailiff:**

Clarification is for the Minister who has spoken. Do you mean a point of order of some form?

**Deputy M.R. Higgins:**

No, it was a clarification from the Minister.

**The Bailiff:**

Very well, so you are seeking a point of clarification in the speech. What is your point of clarification?

**Deputy M.R. Higgins:**

Can the Minister confirm that the suicides that he is alleging have been saved, were they recorded on body borne cameras and can it be confirmed that they were saving people who were contemplating suicide?

**Deputy G.C. Guida:**

Unfortunately,, all these cases are, as you would understand, extremely private, so we cannot go around and show videos. If the Deputy is really interested in the subject we could show him under a vow of secrecy some of the images that we have.

## **9.2 Authorisation of Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police (P.117/2021): amendment (P.117/2021 Amd.)**

**The Bailiff:**

Very well, that is the point of clarification, I think. I ask the Greffier to read the amendment.

**The Greffier of the States:**

1. Page 2 - After the words "the following principles" insert the words "and subject to a further trial period of 18 months dating from 1st March 2022". 2. Page 2 - Designate the existing paragraph as paragraph 1 and, after this paragraph, insert the following paragraphs - "2. To request the Minister for Home Affairs to review the impact of the use of Tasers on policing in Jersey after one year of the further trial period and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of - (a) the number of times a Taser has been used on a person under the

age of 18; (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode; (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and (d) the number of times a Taser has been deployed by a police officer who is on their own. 3. To agree that deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the further trial period of 18 months without the prior approval of the States Assembly.”

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

First of all, I will start off by saying this is from the Children, Education and Home Affairs Scrutiny Panel as an amendment. What it is not is saying to go back to the debate over whether Tasers should be used at all, and it is not saying do not use Tasers. What the amendment is saying is it requests a continuation of the trial period set up for a further 12 months with identical arrangements from the previous trial period, as was read out by Greffier with all the particular criteria. It stipulates an 18-month period; this provides a 6-month period for the Minister for Home Affairs - whoever that may be in the next Assembly - to report back to the States Assembly on the data from the 12-month trial period. This provides continuity for the Jersey Police in their use of Tasers at the moment, but it provides very important data in real time and, dare I say and hopefully say, in a more normal society away from COVID as we move out of the COVID situation. That leads us to the rationale for this. We reviewed the data from the initial trial, which I will say was only 8 months, it was not the full 12-month period. We had to request the further 3 months which we now have, and I have the data here using the good old-fashioned method of paper, which I think at this stage of time I prefer. That trial was undertaken during the COVID-19 pandemic. The conditions may not have appropriately epitomised normal conditions in relation to societal behaviours or police operations during that time. A simple example is if you go out on a Saturday night at the moment it is very different from the time during that trial period, it is much busier, there is a lot more going on; dare I say there may be more incidents for the police to deal with. Therefore, this data may not accurately reflect normal conditions. It reflects conditions, I fully accept that, but the conditions of that time. One of the concerns that the panel has is the increase in police officers attending incidents on their own. It remained unclear to the panel as to whether police officers do routinely patrol on their own and, as a consequence of more officers being equipped with Tasers, the panel is concerned regarding this potentially increasing the instances in which police officers attend on their own. The further 12-month trial, one of the areas for this is to record the number of instances of police officers patrolling alone, which is a change in our policing. Remember the chief of police does have autonomy on who has a Taser, so that is a very important point that would not change with this trial. A further impact is the rebalancing measures in the Government Plan 2022-2025 on police operations. During our review we noted that the recruitment to civilian roles within the States of Jersey Police would be frozen to make an efficiency saving of £377,000, and the panel is concerned regarding the potential knock-on effects of this action on the operations of the police and the potential increase in the reliance on Tasers as a result of increases in pressures on officers. Therefore, the 12-month extension to the trial will uncover whether that is a valid concern or not. Remember that in Scrutiny - as most people in here who have been involved in Scrutiny will know - you are just trying to find out the information and then that judgment can be made by this Assembly. A further area is the culture within the States of Jersey Police Force and the perception of policing in Jersey. All of us understand how important that perception of the way we police is because we rely so much on people simply being co-operative and Jersey is still a safe place to live. We do remain concerned over the impact of Tasers on

perception of policing in Jersey by all of our communities, and that is why extending this 12-month trial and recording the instances of use of Taser within different groups within our communities we believe is vital if we are going to make a really strong decision in this Assembly with data backing it up and information backing it up. There is obviously the potential culture change within the States of Jersey Police Force as a result of the use of Tasers. They are a different piece of equipment. One of the areas is the use of Tasers on under-18s. The data that we have is that there were 2 uses in the first 8 months and 2 in the second 4 months up to 12 months, and so there was the use of a Taser on under-18s of some form, whether it be drawn or fired, it is still a particular circumstance that that child finds themselves in. I note that the Children's Commissioner has just released a piece on social media out there to say her views on the use of Tasers on children is that should certainly not be happening. Part of this extended review is again to record those incidences. One of the things that the panel hopes will happen is it will give further time for the police force to consider really carefully about their use in Jersey. Jersey is a particular place to police with a particular relationship between police and our Islanders. There is a particular relationship between different cultural groups and ethnic groups and the police in Jersey. There is a particular relationship between the police and young people in Jersey that needs to be worked on. We do not want to introduce anything that may make that in any way less positive or useful for our policing and our security on the Island. I remind Members again that this amendment is about extending the trial, not about saying do not use Tasers or have them. The other key point is we are all coming up to an election, we do not know whether we are going to be here or who is going to be in this Assembly. With this trial in place and the detail that comes from it, the next Assembly will be enriched with information and data so that they can make the right choice as they come into this Assembly, and they are not left with a choice in this Assembly which some could consider is not rich enough because of the context of the trial itself during COVID times. I hope I am getting that argument across. There are a couple of things that I will finish with. The chief of police is supportive of the requirement for data on Taser to be gathered and recorded. That is an important thing. I know he is open to the police force being very transparent about what they are doing, and that is a positive that we do not want to lose. The amendment will allow for the data to be reported back to the States Assembly for the next Assembly - that is a really key point - for a more informed decision-making process, because this is a long-term change. Once this is introduced wide scale into our police force there is no stepping back. It is unlikely that that would be reversed at any time and so we have to be absolutely certain about the decision-making process. So, the panel brings this amendment to the Assembly for the Assembly to make that choice. Do you want to see another 12 months of a trial with 6 months to report back so that the next Assembly, perhaps yourselves, can make a more informed decision? Or are you content that we just go ahead now with a trial that happened during a time that was not, if I can use the word, normal times and we have all lived through that? I will finish my introduction there. I hope I have covered everything, if not I hope my fellow panel members will be listening and will pick up anything I have missed out. I make the proposition.

**The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

[15:15]

**9.2.2 Deputy G.C. Guida:**

As I have said in my opening speech, as Minister I do not personally mind that amendment very much. I do not think it is a huge problem. The police gather data on everything they do, not the use of Tasers or the use of firearms or batons or anything, everything that they do, and especially the use of force. So, every time there is force being used by officers a report is being written and analysed so this data is going to be available for ever. I am trying to be generous to the next Assembly and I just wonder whether we should waste their time in going over this yet again, yet another time, when the first exercise showed figures that the use was exactly what was expected and was immensely beneficial in every instance. So, it is not really for me, it is not really for my successor, but it is for the Assembly; do we really need those debates? Because why this? Why stop there? Why not at taxi licences? We grant taxi licences, why should we not study them and have them come back every year to the Assembly and look at how many people are dissatisfied with that taxi journey and how many people are not happy with the price they have to pay for their taxi journey, and examine whether we should give licences to taxis. What about the medical profession? Scalpels are dangerous, we should licence them every year and then have data come back to the Assembly and then make the decision. We do not do that. What we do is that we give a licence and then we supervise and we ask for data, and that data is forthcoming, the data is available, and certainly the police publish a report every year and, having been through enough Scrutiny Panels to testify for that, that data is provided to the Scrutiny Panels whenever they ask for it. It is really not a problem. If we found anything wrong with any of these licensing issues it would be extremely easy for the Assembly to act on it, and we do extremely often. So, it is just this special case where we are saying: "Well this Assembly is going to spend another couple of hours in a year's time discussing something that is not really important because they will have data and they will be able to act on it if they wanted to." The second part of course is the police itself. S.O.J.P. (States of Jersey Police) is supposed to have operational independence and here what they would like to do is to select some of their officers, spend the money and time on them that is necessary for the training, which is very intensive and recurrent, and train them so that they can wear directed energy devices, and use them when absolutely necessary. It is not the first time that I find that this Assembly has a special relationship with risk. Quite a few times I have seen the notion of: "But this is a risk and we should not take it." The thing is, in general there is not a zero level of risk and then something that is risky. There are levels of risk for everything. So you are not talking about creating a risk by having police officers carry and use directed energy devices, you are talking about risk management. If somebody entered this room now with a knife it would take exactly 0.8 seconds for that person to kill me. That is violence. When we talk about the use of force by the police that is the sort of thing that happens. Now, which tool would you like to have to take care of that particular incident? Having a nice 15-minute discussion with the person? Getting an extremely inefficient pepper spray out? Getting a firearm out and then risking the life of that person and the life of others? Or having an energy directed device as a matter of fact as part of your equipment that you have been trained extensively to use properly? The figures from before the experiment and after the experiment are very, very good because they are so low. I must repeat that. The best use of a directed energy device is actually drawing it. Just showing it to people stops them and they have stopped hundreds of violent incidents in Jersey so far so they are really useful. But to give you an idea, over the 12-month period - and that is the total use by all officers - directed energy devices have been used 58 times and they have been fired 12, and that is very low. Most of the time people will just stop whatever violent endeavour they were engaging in just by seeing the device. Very often probably half of the occurrences are when people are imminently going to self-harm.

Again, yes, of course, talking to somebody is very important, and the police are extensively trained in dialogue; that is something, the other 14,600 encounters that they have had in the past year were dialogue. They were not physical, there was no use of force, so the police are really good at that. But sometimes when you have 0.7 seconds before somebody is going to open up their throat with a knife, their own throat, maybe you want a different tool and to make this tool more difficult to obtain is not the right thing to do.

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

I was surprised by the Minister saying this is not an important topic. He seemed to think that when Tasers are used and people are electrified in certain instances, and not all involving an attack on a policeman with a knife or some other weapon, that it is not important. I have just been looking at the independent police complaints body, looking at their report concerning the use of Tasers between 2015 and 2020, and they have raised a number of issues. Looking at, for example, how the Tasers were used, what analysis did the Minister or did the police use? How many times was the person tasered of those who were? Was it one time, 2 times, 3 times? What was the particular dose of the Taser? Is it variable? There are many issues and they are quite concerned about some of these things. They also found: "In 15 cases we found 22 officers had a case to answer for gross misconduct and in 11 of them the officer had a case to answer with respect to the use of a Taser." So there are a lot of questions. If one goes through that report there are many concerns that we have not looked at in the Island even when we did the Scrutiny report back a year ago. Now, the Minister also says that it is like taxi licences, should we be reviewing these all the time? There is a big difference between tasing someone and a licence for a taxi. The other point I would make, because I am not going to spend long on this, it is just that I do fully support the amendment and do feel that because of certainly COVID and the lack of crime as we would generally know it, that we should allow an extended time. For example, the latest police report says: "There was no crime whatsoever on certain days during the pandemic, a first for Jersey." So it did not happen once, it did not happen twice, I think it happened 3 or 4 times, so the level of activity during the pandemic and various lockdowns does not give you a proper basis on which to judge the trial. I fully endorse what Deputy Ward is saying, we should let it roll on a little bit longer. It may not be for this Assembly to look at but the next Assembly will have the data and they can say: "Yes, carry on." So the additional concerns I have mentioned and the additional concerns that are afforded in the independent police complaints report should also be looked at. I will leave it there.

### **The Connétable of St. Ouen:**

Before I start, I have to declare an interest in that my son-in-law is a current serving police officer. I am not sure whether that makes any difference in what I am going to say but I just want to get that on the record.

### **The Bailiff:**

Well, it is not a conflict for the purposes of ...

### **9.2.4 The Connétable of St. Ouen:**

I want to rise and support the Minister on this. As somebody who has served on the front line as an Honorary Police officer your options, frankly, facing somebody who draws a knife on you and comes at you are (a) pretty limited and (b) you are required to act fairly fast. If you do not have Taser as a

serving States police officer you only have 2 options left: you can either use your ASP which is a bit like a modern version of a truncheon or you can use the PAVA spray and neither of those 2 methods are desperately effective and both involve close contact which, as you can imagine, with somebody with a large carving knife who could well be either drunk or fuelled on drugs, it is not a particularly favourable option. Taser takes away, in my mind, a huge level of risk that our brave front line officers take on a daily basis. Yes, they do not face it very often in Jersey but nevertheless when they do face it, it is a life-threatening situation, not just for them but, as the Minister for Home Affairs has outlined, it can be a life-threatening option for those people who are intent on self-harm. There is no doubt that a Taser instantly immobilises people who could possibly cut their throat with a knife or stab themselves or indeed harm somebody else around them. So, in my mind the use of a Taser should be a given, frankly. All police officers who have been trained appropriately should have the option of using those. There is no doubt that it has saved lives in Jersey and it will continue to save lives, and I would fully endorse police officers who have had the appropriate level of training, and that is a very important phrase. Those of us who joined the Assembly in 2018 attended a course up at the T.A. (Territorial Army) Headquarters where we were taken through a fairly detailed analysis of the training that is available to officers. It is very detailed and it is very precise and officers are left in no doubt (a) they have a trigger point when they can draw and dot somebody with a Taser and (b) they can also have a further trigger point when they need to fire that Taser. They are also required to record that interaction on bodycam so the evidence is there for after the event. I believe there are a lot of safeguards already, we have had a fairly extensive trial and there are quite a lot of detailed interactions in that trial. I think now is the time to make a decision and allow police officers to have that level of safety protection. If I can just turn to the Children's Commissioner's comments about under-18s. Yes, of course police officers do not like drawing Tasers on young children and I am sure that when they have done so, either the child's life, their life or both lives are at threat. All I would say to the Children's Commissioner is if she is any doubt about why it happens, she probably should go out on a patrol and see where it is used in action, then she perhaps might understand why that happened. So, in short, I will be not supporting the amendment but supporting the Minister's proposition. I think just turning to COVID conditions, we just need to reflect that there were periods in COVID where we had gangs of youths gathering on beaches and in public places and those situations got quite violent. I know that because my Honorary Police had to go and deal with those instances. I am not saying they necessarily used a Taser at them but COVID was unusual in that respect. We did have gatherings of people where public order offences were committed. Also, we need to remember that mental health was a big priority during COVID and I am certainly aware that there were a number of suicide attempts that took place in that time. I think that is all I have got to say on this and I will be supporting the Minister but not supporting the amendment.

#### **9.2.5 The Connétable of St. John:**

I do support the use of these devices but I do think that we should support the amendment. The amendment is not to stop the use, it is about gathering more data. The Minister said he was not opposed to the amendment; I would encourage him to accept it. The Minister also spoke about risk. Well with risk you have treatments: how do you mitigate the risk? I believe that this amendment is a treatment to reduce the risk to build further evidence given the trial, as the Connétable of St. Ouen has just explained, was in COVID. The Children's Commissioner has not said that these devices should not be used against children, she has said: "They should only be used in extreme situations

when it is considered proportionate, lawful, accountable and absolutely necessary as per the Human Rights Act 1998 and the College of Policing guidance.”

[15:30]

They go on to say: “For example, in situations where an officer has reason to believe they may have to protect the public themselves and/or the child or young person from serious violence or threats of serious violence.” Importantly, they go on to say: “In such situations the officer should seek approval from a senior officer” and I think the amendment should be supported for us to gather that data. That would enable officers to continue their work. I am fully aware that people’s lives have been saved by these devices and I would encourage Members to support the amendment that does not stop the use of Tasers but gets further evidence.

### **9.2.6 Deputy S.M. Wickenden:**

I think we need to remember that there have been 2 stabbings this year which is unheard of in this Island and one of them was on a very young person by very young people. Energy direction devices happen at a distance. The other alternatives such as truncheons, when you go to a truncheon method you are in close proximity and it can create a broil because the other person will feel like they are being attacked in a fight and they will fight back. Tasers can de-escalate aggressive situations in a much better way but this seems all about trust. Do we trust our police with their training, with their knowledge to choose situations better than we would? Do we trust ourselves with the use of these devices and the knowledge that we have had over the years of being States Members or just in public? Do we trust that we are confident enough to make this decision ourselves or if you do not trust that you can make this decision yourself and you feel that it is up to somebody else to make the decision, this is what it feels like? Do we trust the police, do you trust yourself, do you trust the next Assembly to make the right decision? These devices, as very well said by the Constable of St. John, are a good tool in the toolkit and they save lives, whether it is through saving somebody from personal harm or saving somebody being aggressive to others. I personally feel that the police officers that we have are trained, they are sensible and they are not going to be using these devices inappropriately. There are always body cameras being worn when they are deployed, there is always evidence and it is always reviewed to make sure that there is no inappropriate use of these energy-pointing devices. I trust myself that I have the confidence in that to make that decision today and I do not need further information because I feel that these devices have been used so far and we have not seen any incorrect use so far, there have been no big headlines, so they are being used appropriately. COVID, though we had lockdown, we told people not to go on the streets, and it was a lovely time when there were no cars on the roads and it was quiet and everyone was cycling down country lanes for their little break out of COVID. It was wonderful but it did also create lots of other areas of challenge with inappropriate behaviour at the same time. I am not going to support this amendment, I am going to trust our police officers and support them in the hard work they do on the front line for us every day. I would ask Members to cite: how is your trust when you are voting on this?

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

I would just like to ask Members to step outside of our comfortable seats and put ourselves in the shoes of a young, perhaps not fully experienced, but young police officer facing a dangerous situation on their own with their buddy perhaps 5 or 10 minutes away to help them and say: “Would you not



wish to have in your armoury all of the tools that you need to do the job, to do the job in a way in which you can save lives and protect the public and protect yourself?” So, I would ask Members not to support the amendment but to support the Minister and let us give the trusted States police officers the tools that they need to do the job and put our trust and our faith in them. Thank you, I will finish with that.

#### **9.2.8 Senator S.Y. Mézec:**

I thought that was an astounding contribution there. I would never want to see any of our police officers in a situation where they find themselves on their own facing a potentially dangerous situation. In fact, if officers are going to find themselves in those situations, we have to understand the reasons why they may end up there in the first place, all forms of support that officers can be given, and bear in mind the impact that this may have in extremely tricky situations where vulnerable people may end up having these used against them. Let us not sanitise what the use of a Taser is. It is about pointing a weapon at somebody, shooting at them and electrocuting them. That is objectively not a good thing for any human being to either have to do on somebody else or to have done on them but it may well be in some circumstances the least-worst option. That is why it is an option and there are alternatives that of course would be much worse. What this amendment is trying to do is to extend the trial for a bit longer so we can understand better in Jersey how these situations may arise and what other considerations we may need to make to ensure that when they are used it is not simply as an easy option but as a last resort because everything beforehand that is possible to be done has been done to protect those who may have this used against them, to protect bystanders and of course to protect police officers. There are human rights implications for force being used on human beings. The Children’s Commissioner has very helpfully provided guidance on the use on children of these and just imagine what impact that can have on particularly young people, whether they may be facing a mental health crisis that they have not had adequate support for up until then or trauma it may cause them to go through a situation like that. None of this stuff is ideal and that is why it is helpful to have greater access to data because Jersey’s situation is not the same as a local authority area in the U.K. We have our own situations here, our own culture, our own areas and differences between town and country and all the rest of it that need to be understood, and to understand the impact that some of the lack of support that other public services can provide that can end up leaving people unsupported where they can end up in these situations. So, of course it is absolutely right to have a conversation about what options police officers will have at their disposal so that they can deal with situations when they arise in the most proportionate and safe way for everyone involved. But when it comes to a Taser, it is fundamentally about shooting someone with a weapon and electrocuting them and that is a serious thing for anyone to be asked to do and that is why it must be treated seriously. What the Scrutiny Panel is asking here, for more time to gather data, examine those situations when they arise, what other things we may need to think about as well is perfectly reasonable, and I am more than happy to support the panel on that basis.

#### **9.2.9 Senator T.A. Vallois:**

I think this debate is very important in terms of the tone that we apply when we are discussing what we mean and what we expect with regards to the use of Tasers. I am a member of the Scrutiny Panel and, having looked at the information and the data that has been provided, recognise all the arguments that have already been made within this debate so far. I think what I would like to add to the debate and try to assist Members in determining how they support or do not support this amendment, is the

fact that we are Jersey, there is a psychological aspect to the way that we utilise tools within our armoury to enable humans to live together and to conduct our everyday being together. I know that there are instances where police officers would rather not be in those predicaments that they face, but they are, and I respect them, I think they should be commended for the work that they do. But we are Jersey, we are a small jurisdiction and we do not have the likes of an Independent Office for Police Conduct like they do have in the U.K. which has the ability to report on the likes of use of Tasers and other armoury, like other Members that have spoken with regards to whether that is truncheons, although I am not sure that they are regularly used, but it would be interesting to know also the use of those types of tools in order to secure the security of our wider population. The purpose for having this amendment, and I think it is a relatively good argument, when we talk about risk management and we talk about expectations and we talk about that we live in an Island which is relatively secure, I recognise the arguments that have been made about seeing more knife crime recently. I also want to make sure that the people we employ as police officers are safe and able to utilise the tools we give them in an effective manner. But we have to balance that off with how that happens in terms of the expectations of those people that are creating those types of crimes in terms of what they would expect to have at their hand to defend themselves. So, I think it is reasonable, and I use the argument of reasonable with regards to this debate around the data that is obtained, because we have had a pandemic and it is a very different scenario to what you would see in a normal everyday scenario that we have seen. To refer to the likes of taxi driver data and, I have to say, listening to some of the arguments from those of the Executive side when it refers to data, it is okay not to have sufficient data to bring in this type of proposition but yet we cannot have sufficient data for some form of population policy or having certain important reports produced. There is an argument about relationship risk management and I think maybe what will come out of this work and the way that we move forward with regards to Tasers in the Island of Jersey will be considering the utilisation of whether that is Tasers, truncheons, whatever it is that is in the tools of the police of Jersey to ensure a safe community that we live in, is that there is a balance of risk that is applied but recognising that in other jurisdictions whereby there are a number of communities that are affected. In the U.K., for example, there are particular concerns around communities that are of the black community or whether they are of a diverse community that we are not recognising, that are more attuned to receiving that kind of conduct from police officers. That is why I go back to the psychological aspect of this, is that we are a small jurisdiction, we are relatively a very safe community compared to many other jurisdictions in the world and we should be applauding that and recognising that. But what will the psychological effect be in turning around and saying that having a Taser is really important in a majority of circumstances, particularly with regards to mental health, which is what the Independent Office for Police Conduct report refers to, is where there are many, many individuals that have been tasered due to mental health issues and what altering effects that will have on their ability to come back into the community that they live in and serve. So I think it is important that we recognise all those arguments and having that data and that information we are bearing on that bridge of a new election for Members to be able to observe that information and determine whether it is appropriate for Jersey.

[15:45]

I emphasise the “appropriate for Jersey” because we have to recognise the security that we live in, which is highly commended, and I honestly do give my congratulations to all the organisations that support us as a community, whether that is the police, Honorary Police, whether it is the youth

services or schools that work to try to provide that good educational understanding of why we do not want to be in a position where we have to use Tasers. But we are having to decide how far we take this and I think the psychological ramifications in a small jurisdiction is very different to a huge jurisdiction where there are potentially less controls. So, for what it is worth, that is my contribution to this debate and I will be supporting the amendment because I think the data and information around how we move this forward is important about how we serve our community.

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

I think it is really important to point out that this amendment in no way hinders the police use of Taser. There is nothing in this amendment which makes it any more difficult for a police officer who is appropriately trained to use the Taser. What the amendment does is ask that the trial be continued so we have full information on how that Taser is used. I think there is one particular element of the statistics that have been provided from the department that makes me and brings me on to the side of we need to have this information, and that is particularly the use. A Taser was drawn twice with people under the age of 18 but we have no context around that. I think this needs to be set against the Children's Commissioner's view that the use of Tasers on children should be prohibited and if it is ever used it must only be in the most extreme situations. So, without having any context around why a Taser was drawn twice, not used, but drawn twice on those people under 18 years old, I think it is really important that this period of 18 months is used to get the information if it is drawn again, and hopefully not used again, having a full understanding of why a Taser is being used on people under the age of 18. I think it is also important to point out, as Taser becomes more normalised within the police force which is what is happening, then it will be used more often because more police officers will have a Taser and so it will become used more often, whether it is just drawn or used. So having that information I think it is absolutely right if we are to be a responsible Assembly. The police are in a position of authority and we are giving them a weapon in an Island which is not a weaponised Island. So, I think it is really important that we take the responsibility and say: "Here, have this weapon, it does help you. We appreciate that it helps you in your position of authority in helping to police the Island" but as a responsible Assembly and in order to help the Minister for Home Affairs we would like to have the information back over the next period of 18 months to help us see exactly how this is being used. Because otherwise I think we do come into that position of normalising it and seeing Taser used more and more often. There is a school of thought which suggests that Tasers are a very efficient policing tool, and that is something which is a bit concerning when you think about how that may be used to resolve situations. But for me the real crux of this is, it has been drawn twice on people under the age of 18, we have no deeper context to understanding that, it should not be used against children and therefore I think we should have this trial because, as I have said, it does in no way hinder the police in their use of Taser.

#### **9.2.11 The Connétable of St. Saviour:**

I will be supporting the Minister with this. My Honorary Police have had to have stab vests, body cameras because we live in a different world, and we cannot expect to send people out to look after us if we do not give them the equipment to deal with it. Sadly, we do live in a totally different world. Jersey was safe, it is still safe, but we have to look after it and we cannot take everything just for granted. There is some controversy about why it was used on 18 year-old children; 18 year-old is not a child and we do not know the circumstances for what it was used for and sometimes it is better than us. There has been a lot of violence in among the children themselves, among themselves, and

this is very sad. I just think the whole thing, we need to make sure that the people we are sending out to help us are safe. If you have to have a truncheon then you have to be really up close with somebody. If they have a machete or something like that it is going to be much bigger than the truncheon and they are going to get you before you even possibly can do anything to them. If it is used on people who have a medical or mental health problem people get up in arms, but how do you know that the person you are dealing with has a mental health problem? You do not. There are people arguing for human rights. Human rights are a 2-way street. It is for everybody, not just for one group of people. Human rights are for everyone. I will be supporting the Minister in this, because I would not like to send any of my officers out to deal with something and they did not have the right equipment.

#### **9.2.12 Connétable M. Troy of St. Clement:**

It has been one of the greatest privileges in my life to work in a hospitality business for more than 40 years. At the age of 20 I was registered as a licensee and I have spent most of my career at what I call the sharp end. I worked in hotels that did not just trade during the summer, that is the soft option, but were open all year round; hotels which hold functions and cater for enormous numbers of people. During this career, it is on record, that I have had 2 payments paid out for injury compensation for assault with deadly weapons. There were no police around at the time. All I had was my armament, which is my silver tongue. Had the first police officer arrived on their own, I would still have let out a sigh of relief. It does not matter to the public whether one police officer or 2 came along, the fact is that they are there and they are willing to step in at a moment's notice where there are problems. The first one there is the first one that picks up the scene and decides what is going to happen. The spontaneity of working in front line policing, hospitality, and licensee business is split second. You cannot think about: "Is this guy 18? Has he got a mental illness? Are his parents around?" I will tell you that on the last occasion I was assaulted there ended up being 6 police on the scene and the gentleman in question, who I cannot name and I would not name anyway, was 17. Let me tell you, a 17 year-old with a lot of drink inside him, which we did not serve him by the way, carries the same punch as a 35 year-old twice the size. Again, this was a spontaneous situation. I have no doubt that police need to work with the tools they are given. I wish I had had a Taser in my holster, just so somebody might look at it and think: "This character might use that." I should emphasise that these Tasers are there as protection. The mere sight of them puts the public off from their next important decision, which is their decision, not a human rights situation. They are either going to do it or they are not. If they see a Taser they are likely not to. We have to point to the situation that Tasers are there but very seldom drawn. They are drawn in circumstances where there is acute danger, either to the person or the aggressor, who may or may not have mental health, who may or may not be under 18, who may or may not be male or female. It is a spontaneous, split-second situation. It could be an aggressor of bulky size, armed with a knife, a broken wine bottle, or what-have-you, but these are split-second decisions. I also have no doubt that given COVID-19 we have to argue the counterargument for these statistics. Life with COVID-19 has been quieter. If you extrapolate the statistics through the COVID-19 period and you end up coming into real time, you will end up with the same ratios of drawing Tasers as using them; same ratios in mental health, same ratios of under 18. What you will find out is we will probably have double the number because we are now in busier times. I have to say, I will not be voting for the amendment because I do not think it is necessary. I believe that the States of Jersey Police have a rolling statistic going on that every time a Taser is drawn there will be a report and counter-report, there will be witness statements, et cetera. In all my

dealings in licensing and hospitality, I have never called into question what the States of Jersey Police have done for us. Apart from the incidents I have related to you, there are many others and many others that have affected our staff in various roles and responsibilities and across the industry which I have grown to love.

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

I came into this proposition and amendment debate with an open mind. I really wanted to hear from both proposers and will continue to listen. I have to rise, because it will not be a surprise to Members that the talk about mental health and the use of Tasers on them is beginning to trouble me somewhat. It is ironic that our Scrutiny Panel right now are picking up our mental health review that we did in 2018 and a follow-up review to see where we are after we put forward that review and the Minister accepted where we are and, obviously, the impact of COVID-19. Only yesterday we had a meeting, as part of that review, with the chief of police. I can see from the amendment proposal that the chair alluded to where the chief of police is quoted: “In one way where we might see a reduction in terms of the night-time economy and alcohol-related violence and whatsoever reducing, I am confident that we will see more incidents related to people who are suffering from a mental crisis.” So, therefore let us have Tasers. No, that is not what he is specifically saying, but in the same breath we are gathering data which is publicly available, and I do not want to pre-empt our review, but they are also requesting full funding for a 24/7 triage, community officers and helpline. That does not seem to be urgently coming forward in a proposal to get the required funding to support the officers and the feedback that they are dealing with more mental health crisis. Anybody who has ever seen anybody experiencing a mental health crisis might not know what the officer is dealing with. It could be a gun, it could not. Has anybody ever seen somebody at that point? It is terrifying for the person who is going through a mental health crisis. It is not a criminal offence. Obviously, the protection of lives and people around them is. Obviously, the lives of the people who attend are very important. It is just a shame, I think where I would have supported the Minister wholeheartedly, alongside this argument is the funding required that seemingly is being cried out for, that the police are dealing with more and more mental health crisis. Why is the funding now coming forward as a matter of urgency alongside that, to prevent the measures that are being requested? I am fully supportive of the use of Tasers. I believe that policing has evolved. Sadly, the Island has seen the uptake of certain criminal acts, such as domestic violence, where if it saves people, especially the officers, in proportion, then we must trust our police force. We do and we want them to do the best for all of us. I had to rise in this situation, because equally by tasing somebody for safety in the middle of a mental health crisis will guarantee that is not the end of their mental health crisis. Equally, at the same time, we are hearing that the delay of the place of safety, which I alluded to earlier today, the delays of being assessed at the hospital ... the chief of police referred to it today in his report, repeat cases, for argument’s sake, of people who are coming back because they are having another mental health crisis. That is not good enough for an Island. We should be doing better. That is why for the last 4 years I will not shut up about mental health services. It is not good enough that we are talking about Tasers being used to de-escalate somebody who has decided their only course of action is that mental health crisis.

[16:00]

**9.2.14 Deputy G.P. Southern:**

I rise to speak in favour of the amendment for the following reasons. What we are talking about is a Taser, which is a weapon, whose use will increase with time, as people get used to it. I need to be certain, as certain as I can, that a Taser is being used appropriately and safely in the circumstances in which it is used; whether that be drawn or used. I need the extra confidence. The numbers so far have been very low. I would like further information to be confident that I can vote for the use of Tasers on this Island.

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

I, like several others in the Chamber, have had Honorary Police experience and some States of Jersey Police experience in dealing with what can only be described as a subculture, which I am sure most States Members will not have had to deal with in their lives. The influence of drugs and drink makes people very unpredictable and, as previous speakers have alluded to, the fact that things kick off exceedingly quickly. While in an ideal world all police crews would be double-crewed, the reality is that they are not. Most Honorary Police tend to be, but we do see States Police, through limited resource, having to go out on their own. While back-up will come quickly, there is that period of time where the police officer would be extremely vulnerable. I attended the demonstration almost 2 years ago at Fort Regent. That, I have to say, swung me in favour of the use of Tasers. Seeing a police officer being confronted by an individual of questionable mental stability with a knife have to make some very, very quick decisions. I feel that a use of a Taser would save everybody in that particular situation. We spoke earlier of the ability of officers to use truncheons. Yes, they can in close quarters, but the result of damage from the truncheon is greater than that of a Taser. We heard of human rights being spoken of earlier, surely the multitude of the population have the human right to be protected by our police force. They do an excellent job of protecting us. Training is, of course, essential. As has been explained in the documentation, training will be in place if Tasers are approved. I do not think any police officer will be using the Taser indiscriminately. There will be a reporting process, through which they will have to go in order to use it. I am fully confident our police force will be able to do that. With regard to data, we have laboured that point. I believe we have sufficient data. This is just an excuse to put off this day yet further. I respect the amount of work the Scrutiny Panel has done on this and there is nothing wrong with that. However, we have come to the point where we have to give approval and support our police force. At this point, I cannot support the amendment.

**9.2.16 Connétable J. Le Bailly of St. Mary:**

Not so long ago the committee had a meeting with the States chief officer. The States chief officer insists that he needs a Taser in order to do his work really efficiently. At the moment the police are armed with PAVA spray and they have an ASP baton, which is an extending metal baton. If you are hit around the head with it, it will give you more than a headache. It will take more than an aspirin to fix it. A Taser is a deterrent tool. Anybody who sees a police officer with a Taser on them will normally go a lot quieter. The first line of defence for any police officer is to talk the situation down. Sometimes they do not have time for that, so they need an immediate response. If they can talk an offender down, it will normally be solved at that instant. That does not work with every case. Sometimes a deterrent has to be used. As soon as the officer pulls the Taser and puts a red dot on

somebody they know that the next position is going to be quite severe. It is less severe than having a baton wrapped around your head and it does give you the chance to surrender. A lot is applied with mental health, not everybody that gets arrested has a problem with mental health. It is very often used as an excuse. I would like to see our officers armed with a Taser, because it does give that deterrent. It does not mean to say they have to use them. When you got to Europe, every police officer is armed. They never do any shootings. Very often they do not take their gun out of its holster for the whole of their career. Why should we be worried about a Taser? This has been well tested in the U.K. over many years. How many more years are we going to go down the road of giving a review from people who know nothing about it.

**The Bailiff:**

Point of clarification from the previous speaker, yes. Do you give way for a point of clarification?

**The Connétable of St. Brelade:**

Would the Connétable clarify that he understands that police officers in Jersey do have Tasers today and they are able to use them today, Sir?

**The Connétable of St. Mary:**

Yes, Sir, I do realise that now, but at the moment they are only issued to firearms officers.

**The Connétable of St. Brelade:**

Would he clarify that is not correct, Sir?

**The Bailiff:**

No. The Constable has expressed his view. He has clarified what he understands the position to be. If you think it is a different position, well, there we are. Yes, Deputy, is it a point of clarification?

**9.2.17 Deputy M. Tadier:**

No, not clarification, but I suppose I can clarify my understanding following that speech. Whether or not we accept Deputy Ward and indeed the Scrutiny Panel's amendment now or we do not and we accept what the Minister is proposing, police officers on the ground, so to speak, will have Tasers. That is still within their armoury of choice of weaponry, if you can call it that, as to what is most appropriate to use in any given circumstances. With regard to the concerns the Constable of St. Mary raises about making sure that the police force is adequately equipped, he does not need to worry about that either way. To get back to what we are debating, is that Deputy Ward's panel, as I have read it, is saying we want the trial to continue, because we need to make sure that there is better quality data available to know where the pinch points are: to find out who should use them, whether the current model is absolutely correct, whether it needs tweaking, whether there are instances where the response could be different. How many instances in the future will we see a Taser being deployed but not used? How many occasions will we see it being used? How many of those occasions will it be used on a minor or on somebody with mental health issues? How many times has it been effective? This is really positive data, to know what those cases are where it has prevented an escalation of violence. It is really difficult to do that when you have a small sample of data. I also understand that because we have been through the pandemic, it has not been a typical period on which to base those studies. I do come back to the point that whatever one's personal opinion on Tasers is, and I think we would all prefer to live in a society where we did not need Tasers, the point is we need to make

sure that we are justifying a small community, which is very used to policing by consent, and we do not have the vast problems that the U.K. and other places do, partly due to our small population size and also because of the other various social factors, it is really important that we justify new uses and new practices to the public. It has to be said that when this first came in there were concerns raised. I remember the former Deputy of St. Martin, Bob Hill, who did have policing experience, talking about policing by consent. He was not one who said: "Absolutely, no, we should not have these things available to the police force. It is about justifying them." He very much talked about that idea of policing by consent. The more data we have, and remember we are debating this in a context of where we have made massive plans for this Island without census data, yet we have an Island Plan and we are making changes to our income support and our benefit system without having the latest data from the income distribution survey. This would allow us to have some real good data to look at with regard to Tasers and make those decisions in the future about what the next steps are. Tasers are going to be here for the next year whatever happens. It just so happens that the Scrutiny Panel's amendment gives me more peace of mind than just moving straight to a trial. I will not be giving way to a point of clarification, but I believe the Minister wants to speak anyway.

**9.2.18 Deputy R.E. Huelin of St. Peter:**

We have all agreed, sadly, in our society, Tasers are necessary. What we are debating today is when we give certainty to the police force, so that they can go forward and invest in the knowledge that that money, our money, the people of Jersey's money, will be used sensibly. That is one point that the Minister came up with. The only reason I am speaking is that has not been covered by anybody else within these speeches. I believe the police can have the certainty to invest in the technology, which I believe is not a trivial amount of money. I seem to remember it was many thousands of pounds, when I went to the briefing at the T.A. Centre, but that that was a couple of years ago, but more importantly to invest in the people to ensure that they are totally au fait and competent to use this technology. At the moment the only people who allowed to use the Tasers also have to have a gun licence. That is the differentiator. Shaking heads. I am going back 2 years on this and my memory is a bit old. All I am saying is: let us allow the police to go ahead invest and do it properly and do it immediately and not kick the can down the road again.

**The Bailiff:**

Does any other Member wish to speak on the amendment? No other Member wishes to speak on the amendment. Then I close the debate and call upon Deputy Ward to respond.

**9.2.19 Deputy R.J. Ward:**

Thanks for contributions. I really need to make something really clear. I, please, urge Members to listen really carefully to this point, because there has been a slight misconception in the interpretation of this amendment. I feel like I am going to track back to an old profession and say: please sit up straight and listen to what I am saying to you. It is such an important point in this debate. Deputy Morel made a very key point and a couple of others did too. This is not about saying you cannot use Tasers. Tasers are already being used. It is for officers that go through the training for them. Previously it was for firearms officers only. The last time we debated this, we agreed to the trial and it then moved to any officers who have had the Taser training. That already exists and it has been happening. That is where the data for this came from. I am afraid that the arguments that have been put forward by a number of Members, about whether or not we use Tasers, is not an argument for



this amendment. This amendment is about saying we recognise Tasers are being used in Jersey. We recognise there will be an extension to that use in Jersey, because that is what the police want.

[16:15]

We are saying, as we are moving towards more normal times, beyond COVID-19 and because of that extension in use of Tasers, which means there likely will be more incidents, we should extend the trial for 12 months and report back to the Assembly before the very final go-ahead, where we say: “Off you go with Tasers” or, if they are proved to be wrong ... the other issue is, if the data comes back to say they are an absolute disaster for Jersey, I have every confidence that the chief of police and the police will say: “We do not want to use them.” The police want to do the right thing. This is about that trial being extended to give data to the next Assembly to make that final decision rich with data, rich with information about the use of Tasers and the use of Tasers in particular with those who are under 18, those who have a mental health crisis and those different cultures that exist together on this Island. I will just re-emphasise that again this is not about saying: “Do not have Tasers.” There is an argument being made here and a position being put to the Assembly, which I am afraid is unfair, unreal, unrealistic, or inconsistent. That is this notion that if you vote for this amendment you are against the police being protected, you are against the police having Tasers, or you are against the police being able to do their job. I think you could not be further from the truth. The way I interpret this and the way the panel interprets this amendment is to say, we are providing the police with more opportunity over the next year and then 6 months after to report back to the Assembly to say how have you been using them? Where has it been “successful”? How much better have we got at using them? Are there particular groups within our society that the data, when you look at it, says we are using them disproportionately against? If so, let us look at why. If you are going to police you have to be able to do that. Policing is not about that old ... I do not know. There seems to be some concept that policing is about the Sweeney. I am going back a few years there. It is not. Modern policing is complex and detailed. Police are not only enforcing, but are trying to prevent, understand, treat, deal with, and counsel. It is a very, very difficult job. I absolutely recognise it. I do know police officers. I know the work that they do. I want to make sure that people are not voting on the premise that this is about stopping Tasers. That is very important, because you would simply be voting for the wrong thing. I do not think that is a true representation of our constituency if we vote on the wrong thing. I hope I have explained that. Deputy Guida, the panel have had a good relationship with the Minister for Home Affairs and we have had really good interactions. In terms of operational independence, I believe the States of Jersey Police do have operational independence. What this does though is it does mean that a big decision for our Island and the nature of policing, including Tasers, which are weapons, must be agreed by this Assembly. I believe that is the right thing to do. The operation of that and the use of that is a police matter. However, the outcomes of that use in our society is a matter for us, because that is what we are here to do, represent people in this society. Yes, the training is expensive. However, it is a circular argument to say that because the training is expensive once we have done it we keep it. We could train in something that is a complete and utter waste of money, but you do not just keep doing it, you have to take a hit and say: “That was a waste of money.” In education, I certainly know that has happened a lot. There you go. That argument is a slightly strange one. Deputy Higgins had wider concerns. I do understand those wider concerns about other police forces. We have to look at our own police force openly and be prepared to take the bad with the good and say: “Look, that is not working. We have to do something about it.” Constable of St. Ouen, again, it is not about the Taser not being available. The Constable

of St. John, you are correct. You have it there. You have it. The treatment analogy was very good. Regards the use of Taser on children, of course that is not something we want to see. I would say that anyone under 18 is classified as a child. I would not have wanted a Taser when I was a teacher. I would probably have needed a spare battery at times, but that is not the right thing. That is not the right thing to do here. One of the things about dealing with young people is it takes time and patience and energy and we recognise that, absolutely. Deputy Wickenden, again, this argument about trust; I will not say I find it offensive, I find it slightly wrong that the panel is considered as not having trust in the police, because we are saying to the police: "Please extend your trial so that you have more information about how Tasers are being used in different circumstances, which groups it is working on, et cetera, so that when you come back to the Assembly you will have greater support from the Assembly." That is not about not trusting our police force. I have the same trust as anyone else in the police, because if anything goes wrong I want the police to turn up and look after me too. That is why I am quite happy to pay my taxes that go towards the services that we have. The Constable of Trinity raised the issues with regards to somebody very inexperienced being on their own. One of the concerns the panel has is do Tasers make it more likely that individuals will patrol alone, particularly inexperienced individuals? The simple answer from a Scrutiny point of view is we do not know. Therefore, let us extend the trial and find out. I do not think that is something that is wanted by the police. If it happens, there is your information to say: "Okay, this is something we can expect to happen. We do not want it to." I will go quickly because I am using up everyone's time. It was a very good debate and it is important that we cover people's views. Deputy Pamplin, you are quite right regarding mental health. I will say to the Constable of St. Mary, I cannot agree with you that mental health is used as an excuse. I am afraid I cannot agree with you on that one. I do not see that as the case in the mental health crisis where the police are involved. They are very serious situations. Deputy Pamplin made a very good point. The funding for other types of support is key. That leads to something that Deputy Tadier said about "adequately equipped". I would ask all Members of this Assembly to think about what you mean with "adequately equipped". Yes, giving a Taser gives another piece of equipment that can, in a really serious situation, immobilise somebody. The other equipment our police are needing is enough staff so they are not on lone patrol, enough training so they are right up to date with the training that they need to deal with the public, and they also need equipment, which is health professionals and the backing of health professionals as they deal with these situations. I am afraid we cannot substitute Taser for any of those. If that is what anyone is thinking in here, I am afraid that is wrong. It will not work. You cannot substitute those things. When he is talking about adequately equipped, Deputy Tadier says a number of things. Deputy of St. Peter, what you have done there is you have pre-empted the outcome of any trial by saying we have all decided Tasers are needed. There is a groundswell of people saying: "Look, it is a piece of equipment that will protect police." The majority of people would say: "We hope that is the case." However, the certainty of their use in Jersey over time with our population is not certain. This will give the information that may be needed for an Assembly to choose that. Therefore, I would urge Members very strongly to back the amendment because it does not stop the deployment of Tasers. All it does is extend the information we get into a wider context of normality, which we desperately hope we are going back to, both in the hospitality sector and the Saturday nights out, and in homes and in domestic violence situations, et cetera, so that we can gather that information and be certain when we come back to this Assembly to say that the Taser is having this effect on our policing. This is the evidence that we have gathered over a long time and this is why the Minister for Home

Affairs, in the future, whoever that may be, can come back and give a valid argument. The panel believes that this extension is a valuable and useful thing for this Assembly to do. Therefore, I urge Members to support the amendment with everything that I have said with regards to the arguments that have been made. I ask for the *appel*, Sir.

**The Bailiff:**

Thank you very much. The *appel* is called for. In a moment the Greffier will open the voting. The vote is open. I ask Members to cast their vote. Those joining us on Teams are reminded they should indicate their votes in the chat. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been defeated.

<b>POUR: 15</b>		<b>CONTRE: 29</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator S.C. Ferguson		
Connétable of St. John		Senator J.A.N. Le Fondré		
Deputy G.P. Southern (H)		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Saviour		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy J.M. Maçon (S)		Connétable of Grouville		
Deputy K.F. Morel (L)		Connétable of Trinity		
Deputy of St. John		Connétable of St. Peter		
Deputy S.M. Ahier (H)		Connétable of St. Mary		
Deputy J.H. Perchard (S)		Connétable of St. Ouen		
Deputy R.J. Ward (H)		Connétable of St. Martin		
Deputy C.S. Alves (H)		Connétable of St. Clement		
Deputy K.G. Pamplin (S)		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		

### **9.3 Authorisation of Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police (P.117/2021) - resumption**

#### **The Bailiff:**

Very well, we now resume a debate on the main proposition. Does any Member wish to speak on the main proposition?

#### **9.3.1 Deputy M. Tadier:**

We may as well have some debate on Tasers, we would not want people to think we are not a democratic Chamber and we do not think that these issues are a fine balance. I performed some of the original scrutiny on Tasers with the Scrutiny Panel I was on in the last Assembly. For me, it was a balanced judgment. I heard the arguments that were made at the introduction and it was very much presented to us. It was back in Senator Le Marquand's time, when he was at Home Affairs. It was sold to us - I use that word advisedly - on the basis: "Look, do not worry, because this is only going to be for a very select amount of officers. It is not going to be given right across the board. There is going to be a lot of protocol around it. Even when it is drawn, there is going to be a lot of paperwork that is going to need to be filled in. It is going to all be recorded. It is going to be something that is not going to be done routinely. It is only going to be given to firearms officers. It is a less lethal option." It is not less than lethal, it can be lethal, but it is less lethal than a firearm. That is how it was presented. We were warned back then about the idea of mission creep. We all know what mission creep is. It is the idea that it becomes normalised. For me, when I looked at it on balance, I had to make the decision. I know some of the theoretical and practical arguments that were put forward about ideal world usage, et cetera, but we know that policing on the ground is very different. It is interesting what Deputy Ward said. I am not saying that teachers and police are in any way the same. I am sure there are teachers who have gone into policing and police officers who have thought: "I have had enough of this" and have gone into teaching. I would be interested to know which one is the better way round to do it. Maybe there are some careers after politics for any of us if we need that. I can imagine the thoughts of somebody who had a Taser in a teaching context and they lost their cool and they thought: "Okay, I would love to Taser that student into submission, so he or she pays some attention." Clearly, we will not mention starting pistols, because they can only be used moderately in certain schools.

[16:30]

It comes down to the point: what are the outlying scenarios? What are the scenarios that we read in the national papers where somebody has been Tasered who has mental health issues or who has been misunderstood and have got themselves into a situation? People do die from them. You get innocent people dying. Remember you are innocent until proven guilty. My concern is also: do we know what the statistics in Jersey are for unlawful arrest? There are no doubt examples of unlawful arrest in Jersey, as there are anywhere else in the civilised world. If somebody wants to protest to an officer when they think they are being arrested unlawfully, does the presence of a Taser sitting there... it has already been said in this Assembly, if they have a Taser on them, they are much more likely to come quietly. However, if you have not done anything wrong, is it not right to challenge the officer and say: "What am I being arrested for? Is there an issue here, officer?" Instead: "I do not want to go down that road, I better come quietly." For me, these are questions of balance. Being the only person

in the Assembly who voted against Tasers, I might be wrong. I can see the way this is going. We have a normalisation of the militarisation of the police in a small Island. It is a small Island which policing traditionally has been done by consent. If Tasers are so good, are we going to give them to the Honorary Police? I look at the 12 Parish Constables here. Do we want to issue our Honorary Police, centeniers, whatever rank, with Tasers? If they are good enough for the paid police, are they not good enough for our Honorary Police? Maybe it will start off in town, should they not have Tasers with them? Why not? They are accompanying and doing a lot of the same work that the paid police force are doing. Are we going to see routine traffic checks where you have a Taser on you just in case there is an altercation and somebody gets pulled over for speeding through St. Mary Village or St. John at Sion or for going over the speed bump at La Moye School too fast? They will not go over the speed bump at La Moye School too fast, because their car will not take it. Is this what we are going to see? Are we going to see an Island where it is like Robocop? The message on the one hand is to say: "Yes, Jersey, we want to make sure our officers are well-equipped, so if they go and work somewhere else at least they have done the training." I do not have a problem with training police officers to use Tasers. We could train all of them. What I do have a problem with is the social contract that we have between citizen and the police force. We come in between that. We are here to say: "We appoint the police to do a certain kind of job and to have a certain kind of philosophy when they go out there." If, God forbid, this should ever be the case, somebody after a long day reaches for their Taser, because it is slightly easier and they think somebody is not coming quietly, as one Constable has said, and ask the questions later. Not on my watch. I do not want to be the one that is responsible in that scenario. I know you can say there will be scenarios where lives can be saved by Tasers. I am sure there are. I am very alarmed and I had to leave the Assembly as I felt sickened. That does not come to me easily, I have quite a good constitution when it comes to politics, but when I heard that Tasers had saved somebody or in more than one case they have prevented a suicide, what kind of world and Island do we live in where ... I just do not understand that context. That is why I voted for the amendment before. I want to know more about that situation. There is possibly a really good explanation for it. Okay, so somebody is threatening to kill themselves, I do not know in what context at all that is happening, a police officer comes along with a Taser. Do they withdraw the Taser? Do they take the Taser out and deploy it, point it at the person who is about to commit suicide? By the way, suicide is not a criminal offence, so this person is not doing anything legally wrong. When we get the police stopping people from doing crime, that is an issue. When the police are stopping from doing something that is not a crime, that in itself is problematic. Whose job is it? Should it not have been the health staff going there, accompanied by the police? I want to know more about this incident. I want to know more about these kind of incidents which it sounds like happened on one occasion, because when we do have a mental health ... I do think it is a crisis for some people. Mental health, when you are going through it as an individual, certainly is a crisis. We have definitely not tackled the issues around mental health in Jersey. When we are saying we will deploy police with Tasers to go and help vulnerable people from stopping the ultimate self-harm, but presumably other levels of self-harm, what is going on in our police force and in our Island if this is the response? I know the Minister has made some notes. I look forward to hearing his response. Incidentally, none of this should be taken as me saying that this is not support for the police. I support all of our public sector workers. You will find me out there from day one supporting any of our front line staff, whether they work at the hospital, where they are the police, they are teachers, when it comes to their quality of life and empowering them to

do their job effectively, free from any bullying listening to them on a day-to-day basis about what practically we can do to help them do their jobs across the sector. I will not have my position being misrepresented by any of the subsequent speakers on that. What I do care about is how they do their job and what kind of relationship they have with the people that we are here to represent across the board.

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

Listening to Deputy Tadier, I must say I agree with many of his points. In fact, he made some excellent points. Certainly mission creep is one that I do wonder. In fact, his comments regarding the Honorary Police, because I can imagine perhaps in the next Parliament a Constable coming to the States and asking for it to be extended to the Honorary Police, because the officers feel left out and they like all the best kit to, not only protect themselves, but also because it is there. I lived many years ago in Canada. In the Canadian Police there are different levels. I lived in London, Ontario. We had our own police force. We had the Ontario Provincial Police and we had, you could argue, the Federal Police, the Royal Canadian Mounted Police, all of whom were armed. One of the things that we noticed in London, Ontario, was that certain things that had happened when I was younger and police officers, yes, would detain people and arrest them, was the gradual change where police officers did not bother running after an offender, they would rather pull out their revolver and shoot them. We saw an increase in police shootings because officers resorted to firearms in situations whereas previously they had not. I must say, without data I am unhappy with the idea of agreeing to Tasers to be used by every police officer. Not every police officer is the same. They do not all have the same temperament. Some can be quite aggressive in the way they behave. Others will spend the time trying to negotiate with someone, but others will immediately go for the more aggressive stance. I am sure there are many Islanders who can attest to that. The other thing that Deputy Tadier said which rang a bell was the idea of unlawful arrest. I am aware of a number of unlawful arrests where charges were dropped in the Magistrate's Court, because the police officers did not know the law that they were supposed to be applying. I can understand people who feel aggrieved if they are being arrested for something which they have not done and any resistance, whether it is verbal or even a physical thing, a pulling away, could result in more aggressive tactics used against them. I am also concerned, because of the instances I know where an unlawful arrest has taken place, there were bystanders who were observing the police action. They were not saying anything, they were just standing and watching the incident unfold, the attitude and the way the officers were acting. They were threatened by the police officers concerned and verbally abused and told in no uncertain terms, and I will not use the term here, but it begins with F, to disappear and threatened with arrest themselves if they did not. I do not want to see our policing deteriorate in the same way that I saw policing deteriorate in London, Ontario. I am not saying ... who knows, maybe in a few years' time, if they feel that Tasers are not sufficient, we will be asked to arm the police. I hope never. It was the wrong decision in London and it would be the wrong decision here. I voted for the trial last time and I voted for the use of Tasers. I do believe there is perhaps a role for Tasers. I accept if I was a police officer in an extreme situation where someone was coming at me with a knife and I have a Taser I would use it. I would never fault a police officer for that. It is all the other instances where you are involved with young people and, dare I say it, people of a different colour or different mental capabilities. What about autistic people who do not always respond in the same way that other people respond? They have difficulty understanding cues, understanding what they are doing is wrong. I am concerned about these weapons being used in the wrong cases. I would like a further trial, but

the States have already rejected that. Because that trial has not been approved, I cannot support this proposition, so I shall be voting against it.

### **9.3.3 The Connétable of Trinity:**

I rise to assure the last 2 speakers that the Honorary Police in Trinity have no intention of asking for Tasers. I am sure that if they asked me for a Magnum handguns they could rely on the strapline: “Are you feeling lucky today, punk?”

### **9.3.4 Senator T.A. Vallois:**

Considering the responses that I have heard in the amendment and what I have heard so far with regards to the substantial proposition, I am supportive of having Tasers. However, my position is that Tasers are used as less often as needed. The question I have to ask is: considering the work, as part of the Scrutiny Panel I am on and as an independent Member, when I look at the independence of verification around data and information, whether the Minister would consider having a formal report, whether that is achieved through the Jersey Police Authority, whether that is achieved through the chief officer of the Jersey Police, or whether that is achieved through the Minister for Home Affairs himself, as to how the utilisation of ... not just Tasers, but in this particular context, Tasers are important. I refer back to my previous speech about the psychology around thinking that you are going to be commandeered with a weapon that you think is more severe than what it may be in terms of the circumstances you find yourself in. I would like the Minister to ... depending on how I am going to vote on this, because I recognise the importance of having Tasers in the world that we live in, but also recognise that we are a small jurisdiction that does not have the same kind of context in larger jurisdictions. When I look at the likes of our requisite jurisdiction, like the U.K., which we rely on for our training and expertise with regards to policing, and when you look at the independence of the Police Conduct Authority in the U.K., which we do not have in Jersey, and we are due to debate the Police Complaints Authority side of things, something we need to be made aware of is that we do not have the same kind of mechanisms like other jurisdictions. If the Minister could give me some form of reassurance around how data may be collected and may be published to reassure the public that we are not using them on an ad hoc basis in order to complete our requirement rather than trying to ensure we work with the likes of youth services and mental health services to enable a really good community that we live in at the present time.

[16:45]

The world is a very different place to what we lived in many years ago, but I would like that reassurance from the Minister about how we conduct our police or authority and how we do things in terms of the tools that we have to ensure that safe community that we have is shared with the wider public and that we know that we can work as a community to ensure that we are all safe and it is not just down to the police to put people in prison or put them forward for requirements of committing whatever offence that they have done. This is really important from a psychological perspective. Education is really important in terms of requirements of understanding our roles in society. I would like to hope that whatever happens going forward, how the Assembly vote on this particular proposition, as a small jurisdiction and with low crime, and an international reputation of being a safe community, that we can also provide that reassurance and support to the people we serve that it is not going to be Tasers as the first resort more so as a last resort, because we recognise the importance

of looking after our police officers, but looking after our wider community is also important at the same time.

#### **9.3.4 Deputy M.R. Le Hegarat:**

I never spoke in the previous debate, because I felt that Constable Troy put it all into perspective as to my thinking. I would like to make Members aware of something, we moved from a truncheon to an ASP, which was perceived at the time to look as if we were military. We moved from CS spray to pepper spray. I, in my past, have been responsible for commanding firearms officer operations. They can be quite challenging, particularly when you are sending officers into premises without knowing exactly what is going to be facing them. From my perspective, the Taser was a lesser option than the actual firearm. From my perspective, it is important that we have other options than just the firearm. Generally speaking, and I will accept that statistics will show, some people have potentially died as a result of Taser, but I would think that that is going to be significantly less than the more lethal option. We need to bring this back to the fact that the Taser is a different option to a firearm and that is why I believe that the States of Jersey Police asked for this in the original proposition. That was to give them more options to be able to work. I fully accept that we would all hope that police officers are not going to incidents single crewed, but let us get into reality, it is a fact that that is what happens. It happens today. It happened last week. It happened 10 years ago. People do work on their own and they need to have options. It can be very, very difficult. Everybody in this Assembly knows I can talk and I can talk quite well and I can talk to most people and I can try and do my best to talk anybody down from anything, but sometimes the options are limited and we have to do and take the final choice. Of course, at any stage, if you are trained in the Taser, you will be telling the person and you will be speaking to them and you will be explaining to them what is going to happen next if they do not do what you instruct them to do. Yes, I do agree that there are concerns in relation to mental health patients. We are sometimes in a scenario that we have to do something that we ordinarily would not want to do. I for one, if I was in that position, where I had to use a Taser in order to save somebody's life, because of what they might do to themselves, I would do exactly that.

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

Very briefly, I want to refer to my speech on the previous amendment that draws me to the letter from the Minister to myself as we were undergoing the review I was speaking to earlier, that we are very grateful for. I want to allude to his response where he talks about the issues of mental health services and the police dealing with mental health cases. I wanted to quote in here his response about the aspirations for: "A fully resourced triage team we are able to deploy as a pair should the aim following a suitable risk assessment coupled with a 24/7 helpline. This would mean that any police would only be required when absolutely necessary. This might be in regard to any risks that are linked to the individual. The police want to avoid putting officers on the ground unless absolutely necessary. We are not the professionals when someone is dealing with a mental health episode that needs to see the triage team assisting." All the things that he outlined to us, which the chief of police has echoed also, as I also alluded to earlier, that I fully accept the use of Tasers for the protection of police officers is the main judgment. But what will he do in his capacity before his term of office ends to push these things forward that have been requested, that are urgently needed so we can assess our police officers in dealing with these incidences? But better for me is trying to find solutions with these people in these mental health crises.



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

I obviously would have much preferred for there to be a continued trial and I want to put a few questions to the Minister that we need to be reassured and try and make some clarity in this argument, which, yet again, seemed to be set up as a sort of a juxtaposition that can never come together. It is interesting that we have people talk about compromise in this Assembly who never compromise but want to just put barriers between different fields. The argument that unless we give every police officer a Taser they will not be safe is simply missing the point. I want to be safe, I want officers who put themselves in the front line to be safe. I want to know that I live in a society where my children would be safe, where young children would be safe, where 20 year-olds who are out for a night out, who might get a bit lairy, if that is a parliamentary word, are safe and that is the issue around this. At the moment we are introducing a significant change to the nature of our policing, a device which can immobilise another person widespread through our police force. The trial that we undertook showed minimal use of that Taser in those contexts and in a different context for our society. Therefore, I am not reassured that extending that to every single officer is the right thing to do at this time. I would like to ask a few questions that perhaps the Minister can answer. First of all, how many officers will be issued with Tasers in the next year, 2 years, 3 years? How many will be trained? What will be the incidents of those Tasers being used? Because the arguments that seem to be used which are if you want to go to a situation where somebody has a knife and you will need a Taser that could save your life, that means that every single officer would have to have that facility, a Taser, otherwise they do not have that facility to deal with that situation. You cannot have the argument both ways; we will only arm some but that means everyone is safe. We are going, inevitably, down the road of giving every officer a Taser and regardless of what is said about the Honorary Police, I can see that slippery slope happening with Honorary Police as well. That notion that how are we kept safe and how do we keep police officers safe? One of the ways to keep police officers safe is to invest in our communities so that mental health situations are dealt with and do not go out into the public and explode in these situations, where there is the mental health support for people who are having a crisis, which is not there at the moment. We do not even have facilities, we had questions about it today and we do not have a date when these emergency facilities and those respite facilities will be built. We are entering into a world where we will put people in the front line to deal with these issues when we have not, as a States Assembly and as a community, put the facilities in place to deal with them beforehand. That is what puts our police at risk; that is what puts people in the public services at risk, not having that support beforehand in the pre-emptive care to stop those situations happening. I think this simplified and simple argument of Taser or we are not safe needs to be looked at really carefully. It puts anybody who is willing to look at a wider argument and look at wider society and look at the detail of what causes these behaviours in a very difficult situation to support this current piece of work. Is this the time to do it at the end of this Assembly, at the end of this term, before the next Assembly, just before an election where people will want to make popular decisions or decisions that they will consider popular with the electorate? I do not think this is but the Assembly has voted against extending that into the next term and that is a shame and that sort of approach I think is wrong. I think you need to think very carefully before we extend this. I asked the Minister about how many officers will receive Tasers in the next year, 2 years, what is the plan for that? How many will be trained and how long will it be before every officer who goes on duty, on patrol in any form, is issued with a Taser as a standard piece of equipment on this Island? Because I think that is a very important question to answer before we vote for this happening.

**The Bailiff:**

Thank you very much, Deputy. Do you have a point of order, Deputy Maçon?

**Deputy J.M. Maçon:**

Yes, Sir, and I am very sorry to raise it. I do not mean to be mean but the Deputy has been in the Assembly for 4 years and continually uses the word “you” when he should be saying “Member”. Sir, I think you need to rule on that.

**Deputy R.J. Ward:**

Sir, can I just say I do apologise? It is nice to be picked up on that so that I get it right. Thank you, Sir, and I apologise for not doing that.

**The Bailiff:**

Thank you very much, Deputy, and, Deputy Maçon, you can see that Deputy Ward accepts that there should not be referred to people directly to them and it should be through the Chair.

**Deputy J.M. Maçon:**

Thank you, Sir.

**The Bailiff:**

Thank you. Very well. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, then I close the debate and call upon the Minister to respond.

**9.3.7 Deputy G.C. Guida:**

I will try my best to answer all the questions. First, I would like to thank the Members who voted against the amendment and simplified the police lives quite seriously. Second, I would like to speak on behalf of the police and ensure Members that we will continue to save people’s lives, even if it is against their will. People who have a mental health crisis usually have it for a short period and after that they are very glad that they are still alive. If we have to stop them in any way we will stop them from killing themselves; that is a promise. I will not talk about Deputy Higgins. I can answer the question of Deputy Ward reasonably quickly. There were 9 specially-trained officers trained for the needs of this trial and that was limited to that number because it is a trial, because it is very expensive, the Tasers then are expensive and they did not want to buy them for nothing. The intention from the beginning was to have 18 specially-trained officers. Again, a directed energy device costs about £2,500 to £3,000; that is not something that you want to spread around. Training the officers is 3 to 5 days and recurring, so you are talking about taking days out of their effective policing every year because they become a specially-trained officer. Also, not all of them want to do it, not all of them are interested, and we see that when we talk about a firearms officer; really not all officers are interested in becoming firearms officers. It takes a lot of their time and some of them just do not want to be involved. Once you have been trusted with a directed energy device, one of the reasons why you might not want one is that there is a lot of reporting to do. The device itself records when it has been drawn, so taking it out of his holster is considered a use of force and you need to write a

report and explain what was the situation, what were the conditions, what was your thinking behind drawing it and what happened?

[17:00]

If possible, this will be collaborated by your own camera. There is a lot of work to be done if you ever want to use these devices; if you fire it it is even worse. You are going to be scrutinised to death, it is going to be a lot of work that you really do not want to go through. There was an excellent mention, and I am sad I did not do it myself, but of course considering the source, the Children's Commissioner used to be a policewoman, she is extremely aware of all this, she is very, very comfortable with the concept. She mentioned to the Constable of St. John something really interesting, she said: "We follow the College of Policing guidance", which we do in Jersey, it is exactly the same rules that we follow, and: "Any use of force, not just Tasers, grabbing somebody by the arm is a use of force, must be proportionate, lawful and absolutely necessary." Those rules are applied 100 per cent here and they are all documented; that is the thing we have to remember, they are recorded. You grab somebody by the arm to take them somewhere because they are not terribly keen, you have to write a report, you have to explain why you did it, why it happened and whether you think that this was the right decision. Talking about decision, we talked about the fractions of a second that you have to make many decisions and, when violence is involved, it is very often the case. But the most impressive thing - and many of the Members in this Chamber will have been to that demonstration of training - about everything that the police does is the fact that it is so procedural. It is not instinct, it is not: "Oh my God, he is coming for me I am just going to shoot." It is not instinct; it is completely procedural. When they make their report they have to go through all they are thinking and the fact that they have followed that procedure and we are talking about one second and they have to say: "He was 7 metres away, the right front foot was going forward very quickly, left hand was hidden, right hand as what I think was a knife because in the drawer it was flashing and the drawer was open, he was coming into my direction." You explain every single step of it, it is unbelievably procedural, even when you are making that quick decision. All to say I do trust our force to do the right thing. I have seen them. The examples that are named here I have seen the stories. In the document they are documented as stopped a suicide, I have seen the stories and I can tell the Members that it was completely proportionate, lawful and absolutely necessary when it happened. I think that is about it. Mental health is very important, it is a global problem and I am quite impressed by what this Assembly and this Government have done towards treating the problem of mental health in Jersey. We are not there yet but we have advanced a lot and it is very, very important for the police and the emergency services in general. The majority of calls that the police get have a link with mental health. A very large proportion of the calls that the ambulance gets have to do with mental health, and they are not the best people to deal with it. They do because they are the last port of call, so they do their visit but they are not the best people. This is definitely something that has to be pursued. I think that we have done as much as we could in these 4 years and I hope that the next Government will continue in that fact and make sure that this is fixed. The last thing, we have talked about police numbers and single patrols, yes, the resources for all our services have been severely restrained but thanks to Constable Len Norman not the police numbers. We brought them back up by 25 and now there are, I think as of today, 215 officers, so they are the right number of officers to take care of Jersey. If they go out on single patrols it is not because we are lacking officers, it is because there is very little sense in having more officers doing this. You want the police to be widely spread, you want the police to go into communities and you do not want to send 15

people, you want to send one community officer to help the Honorary Police do their work. We will have single officers reasonably often, that is a fact of life; that is normal. Again, we are talking about big risk but the general level in Jersey is very, very low; those are extremely rare offences. In fact I would like to repeat those numbers; 15,000 interactions, 400 involving violence, 55 involving Tasers. Those are really small numbers. We are not a violent society. There is one last thing about the numbers, yes, 2020 was the COVID year and almost all the statistics that we have were tainted by that; it is not the case with 2021. Very unfortunately our crime came back up in 2021 and they are perfectly normal figures. With that I commend the proposition to the Assembly.

**Deputy R.J. Ward:**

May I just ask for clarification, Sir?

**The Bailiff:**

Will you give way for a point of clarification, Deputy?

**Deputy G.C. Guida:**

Of course.

**Deputy R.J. Ward:**

It is not a difficult one. The Minister may well have answered this and I just missed it because my hearing is not great. Did the Minister say 18 officers would be trained this year? Am I right in saying that? It is just a number.

**Deputy G.C. Guida:**

We have firearms officers trained to use directed energy devices, so that has already been the case and is the case now; 9 specially-trained officers were trained this year as part of the trial. The intention from the beginning was to have 18, so I believe another 9 will be trained and that should be the number. When Constable Len Norman was Minister we discussed this in the budget of the police because of course, again, those directed energy devices are quite a lot of budget and that budget dates from 4 years ago.

**The Bailiff:**

Thank you very much, Minister. Very well.

**Deputy K.G. Pamplin:**

Sir, a point of clarification.

**The Bailiff:**

Yes, if the Minister gives way.

**Deputy G.C. Guida:**

Of course, Sir.

**Deputy K.G. Pamplin:**

I asked in my speech the Minister to be specific to his letter written to me on 18th February and what he will be doing in his capacity before the end of his term in regards to the fully-resourced triage team who are able to be deployed and coupled with a 24/7 helpline. What will he be doing before his term of office to see those things come to fruition? That is the question I asked.

**Deputy G.C. Guida:**

Yes, I am happy to answer the question, although the answer might not be liked very much. I do not think any of this is in my power and I believe that the Minister for Health and Social Services has done everything that he could to develop mental health services in the Island in those 4 years, and I will just trust that his successor will continue in the same way and help us with those services.

**The Bailiff:**

I, therefore, ask the Greffier to open the voting and Members who are with us in Teams to indicate in the chat of their vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 35</b>		<b>CONTRE: 8</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Connétable of St. Peter		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy J.H. Perchard (S)		
Senator S.W. Pallett		Deputy R.J. Ward (H)		
Connétable of St. Brelade		Deputy C.S. Alves (H)		
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				

Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy K.G. Pamplin (S)				

## **10. Draft Children (Convention Rights) (Jersey) Law 202- (P.19/2022)**

### **The Bailiff:**

Then in accordance with the decision made earlier by the Assembly we now move on to consider P.19, the Draft Children (Convention Rights) (Jersey) Law P. 19 lodged by the Minister for Children and Education. I ask the Greffier to read the citation.

### **The Greffier of the States:**

Draft Children (Convention Rights) (Jersey) Law 202-. A law to make provision for and in connection with giving further effect in Jersey to the rights and obligations set out in the United Nations Convention on the Rights of the Child; to amend the Commissioner for Children and Young People (Jersey) Law 2019 in connection with the Standing Orders of the States of Jersey and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

### **10.1 Deputy S.M. Wickenden (The Minister for Children and Education):**

It is my absolute privilege to propose the Draft Children (Convention Rights) (Jersey) Law. The principal ambition in bringing forward this legislation is to secure significant culture change for Jersey's children. The draft law represents a crucial part of our response to the Independent Jersey Care Inquiry and Deputy Doublet's unanimously adopted P.63/2017. It also realises the commitment made in the Common Strategic Policy in the Government Plan to indirectly incorporate the United Nations Convention on the Rights of the Child into Jersey law as part of our strategic priority to putting children first. The real culture change can be achieved by embedding meaningful consideration of children's rights in our policy development and decision-making processes. To support this process the draft law will introduce a statutory child rights impact assessment or C.R.I.A. C.R.I.A.s will help us to understand the impacts, positive or negative, that our decisions are likely to have on children. As Members will be aware, the U.K.'s ratification of the U.N.C.R.C. (United Nations Convention on the Rights of the Child) was extended to Jersey at our own request in 2014. The U.N.C.R.C. sets out the civil, political, economic, social, health and cultural rights of children. It is the most widely ratified international human rights treaty in history. As part of the U.K. state party to the U.N.C.R.C., Jersey has an obligation to undertake measures such as legislation which implement the rights of children. This draft law represents a once-in-a-generation opportunity to fulfil this obligation and secure a major step forward for children, one which will place among a handful of other progressive states. As Members will recall from the briefing on the draft law held earlier this month, our partners at the U.N.I.C.E.F. (United Nations Children's Fund) U.K. have

actively welcomed the draft law, which they consider to be an ambitious, robust and world-leading model of indirect incorporation, compared to many other jurisdictions, and which have progressed similar legal measures. If adopted the duties introduced by the draft law will represent a crucial and common endeavour to be undertaken by those with the authority and opportunity to protect, fulfil and realise children's full enjoyment of their rights under the United Nations Rights of the Child. I commend the draft law to the Assembly and I propose it in First Reading.

**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, then I close the debate and we will put this, I think, to a standing vote, unless anyone calls for the *appel*. All those in favour, kindly show, those against; the principles then are adopted.

**Deputy M.R. Higgins:**

Sir, I was not quick enough on the buttons here but as not everyone is in the States. I think it is important that everybody should be able to register their vote on this one. It should not just be a standing ...

**The Bailiff:**

Deputy Higgins, if I call for a standing vote I would never, if there was any doubt about the outcome, allow it to stay as a standing vote. I would obviously put it then to the *appel*. But pretty well everybody in the Chamber stood up and no one's individual vote has been noted at all because it has been taken on a standing vote. The Assembly, as a whole, has approved it. However, if any Member wishes to call for the *appel* in any subsequent votes of course they need to be quick off the mark to do it but that is an option open to them.

[17:15]

**Deputy M.R. Higgins:**

Thank you, Sir.

**The Bailiff:**

Deputy Ward, does your panel wish to scrutinise the matter?

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

We now come on to Second Reading, Minister, with 15 minutes to go before the normal end of the debate. There are a number of amendments. Are you able to indicate whether or not you accept any of them and would you be prepared to have those then taken as amended when the time comes?

**Deputy S.M. Wickenden:**

Sir, I am happy to accept the first amendment but I am not accepting the second or the third amendment and I am happy for it as the time comes to be read out as such.

**The Bailiff:**

Very well. It will not be necessarily read independently but you are accepting the first amendment, which is amendment to Articles 6 and 14 and it changes, effectively, the ability of the Minister making certain steps by order to the States making them by regulation.

**Deputy S.M. Wickenden:**

Yes, Sir.

**The Bailiff:**

But you wish the other amendments to be put.

**Deputy S.M. Wickenden:**

Yes, please, Sir.

**The Bailiff:**

Let me think that through for a moment, if I may. I think then now, Minister, you want to take Articles 1 to 5 first, will you not, because Article 6 is the first of the amended Articles?

**Deputy S.M. Wickenden:**

Yes, that is fine, Sir.

**The Bailiff:**

Do you wish to speak to Articles 1 to 5?

**10.2 Deputy S.M. Wickenden:**

Yes, please, Sir. It is at the heart this draft law will establish that 4 groups of duty-bearers have a duty to have due regard to the rights of children, as enshrined in the United Nations Convention on the Rights of the Child. Establishing this due regard duty in law will ensure that children's rights are properly considered when making decisions which are likely to directly or indirectly affect children. I will now describe the Articles and schedules of the draft law. Articles 1 and 2 provide key interpretations, definitions and references used throughout the draft law. Crucially in line with the definitions found in the U.N.C.R.C., the draft law identifies children as everyone under the age of 18. Article 3 sets out the documents which the duty-bearers must have due regard to when making decisions which directly or indirectly impacts children. These are part 1 of the U.N.C.R.C. which describes the rights of children and the responsibilities of the parties which have ratified the convention, Articles 1 to 10 of the U.N.C.R.C. Optional Protocol on the sale of children and children prostitution and child pornography, Articles 1 to 10 of the U.N.C.R.C. Optional Protocol on the involvement of children in armed conflict. Finally, and where relevant, the general comments issued by the U.N. (United Nations) Committee on the rights of a child, the general comments can relate to specific Articles in the U.N.C.R.C. or key issues which affect children's lives, for example, the rights of the child to the highest attainable standard of health or the rights of children with disabilities. Article 4 identifies the 4 groups of duty-bearers who will have responsibility under the draft law. These are, firstly, Ministerial duty-bearers; this group includes the Chief Minister, the Council of Ministers, all Ministers and all Assistant Ministers and officers exercising delegated Ministerial functions. Secondly, elected Member duty-bearers; this group includes every elected Member of the Assembly in their own right. Thirdly, Assembly body duty-bearers; this group includes all the



committees, panels and boards which are permitted to lodge propositions to a debate under our Standing Orders. The final group of public authority duty-bearers are those organisations from civil society which have agreed to be named in schedule 1 of the draft law. Article 5 sets out the definition of public authority used in the draft law. This determines the characteristics of entities which are eligible to be identified in schedule 1 as public authority duty-bearers following consultation by the Minister for Children and Education. Under Article 5, the Minister has order-making powers to amend the definition of public authority and amend schedule 1 for the purpose of adding, removing or renaming a public authority. That is the end of 1 to 5.

**The Bailiff:**

Are Articles 1 to 5 seconded? [**Seconded**] Does any Member wish to speak on Articles 1 through to 5? If no Member wishes to speak on any of those Articles ...

**Deputy S.M. Wickenden:**

Could I have the *appel*, please, Sir?

**The Bailiff:**

The *appel* is called for. I close the debate and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Articles 1 to 5 have been adopted in Second Reading.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Sorry for the slight delay, Members. You wish, presumably, to propose Article 6 and you wish it to be proposed, I think, Minister, as amended by the first amendment but not by the second amendment, which also contains amendments to Article 6, is that correct?

**Deputy S.M. Wickenden:**

Unfortunately, it is correct, Sir.

**The Bailiff:**

In which case, do Members agree that Article 6 can be taken as amended by the first amendment? No one is disagreeing within the Chamber and no one is disagreeing within. I ask the Minister, will you propose that Article 6 as amended by the first amendment and then we will come on to deal with the second amendment?

**10.3 Deputy S.M. Wickenden:**

Okay, Sir. Article 6 introduces a statutory child rights impact assessment process or C.R.I.A. Ministerial elected Members and Assembly body duty-bearers will be required to prepare and publish a C.R.I.A. for every proposition, unless this is exempt under schedule 2. As amended, the list of exempted decisions in schedule 2 could be amended by regulations. Under Article 6 Ministerial duty-bearers will also be required to produce C.R.I.A.s for policies related to expenditure, revenue-raising measures and contributions to propose in the Government Plan. If the amendment that is about to be proposed is not adopted, Article 6 will mean that C.R.I.A.s will be made for propositions but not for amendments to propositions and not for amendments to amendments or subsequent amendment to amendment to amendment. With that I propose Article 6.

**The Bailiff:**

Is Article 6 seconded? [**Seconded**] Article 6 has been seconded as amended by the first amendment.

#### **10.4 Draft Children (Convention Rights) (Jersey) Law 202- (P.19/2022): second amendment (P.19/2022 Amd.(2))**

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

There is a second amendment which deals with Article 6 and a number of other Articles. I think it is now for the Greffier to read the second amendment.

##### **The Greffier of the States:**

1 Page 21, Article 6 - (1) In paragraph (2) after “proposition” insert “or an amendment to a proposition”. (2) In paragraph (10) after the definition “allowances and reliefs” insert “amendment to a proposition” includes an amendment to an amendment and any subsequent amendment to an amendment to a proposition;” 2 Page 22, Article 7 - (1) For paragraph (4) substitute “(4) In the case of a decision falling under Article 6(2) that relates to the formulation of an amendment to a proposition, an Article 6 duty-bearer is not required to complete a full assessment, even if the preliminary assessment determines that the decision is likely to have a direct or indirect impact on children, but an Article 6 duty-bearer may, nevertheless, complete a full assessment should that duty-bearer wish to do so.”. (2) After substituted paragraph (4) insert “(5) In the case of a decision falling under Article 6(2) that relates to the formulation of a proposition, paragraph (6) applies where the preliminary assessment determines that the decision is likely to have a direct or indirect impact on children.”, and renumber the subsequent paragraphs and cross-references accordingly. 3 Page 29, Schedule 2 - Delete sub-paragraph (d) and renumber the subsequent sub-paragraphs accordingly.

##### **Senator I.J. Gorst:**

Sir, before you call on the Chair to speak, I wonder whether I could ask whether he would like us to adjourn now or complete his opening speech.

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

It is a minute or 2 away from the time whereby Standing Orders I am required to ask whether the Assembly wishes to adjourn overnight or continue.

##### **Senator I.J. Gorst:**

I propose the adjournment, Sir.

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

Just one moment, it has been read, it has not been proposed, so it will need to be both proposed and seconded, which has not yet been done. If we adjourn now that will be the next item of business, which is the proposing of the second amendment and it being seconded and then open for debate. The adjournment is proposed. It is seconded. [**Seconded**] I am looking around, nobody seems to be arguing that we should not adjourn. Before we do I will just mention that the debate on the second amendment, which it now comes up, it not only amends Article 6 but it also amends Article 7. It is not simply a debate on the amendment to Article 6, it is on Article 7 as well, just so that Members

when they are considering it overnight will be aware of that. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:28]