

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 3rd DECEMBER 2018

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[14:50]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members, in the usual way I would like to welcome His Excellency the Lieutenant Governor to the Chamber this afternoon. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE DIVERSITY OF STATE-APPOINTED BOARD: [WR.264/2018]

Question

Further to the response to Written Question 231/2018, will the Chief Minister –

- (a) list the boards appointed by the States and, for each one, state whether or not it holds information on the diversity of its composition;
- (b) state what percentage of the following boards are male and what percentage are female –
 - i. Ports of Jersey;
 - ii. Andium Homes;
 - iii. JT;
 - iv. JEC;
 - v. Jersey Water;
 - vi. Jersey Post; and
 - vii. the States of Jersey Development Company; and
- (c) provide the information that has been collected and collated from the diversity monitoring forms which are used for boards and explain what use, if any, is made of the collated information in order to encourage and increase diversity on boards appointed by the States?

Answer

- a) Part C of the attached document – Constitution of the States of Jersey dated 23rd November 2018 - provides details of appointments made by the States to independent bodies. We do not hold information on the diversity of the composition of panels and boards.



2018.11.23 -
Constitution of the

[https://statesassembly.gov.je/SiteCollectionDocuments/States%20Assembly/2018.11.23%20-%20Constitution%20of%20the%20States%20of%20Jersey%20\(Green%20Sheets\).pdf](https://statesassembly.gov.je/SiteCollectionDocuments/States%20Assembly/2018.11.23%20-%20Constitution%20of%20the%20States%20of%20Jersey%20(Green%20Sheets).pdf)

- b) Information relating to the constitution of the boards of the States wholly-owned and majority-owned entities is already available on each company’s website, but for simplicity we have replicated that information in the following table:

<u>Company</u>	<u>Total Board members</u>	<u>Male board members</u>	<u>Female board members</u>	<u>Percentage (M/F)</u>
Ports of Jersey	8	8	0	100%/0%
Andium Homes	8	5	3	62.5%/37.5%
Jersey Telecom	7	6	1	85.7%/14.3%
Jersey Electricity	9	8	1	88.9%/11.1%
Jersey Water	9	6	3	66.7%/33.3%
Jersey Post	8	7	1	87.5%/12.5%
States of Jersey Development Company	7	5	2	71.4%/28.6%

Total Board Members includes Non-Executive and Executive Directors.

- c) We do not collect or hold information on diversity monitoring forms.

They are provided to the body to whom the application is made. Further, it is not a requirement to complete the form.

We are discussing how we can improve the level of data held, and considering how to better utilise the information provided on the form. This is an important matter.

Indeed, while the Council of Ministers are not supportive of diversity being added as sixth strategic priority in the Common Strategic Policy, they have proposed an amendment to add diversity as an additional theme, so that the issue of improving diversity runs through all the work of the Council of Ministers.

2.2 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE C.P.A. ELECTION OBSERVERS MISSION: [WQ.265/2018]

Question

Will the Chairman publish a full timetable of planned work to complete implementing the recommendations of the C.P.A. Election Observers Mission Report?

Answer

We don’t have very long to wait to discover whether the ‘People Directory’ will meet its latest delivery target or if this States Assembly is minded to approve radical electoral reform measures which will result in each vote in a Jersey election carrying equal weight, amongst other

improvements, as recommended by the C.P.A. Election Observers Mission (EOM). Answers to both of these questions should arrive within the first quarter of 2019 and as both inform how we proceed on many of the subsequent EOM directions, any timetabling of implementation is likely to be a more efficient and accurate exercise with the benefit of some certainty of outcome regarding the creation of an electronic Register and electoral reform.

The PPC Sub-Committee charged with responding to the EOM (comprising Deputy Alves, Deputy Wickenden and myself) has begun work on a number of the recommendations in tandem and we aim to lodge the resulting propositions imminently after agreement is gained from the main Committee.

2.3 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROSPECTIVE IMPACT OF THE FAILURE OF JERSEY ELECTRICITY'S SUBMARINE POWER CABLES: [WQ.266/2018]

Question

Will the Minister, as shareholder representative, request confirmation from Jersey Electricity of the likelihood of failure of any, or all, of the submarine power cables and the expected time of repair for any such failed link; and will she also request confirmation of whether any plans exist to mitigate electricity usage in the 48-hour period that Jersey Electricity requires to start their slower-start generators?

Answer

The following information has been provided to the Minister by Jersey Electricity:-

Jersey has extremely reliable electricity supplies largely because of Jersey Electricity's ("JE") network design, its 3 submarine cables to France (which are typically operated in a "parallel" configuration) and the Company's restoration preparedness. Last year supply reliability was over 10 times better than the UK and the Company's best performance for 10 years.

The likelihood of failure of any of our submarine cables is low, and therefore very low that all 3 would fail at once. None of the three submarine cables currently in service has suffered any "electrical faults" and our asset strategy is to replace these assets before they become unreliable. The health of the cables is carefully monitored on an ongoing basis to allow for planned replacement at the appropriate time. In the unlikely event of failure of a submarine cable, an offshore repair would take approximately 12 weeks depending on the time of year, weather, location and repair vessel availability.

Having 3 cables in service (across 2 separate routes, connecting into different sections of the French network) gives the Island flexibility and resilience and means that JE can mitigate costs in the event that one of the cables is out of service.

Given the strength of our submarine cable system and number of cables, JE do not believe that there is a requirement to rely on its slow start (steam/ boiler) generation to meet its security of supply standard and therefore the steam/ boiler system is being retired.

Plans and systems exist to further mitigate any shortfall in capacity which include availability of fast start backup generation (5 diesel sets and 3 gas turbines). These assets are split across the Company's Queen's Road site and La Collette, and can typically be started and connected into the system within 20-60 minutes.

JE has also recently updated its System Integrity Protection System which continually monitors the 90kV network and which responds rapidly to mitigate any failure on the network.

Further details on JE's security of supply standard are set out on the Company's website, www.jec.co.uk, and in its Annual Accounts, <https://www.jec.co.uk/about-us/investor-relations/financial-figures-and-reports/>.

2.4 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING COMBUSTIBLE CLADDING IN STATES OF JERSEY BUILDINGS: [WQ.267/2018]

Question

Will the Minister provide an assessment of the level of risk combustibile cladding poses to –

- (a) schools;
- (b) care homes within States of Jersey ownership; and
- (c) other public buildings under States of Jersey ownership?

Answer

The approved statutory guidance published by the Environment Minister in support of the Jersey building bye-law requirements relating to fire safety in buildings, essentially sets out what is acceptable in terms of combustibile cladding on buildings.

The technical document states that the use of combustibile materials in wall claddings on tall buildings, those with a floor over 18m, may present a risk to health and safety and therefore should not be used on tall buildings. The only exception is where it has been shown by full scale fire test that the cladding system will not present an unacceptable fire safety risk.

For buildings less than 18m high, the use of combustibile cladding systems is acceptable under the bye-laws provided it is designed to limit fire spread in any concealed cavity, and that on some buildings in certain location the external surface of any cladding is designed to limit fire spread over its surface. There are also limitations on combustibile cladding where residential and assembly and recreational buildings a located near to each other on the same site.

Of the types of building listed in the question, very few will be over 18m high, so it would be reasonable to say that on the basis of our current approved building bye-law guidance, combustibile wall claddings on those buildings that satisfies the building bye-law guidance, is unlikely to be a risk to health and safety.

In addition, the types of buildings mentioned would be expected to have strong fire safety management regimes in place. This is a key part of fire safety in buildings and should effectively manage any risk from cladding, for example:

1. Schools are a controlled environment where, under normal, standing arrangements, management arrangements are in place to enable a swift evacuation in the unlikely event that would be required (i.e. fire alarm practice).
2. Care homes are similar to the above but also fall under the Fire Precautions Law, administered and enforced by the Fire and Rescue Service. A high standard of fire precautions is required and these premises are inspected by fire officers on an annual basis.
3. States of Jersey's public buildings, under health and safety law, are served by fire detection and alarm systems and management arrangements that enable a similar evacuation in case of need.

2.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE COSTS OF THE JERSEY OPERA HOUSE: [WQ.268/2018]

Question

Will the Minister provide a breakdown of the running and maintenance costs of the Jersey Opera House for the past 5 years as well as any future budget allocations for the next 5-year period?

Answer

Opera House Annual Reports and Financial Statements for the period 2013 – 2017 inclusive are available to the public via the States Greffe. They include details of the operating costs of the Opera House.

The Opera House building is leased to the Jersey Arts Trust, although the States retains responsibility for maintenance of the property. Maintenance costs are a matter for the Minister for Infrastructure and Jersey Property Holdings.

The grant payment to be made to Opera House in 2019 is currently being considered against the overall grant programme for 2019 in order for the department to best achieve its objectives and remain within the overall MTFP cash limit set by the States. Budget allocations for 2020 and beyond will be subject to the approval of the States Assembly as part of the debate on the forthcoming Government Plan.

2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING SUPPORT FOR MENTAL HEALTH AND MINDFULNESS IN SCHOOLS: [WQ.269/2018]

Question

Will the Minister state which schools, if any, provide mental health or mindfulness support to students and provide a breakdown of the costs involved; and will she also state what future budget allocations have been made in this area, if any?

Answer

1. There are a range of approaches used to support mental health and well-being in schools, which might include (but are certainly not limited to) mindfulness. Services and support provided to schools by the Education Department (either directly or indirectly) include the following:

a. Well-being Facilitators

4 well-being facilitators support all provided primary schools (5-11 years)

Total FTE: 2.57

Staff cost: £93,043

b. Primary Mental Health Workers

2 Primary mental health workers support all provided and non-provided schools and colleges (5-18 years)

Total FTE: 2.0

Staff cost: £127,752

c. School-based Counselling

Arrangements for school based counselling in provided schools vary on a school by school basis as follows:

Hautlieu – 1.0 (term time only)

Le Rocquier – 1.0 (term time only)

Grainville - 1.0 (term time only)

Highlands College - 0.6 (term time only)

Haute Vallee – 0.55 (term time only)

Les Quennevais – 0.6 (term time only)

La Sente – appointment of a new counsellor and associated hours pending and tbc

Jersey College for Girls – 0.6 (term time only)

Victoria College – 0.4 (term time only)

Total FTE: of 5.25 (including provisional hours for La Sente)

Staff cost: £277,847

d. Educational Psychology Team

A proportion of time from the educational psychology team (0.5 fte) is ring fenced to support mental health and well-being in provided schools and colleges (5-18 years)

Total FTE: 0.5

Staff cost: £41,665

e. Emotional literacy support assistants (ELSAs)

In addition, the majority of schools have developed and /or adapted keyworker posts (referred to as emotional literacy support assistants) within their existing establishments to provide support for children with emerging well-being needs. There are 75 registered ELSAs at this time.

It is difficult to establish the costs/ fte associated with delivering emotional literacy support in schools as these responsibilities are built in to established roles, which typically incorporate a range of responsibilities.

2. The budget allocated to delivering these functions is recurring. At this time, it is anticipated that current arrangements as outlined will continue for 2019.

Consideration is being given to a more integrated whole system approach to mental health and well-being support for children and young people with specialist CAMHS scheduled to move across to CYPES at some stage in 2019 (details tbc).

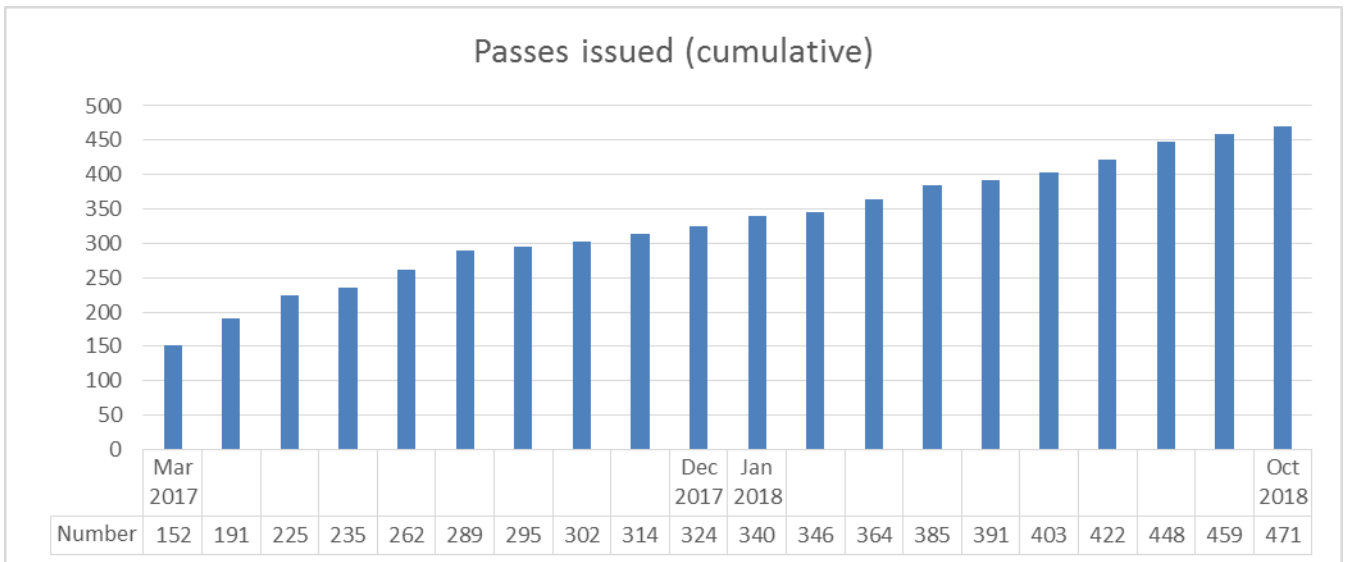
2.7 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE NUMBER OF AVANCHI ACCESS CARDS WHICH HAVE BEEN ISSUED: [WQ.270/2018]

Question

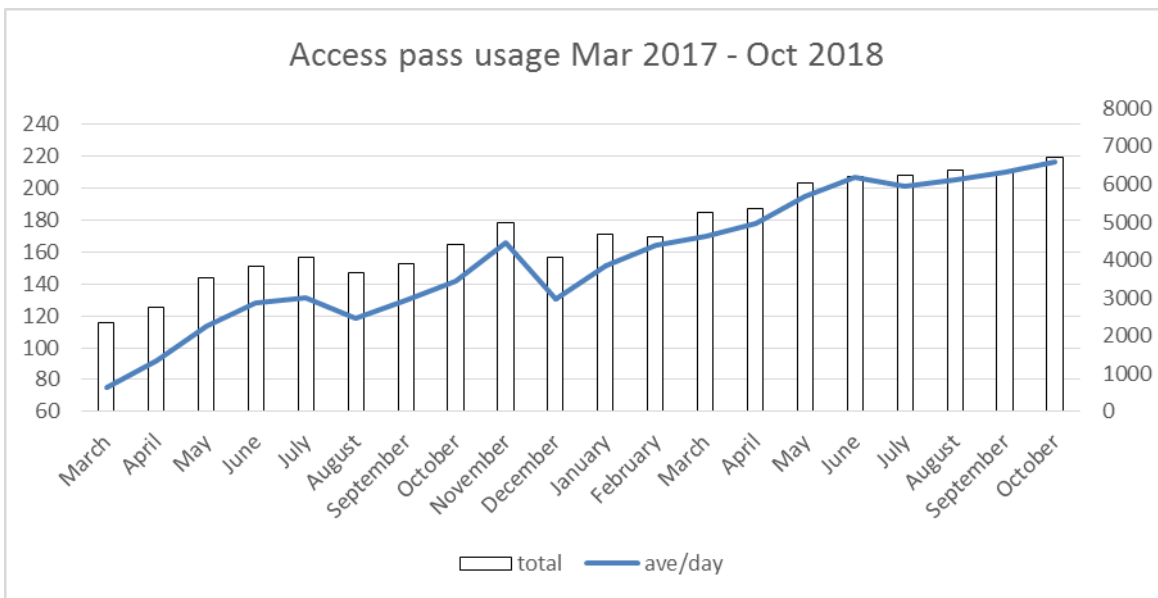
Will the Minister advise the Assembly how many Avanchi Access cards have been issued since the inception of the scheme?

Answer

As of 31 October 2018 a total of 471 “Avanchiaccess” disabled persons’ bus passes have been issued, this number having grown from the 152 passes issued during the first month that the pilot scheme was in operation following its launch on 01 March 2017.



6,713 journeys using an AvanchiAccess pass were recorded across the public transport network during October 2018, an average of 217 journeys per day. The number of journeys per passholder has averaged 14.5 over the period March 2017 to October 2018.



2.8 THE DEPUTY OF ST. PETER OF H.M. ATTORNEY GENERAL REGARDING INSURANCE CLAIMS AGAINST THE STATES OF JERSEY: [WQ.271/2018]

Question

With reference to the States Insurance Policy and potential claims arising against the States, including personal injury damages and clinical negligence, will H.M. Attorney General advise –

- (a) how many such claims are due to be tried in the next 12 months;
- (b) how many such claims have been quantified by the plaintiffs’ lawyers as exceeding £10 million in proposed damages;
- (c) what is the sum of all such claims; and

(d) whether all such claims have been reported to the States' insurers?

Answer

- (a) There are two cases listed for hearing in the next 12 months.
- (b) Current indications are that both of the cases being heard in the next 12 months may exceed £10 million in proposed damages.
- (c) The total sum claimed has yet to be quantified.
- (d) Both claims have been notified to the States' Insurers.

2.9 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING STATES INCOME SINCE 2015: [WQ.272/2018]

Question

Will the Minister provide the following information relating to general revenues broken down by entity (e.g. Income Tax, Impôts, Dividends etc.)?

- (a) Final outturn for each of the years 2015-2017, broken down by –
 - (i) actual outturn versus budgeted outturn; and
 - (ii) budgeted outturn versus forecast outturn;
- (b) Actual receipts versus budgeted receipts at Quarter 3, 2018; and
- (c) Budgeted receipts versus forecast receipts at Quarter 3, 2018.

Answer

a) Table 1 – General Revenue Income 2015 – 2017

'Budget' – the estimates of income approved by the States Assembly in Summary Table A of the Budget Statement for each year.

'Forecast' – the last published forecast for that year as included in the Budget Statement. E.g. the 2017 forecast was included in Figure 33 on page 70 of the Budget Statement 2018.

	2017					2016					2015				
	Budget £'000	Forecast £'000	Actual £'000	Actual vs Budget £'000	Budget vs Forecast £'000	Budget £'000	Forecast £'000	Actual £'000	Actual vs Budget £'000	Budget vs Forecast £'000	Budget £'000	Forecast £'000	Actual £'000	Actual vs Budget £'000	Budget vs Forecast £'000
Income Tax	481,000	483,000	514,930	33,930	2,000	455,000	471,000	487,964	32,964	16,000	455,000	443,000	457,583	2,583	(12,000)
GST	84,120	87,428	87,946	3,826	3,308	83,334	83,334	84,798	1,464	-	80,650	83,757	85,042	4,392	3,107
Impôts	58,049	58,420	59,998	1,949	371	57,650	56,787	58,410	760	(863)	55,649	55,942	54,146	(1,503)	293
Stamp Duty	27,783	29,055	33,283	5,500	1,272	26,137	25,394	30,305	4,168	(743)	23,838	26,946	29,032	5,194	3,108
Island Rate	12,543	12,427	12,427	(116)	(116)	12,248	12,142	12,141	(107)	(106)	12,219	12,031	11,928	(291)	(188)
Other Income - Dividend	8,703	12,332	12,323	3,620	3,629	11,498	11,149	12,568	1,070	(349)	8,503	13,260	14,023	5,520	4,757
Other Income - Non Dividend	10,151	15,726	17,927	7,776	5,575	9,727	9,710	22,760	13,033	(17)	17,200	10,846	12,506	(4,694)	(6,354)
Return from Social Housing Providers	28,337	28,380	28,417	80	43	27,821	27,785	27,856	35	(36)	29,472	27,506	27,483	(1,989)	(1,966)
Total	710,686	726,768	767,251	56,565	16,082	683,415	697,301	736,802	53,387	13,886	682,531	673,288	691,743	9,212	(9,243)

Notes:

Rounding applied

b) and c)

General Revenue Income is not recognised evenly through the year and the timing of the amounts recognised can vary between years. Reporting actual recognised and forecast income against budget as at Quarter 3 does not, therefore, provide a meaningful comparison.

The full year forecast provides the best indication of the level of income expected in 2018 against the full year budget. Table 2 below provides that comparison.

Table 2 – General Revenue Income 2018

	2018		
	Budget	Forecast	Budget vs Forecast
	£'000	£'000	£'000
Income Tax	510,000	529,000	19,000
GST	88,828	90,517	1,689
Impôts	62,877	62,109	(768)
Stamp Duty	29,641	34,736	5,095
Island Rate	12,725	12,825	100
Other Income - Dividend	9,127	14,224	5,097
Other Income - Non Dividend	11,224	11,337	113
Return from Social Housing Providers	29,128	28,959	(169)
Total	753,550	783,707	30,157

Notes:

Budget – the estimates of income approved by the States Assembly in Summary Table A of the Budget Statement 2018.

Forecast – the latest forecast for 2018 as published in the Draft Budget Statement 2019.

2.10 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE SALARIES OF INTERIM DIRECTORS AND INTERIM DIRECTORS GENERAL: [WQ.273/2018]

Question

What is the highest day rate which is currently paid to an Interim Director or Director General; how long has this rate been paid; and for how long is it planned that payment at this rate for this interim appointment will continue?

Answer

There is one Interim Director in the States of Jersey senior tier 1 and 2 structure currently in post. This is covering the role of Director General (Health and Community Services) where the interim is paid a rate of £1,350 per day. This rate has been paid since the 20th June 2018. It is anticipated that the Interim contract will continue to the 31st March 2019 whilst the permanent recruitment into the Director General role completes.

Job Title	Daily	Start Date	End Date
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	Rate		
Director General – Health and Community Services	£1,350	20 th June 2018	31 st March 2019

I will be asking officers to publish a full list of interim appointments and day rates in due course.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE DRAFT TAXATION (COMPANIES – ECONOMIC SUBSTANCE) (JERSEY) LAW 201-: [WQ.274/2018]

Question

Further to my previous questions on whether the Minister anticipates any problems arising with the European Union as a result of the application of the Taxation (Companies – Economic Substance) (Jersey) Law, and his statements that the Law will apply to all Jersey-resident companies, will the Minister advise –

- (a) how many Jersey-incorporated companies are not at present considered resident in the Island;
- (b) of any such non-resident companies, for how many is their tax residence known;
- (c) for the remainder, what is known about their tax residence;

and will the Minister explain whether it is his assessment –

- (d) that a company trading ‘in’ Jersey is taken to mean a resident company and a company trading ‘through’ Jersey is a Jersey-incorporated non-resident one;
- (e) that companies trading ‘through’ Jersey are not subject to the E.U.’s requirements;
- (f) that the E.U.’s requirements make any distinction between companies trading ‘in’ Jersey and those trading ‘through’ Jersey in terms of whether the regulation should apply;

and if, in response to part (f), he considers there is such a distinction, will he explain why and state what legal precedent or cause, if any, he has used to make that assessment?

Answer

- a) The total number of Jersey incorporated companies that claimed not to be Jersey tax resident was 111 in 2016, the most recent year for which we have the complete dataset;
- b) Until recently the Taxes Office did not routinely ask these companies what their alternative tax residence was, unless there was a Jersey tax risk;
- c) The Taxes Office is of the opinion that such companies will generally be UK tax resident real estate investment trust (REIT) companies, however from the 2018 year of assessment forward the Taxes Office will be requesting this information routinely.

A Jersey incorporated company may claim not to be Jersey tax resident when:

- i. it is controlled and managed in another territory; and
- ii. where that territory has a corporate tax rate of 10% or more; and
- iii. that territory must consider the Jersey Company to be tax resident.

These standards mean that, for example, a Jersey Incorporated company cannot replace its Jersey tax residence with say British Virgin Islands tax residence.

The Taxes Office don't agree the distinctions in parts d, e and f of the question.

The Government of Jersey expects that, in its assessment of business taxation in 3rd countries, the Code of Conduct Group on Business Taxation will have ensured a level playing field such that, where a Jersey incorporated company is tax resident elsewhere and the EU has similar concerns about that country or elements of its taxes system, it will be subject to consistent economic substance requirements in that jurisdiction.

2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING NEGOTIATIONS IN RESPECT OF PUBLIC SECTOR PAY: [WQ.275/2018]

Question

Further to her message to States members on 21st November 2018, in which she stated that “there is no more money available” within the available budget in respect of public sector pay awards, will the Chairman advise –

- (a) whether anticipated tax revenues in the Draft 2019 Budget would provide sufficient budget for awards in the event that the Assembly agreed to revisit the cap on States expenditure set in the current Medium Term Financial Plan;
- (b) what measures, if any, she has under consideration to remove this cap and to re-open negotiations with States employees in order to avoid the imposition of a real-terms cut in pay; and
- (c) why talks in respect of Workforce Modernisation will start before any agreement has been found on pay awards and what assessment she has made of whether such a move could be seen as provocation in the current dispute in respect of those awards?

Answer

- (a) The draft Budget 2019 includes an updated revenue forecast, including tax, for 2018 to 2023 on page 86, showing the variation in forecast between draft Budget 2019 and the Budget 2018. However, it is important to consider expenditure forecasts alongside those revenue forecasts, as shown on page 92.

As outlined, the forecasts shows that we expect to broadly balance the books by 2019 – with a small surplus - but that a deficit of approximately £30 million is forecast from 2020 without further action.

Any increase in recurring expenditure, including pay, will therefore increase the deficit going forward on the budget projections. At the same time, overall expenditure levels, and how expenditure is allocated, is ultimately a matter for the Assembly.

- (b) With the deficit shown in the financial forecast we have, it would not be sensible to consider worsening this position. Implementation of a 2018/19 pay award has been made for some groups, and negotiations in respect of nurses, midwives, manual workers and energy recovery facility workers are ongoing. Formal dispute resolution procedures exist for all groups including mediation and arbitration.
- (c) All Workforce Modernisation proposals have now been withdrawn, except for the four small groups who accepted them earlier this year. Given that unions either rejected Workforce Modernisation proposals, or asked for them to be withdrawn, this is a significant development aimed at reducing tensions.

In the first three months of 2019, the States will engage with all key stakeholders to agree how to achieve revised terms and conditions which are fit for purpose and which address pay comparability issues across the public sector. This review will not bring Workforce Modernisation proposals back onto the table but will develop new, clear and understandable proposals.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING REDUCTIONS IN THE PUBLIC SECTOR WORKFORCE: [WQ.276/2018]

Question

Further to the response to Written Question 201/2018, which showed approximately 640 vacancies carried by the States at a nominal combined salary of nearly £24 million, will the Chief Minister state –

- (a) whether delivery of savings of between £30 million and £40 million will require a reduction in the workforce of between 800 and 1,000 posts;
- (b) if such figures are not indicative of planned reductions in the workforce, what the target for saving on salaries is, how many posts this would involve and in which departments; and
- (c) what measures will be taken to ensure that any reduction in the number of posts will not lead to a reduction in the number, and quality, of front-line services delivered in the public sector?

Answer

As Chief Minister I have outlined that we will make sustainable savings of £30 million in 2019.

Some of those savings will be achieved through responsible headcount management, but other efficiencies will be important as we modernise our public services – better commercial contract

management, consolidating assets, improving automation and online services, rationalising back office processing, and reducing layers of management.

This will deliver better value for money, and as this takes place, we will continue to protect front line services by investing where money is needed most.

The structural elements of the new Target Operating Model, as previously explained, are scheduled for completion at the end of March 2019, and further details on staffing can be provided as part of that work in the new year.

In the meantime, and while work continues to improve our public services, it would be wrong, and potentially causes undue worry, to try to place a figure on changes staffing levels.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF A CRÈCH FACILITY FOR THE CHILDREN OF HEALTH SERVICE EMPLOYEES: [WQ.277/2018]

Question

In his plans for a new hospital and the redesign of community-based primary care, what consideration, if any, has the Minister given to setting up a crèche facility for the children of health service employees and, if there has been no such consideration, will he explain why?

Answer

The Minister has asked officers in Health and Community Services to look into the provision of childcare facilities for staff employed in the department. At present, staff are being invited to complete a survey about childcare and how it affects their working and family lives. In the meantime, discussions are ongoing with the Parish of St Helier on the availability of nursery places in facilities it runs. A formal crèche has not yet been part of the Future Hospital project and such an option would have to be evaluated alongside other possible initiatives.

2.15 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING FORMAL AND INFORMAL DISCIPLINARY ACTIONS TAKEN AGAINST EDUCATION STAFF: [WQ.278/2018]

Question

Will the Minister advise –

- (a) how many informal disciplinary actions have been taken against education staff since September 2014;

- (b) how many of these resulted in warnings or other actions being taken against the member of staff;

- (c) how many formal disciplinary actions have been taken against education staff since September 2014;
- (d) how many of these resulted in warnings or other actions being taken against the member of staff; and
- (e) how many staff left the profession following disciplinary actions in this time?

Answer

Due to data integrity issues we are unable to provide a break down by informal / formal cases by year. We can show the total amount of Education disciplinary cases which have been recorded centrally from 2014 to 27th November 2018:

Year	Disciplinaries
2014	14
2015	18
2016	18
2017	22
2018	15
Total	87

The department holds more detailed data from 2016 and the below responses are from data held 2016 to date.

- a) Not all informal disciplinary actions are held centrally; therefore, we are unable to answer this question.
- b) Of the 55 cases referred to the case management team 15 resulted in informal warnings
- c) Of the 55 cases referred to the case management team 6 resulted in formal warnings
- d) Of the 55 cases referred to the case management team 30 resulted in warnings or other actions.
- e) 5 employees resigned prior to disciplinary action being taken and 4 employees were dismissed.

2.16 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING UNDERSPENDS IN THE STATES' FINANCES: [WQ279/2018]

Question

Will the Minister provide a total figure for the amount of underspends during the term of the current Medium Term Financial Plan for the following areas –

- (a) capital projects;
- (b) Brexit preparation;
- (c) infrastructure projects;
- (d) health expenditure;
- (e) Home Affairs; and
- (f) education spending;

and will the Minister also detail where any underspends currently reside in the States' finances?

Answer

Amounts allocated to capital projects remain available to spend for the purpose they were allocated across multiple years until such time that the project is complete. Capital allocations are monitored throughout the year to identify any amounts no longer required that could be reprioritised across the organisation.

Examples of the reprioritisation of unspent capital allocations can be seen in the [Budget 2018](#) capital programme where a total of £5.8 million was reallocated across a number of capital projects. A further £3.7 million of unspent capital allocations were identified in advance of the [Budget 2019](#) with £1.4 million proposed to contribute to the 2019 capital programme and £0.5 million to be transferred to an existing capital project to increase its scope.

- b) Many States departments affected by Brexit have been managing their preparation through their base budgets. However, the majority of the funding to manage the impact of Brexit on the States of Jersey and the wider community has been managed through the External Relations Department base budget. The Department was created in 2017 (in the [MTFP Addition for 2017 – 2019](#)), having previously been part of the Chief Minister's Department. The total Department underspend in 2017 was £417,659.

A number of specific Brexit-related allocations have also been made to Departments, including External Relations, from Central Contingencies in this MTFP period. As at the end of 2017, of the £998,000 allocated in this way, £699,427 was spent with the remaining £298,573 identified as no longer required so returned to Central Contingency.

Further allocations have been made in 2018 to manage the impact of Brexit. The 2018 outturn will be confirmed at year end and reported as part of the Annual Report and Accounts.

c) Please see the response to part a).

d-f) The underspends of those areas are highlighted in the table attached as Appendix 1.

The 2018 outturn will not be known until the end of the year and will be reported as part of the Annual Report and Accounts.

2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE STATES' WHISTLE-BLOWING POLICY: [WQ.281/2018]

Question

In respect of the current States whistleblowing policy, will the Chairman provide –

- (a) the number of complaints raised in each of the last five years;
- (b) a summary of the nature of the complaints;
- (c) whether they were found to be substantiated;
- (d) a summary of the effect of the disclosure; and
- (e) a summary of what happened to the whistleblower;

and, further to her response to Oral Question 165/2018, will she further state what changes are envisaged to the current scheme when it is relaunched at the start of 2019?

Answer

- (a) There have been 2 complaints that have been deemed “serious concerns” in the past 5 years, all other matters raised have been dealt with under an alternate policy.
- (b) Under the serious concern policy a number of matters have been raised including complaints, concerns, bullying and grievances as well as fraud related matters. In cases of grievances, including bullying, this is dealt with under the relevant grievance policy. In respect of matters of fraud these are informed to the police and investigated as appropriately by the police. Once the police have closed the matter an internal review maybe done by Internal Audit.
- (c) In some cases there will be elements that are substantiated to a less or more degree. In other cases the claims are not substantiated. Given the small number that are deemed actual concerns rather than grievances or complaints it would not be appropriate to disclose this.
- (d) As above it is not appropriate to disclose this and we have used FOI principles in this respect as it would be exempt under FOI.

- (e) In respect of confidentiality it is vital that people's autonomy is preserved. The policy is very clear on this, investigations are given code names and people's details are maintained in confidence. In certain circumstances the police need to be informed and in such cases the "whistle blower" details may need to be provided, this is clear in the policy. To our knowledge there has been no requirement in the past 5 years to inform the police of the "whistle-blower's details". The whistle-blower is informed that the concern has been investigated and of the action that has been taken as deemed appropriate by management. It would not be appropriate for the whistle-blower to be informed of action taken for a serious concern if it is in respect of an individual.

The current scheme will be replaced by the new Whistleblowing policy, to be launched in January 2019. The policy has been drafted with reference to the HR Lounge Ltd report into Bullying and Harassment, which also gave recommendations in respect of Whistleblowing.

The launch of the revised policy, places a duty on all colleagues to raise concerns as appropriate and confirms that they can do so safely.

The policy introduces an independent, 3rd party 'speak-up' line, called *ExpoLink* which provides an anonymous way to raise concerns if an individual does not wish to raise with the line manager.

The senior officers' role has changed within the new scheme. They will now have overarching responsibility for all concerns raised and will assure that the process is followed correctly.

The policy launch will be supported by briefing sessions for all line managers, ensuring that they understand how to apply the policy and provide support to their team members. This will be followed up with mandatory on-line training which is the course of being procured.

The Launch of the Team Jersey programme in Q1 2019 will also support the revised approach.

2.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CASES IN WHICH THERE ARE CONFLICTING VERSIONS OF EVENTS BETWEEN SOCIAL WORKERS AND FAMILIES: [WQ.282/2018]

Question

Will the Minister explain to Members what lessons, if any, he has learnt from the case of "Eleanor" – the girl who was sent to a home in Scotland without the consent of the Royal Court, her mother and her guardian – and, in particular, how he will in future seek to reconcile any conflicting versions of events between the social workers and the family in such cases?

Answer

The situation to place a child in the UK without prior approval of the Court was an exceptional circumstance and is regretted. An apology has been made to the Court.

Whilst it is accepted that the approval of the Court was not sought prior to the placement of the child off-island, it is the Minister's position that the consent of the mother and the child was obtained prior to the placement of the child off-island (see paragraph 12 of *In the Matter of Eleanor*). The

Law does not require the consent of the Guardian to be obtained; the Court does however take into account the views of the Guardian.

It is appreciated that a decision to place a child in the UK is likely to be traumatic for any parent. It therefore follows that in a number of cases the parent may “fail to hear” or “misunderstand” the detail of the discussion. It is therefore accepted that in these circumstances it is important that the parent has the benefit of the details of the discussion being confirmed in writing as soon as possible after it has taken place.

It was wrong that the placement proceeded without the approval of the Court. Steps have been taken to remind staff of the legislation in the States of Jersey in this regard and the responsible Head of Service now personally oversees the decision if there is a plan for a child to be placed off-Island.

New staff joining the service, whether permanent or temporary, will receive information about legislative requirements in this regard as part of their induction process.

2.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF CHILDREN SENT TO HOMES OR INSTITUTIONS IN THE UNITED KINGDOM BY SOCIAL SERVICES: [WQ.283/2018]

Question

Will the Minister advise Members how many children have been sent to homes or institutions in the United Kingdom by Social Services in each of the last five years and state whether the Royal Court gave its consent to these placements prior to them travelling to the U.K. and whether parental or guardian consent was also obtained beforehand?

Answer

The numbers of children placed in ‘homes or institutions’ in the UK in each of the last four years are shown in the table below.

Year	Number of children
2014	3
2015	0
2016	3
2017	3
2018 (to date)	2
Total	11

There is a current total of 20 children placed in the UK with six children placed in residential homes and the remainder in long term fostering arrangements either with relatives/friends or other carers. There are no children in short term foster placements off island.

When a care order is in place Article 26 of the Children (Jersey) Law (the Law), provides that no person may remove the child from the Island without either the written consent of every person with parental responsibility, or with leave of the Court. The exception to this is that the Law provides for the Minister to remove the child for a period of less than one month without obtaining consent. This is intended for example to facilitate holidays.

When a child is to be placed outside the Island for more than one month the Schedule 2, paragraph 4 of Law enables the Minister to make arrangements for a child who is the subject of a care order to live outside Jersey with the approval of the Court. Before granting approval the Law requires the Court to be satisfied amongst other things that both the child and any person with parental responsibility has consented. In relation to the child, the Court can dispense with the child's consent if it is satisfied that the child does not have sufficient understanding to give consent. In relation to a person with parental responsibility the Court can dispense with their consent if the court is satisfied that the person is incapable of consenting or is withholding consent unreasonably. The Law does not require the consent of the Guardian to be obtained, the Court does however take into account the views of the Guardian.

All of the above cases, with one exception, had court approval prior to placement and parental consent was either provided or the Court dispensed with parental consent.

2.20 DEPUTY G.P. SOUTHERN OF ST.HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING MEASURES TO IMPROVE ACCESS TO POLLING STATIONS DURING ELECTIONS: [WQ.284/2018]

Question

Given that the ComRes report 'Voter Engagement Research for States of Jersey' indicated that the top reason for not voting given by almost one in four non-voters was an inability to get to a polling station, what measures, if any, will the Chairman propose for the next elections in 2022 –

- (a) to increase the number and accessibility of polling stations;
- (b) to increase the number of pre-poll stations and the opening hours of those stations; and
- (c) to ensure that some form of e-voting system has been tested and is in place?

Answer

The ComRes survey findings concur with my previously recorded views as expressed to the Assembly in June of this year -

Hansard 08/06/2018

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1.Chairman, Privileges and Procedures Committee

Deputy R. Labey:

"...It is ridiculous to me that some of our polling stations in St. Helier are in the most difficult places to park your car and get to the polling station. We would be better off having a polling

station at B&Q. I think we have got to move forward with technology to help us to do that. We are losing votes because people have not been able to get to their polling station, they might be working or what have you, or it might just be inconvenient, so we have got to try to go to them with polling stations in perhaps less traditional and more convenient places...any polling station should be able to take your vote.”

For comprehensive detail pertinent to the issues raised in the Deputy’s question I refer him to my answer to Written Question 138/2018 (tabled on 11th September 2018). In my answer I explain that a central, automatic, electronic register of eligible voters is key to pushing forward the initiatives the Deputy lists in parts (a) (b) and (c) of his question. We are told this ‘People Directory’ will launch early in 2019. PPC awaits delivery of this initiative which is the responsibility of the Government of which the Deputy is a part.

We can’t wait forever.

PPC is poised to action increasing the number and accessibility of polling stations, this will be easier with a fully operational ‘People Directory’. We have set a target date of autumn 2019 for the Government’s ‘People Directory’ to come to fruition, failing which we will still strive to initiate reform in all the areas identified by the Deputy in his question, primarily through amendments to the Public Elections Law, but it will be far more challenging.

2.21 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DEPARTMENTAL UNDERSPENDS IN THE YEARS 2015 TO 2017: [WQ.285/2018]

Question

Will the Minister also provide total departmental underspends (by Department) for each of the years 2015-2017, excluding non-cash, and the total received back each year by departments as carry forwards; and a breakdown of how any balances not treated as carry forwards were utilised?

Answer

The table below provides a breakdown of the remaining final budget unspent and how much was carried forward by department for the years 2015 to 2017. It also provides a breakdown of where any underspends not carried forward directly in to department budgets were allocated.

	2017		2016		2015	
	Remaining Budget Unspent £'000	Carried Forward £'000	Remaining Budget Unspent £'000	Carried Forward £'000	Remaining Budget Unspent £'000	Carried Forward £'000
Chief Minister's Department *	1,397	2,099	2,374	2,023	1,786	2,004
- Overseas Aid	41	41	57	57	6	6
Economic Development, Tourism, Sport and Culture	538	181	506	1,268	381	731
Education	1,617	1,278	4,125	1,958	1,712	1,082
Department of the Environment	1,370	674	483	1,066	353	303
Health and Social Services	4,657	5,819	6,473	7,929	618	3,189
Community and Constitutional Affairs	492	193	1,478	717	511	697
Social Security	10,971	300	10,178	-	12,989	6,074
Department for Infrastructure	1,764	372	3,350	3,349	3,161	2,377
Treasury and Resources	1,335	829	1,475	519	1,357	1,616
Non Ministerial States Funded						
- Bailiffs Chamber	96	-	16	10	50	20
- Law Officers	637	98	1,281	199	555	358
- Judicial Greffe	551	90	998	60	397	321
- Viscount's Services	430	52	387	48	169	90
- Official Analysts	110	18	85	-	56	14
- Office of the Lieutenant Governor	43	43	57	58	142	70
- Office of the Dean of Jersey	16	-	-	-	-	-
- Data Protection Commission	-	-	-	-	41	42
- Probation Department	45	-	95	30	56	-
- Comptroller and Auditor General	46	-	241	-	245	35
States Assembly	104	120	288	-	356	45
Departmental Total	26,260	12,207	33,947	19,291	24,941	19,074

Amount not carried forward in departments	14,053	14,656	5,867
- Returned to the Consolidated Fund	-	-	(5,867)
- Carry forward to Reserves and Contingency	(14,053)	(11,496)	
- All departments for non-consolidated pay award		(3,160)	
	-	-	-

Notes:

* Includes External Relations

Rounding applied

More detail, including what unspent department budgets were carried forward for, was published in the reports accompanying the Ministerial Decisions approving the allocation of carry forwards in each of the years. ([2017](#), [2016](#) and [2015](#))

3. Oral Questions

3.1 Deputy R.E. Huelin of St. Peter of the Minister for Treasury and Resources regarding the sale of Building I.F.C.1: [OQ.226/2018]

Further to the recent announcement of the sale of Building IFC1 for £43.7 million, generating a net return of £10.9 million, will the Minister kindly provide the land value or value of the 150-year lease that was attributed to these figures and will she state how much the States of Jersey Development Company originally paid the States of Jersey for the land?

Deputy S.J. Pinel of St. Clement:

Deputy Ash will be answering these questions as he has delegated responsibility as Assistant Minister.

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):

All of the undeveloped Waterfront sites were transferred into S.o.J.D.C. (States of Jersey Development Company), formerly W.E.B. (Waterfront Enterprise Board), in 2004. At the point of transfer, these sites were the subject of an independent Red Book valuation. The combined value of the sites transferred in 2004 was £20.196 million and this value is reflected as shareholder equity in S.o.J.D.C.'s accounts. The entire site of the former Esplanade surface car park was valued at £5 million at the point of transfer.

[15:00]

The Deputy of St. Peter:

I am going to think on that for a second, if there are any other questions.

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

It was always expected that this property, this structure or building, would be sold. It is really good that it has been. It is even better that it has been sold for a large profit, a profit almost £4 million larger than the profit that was expected. Does the Assistant Minister agree with me that this additional profit should be given immediately to the Future St. Helier project for the benefit of those who live, work and visit our capital?

Deputy L.B.E. Ash:

I do definitely agree with the Deputy that it is excellent that it sold for more than was expected. There were many people who doubted the whole project, but it appears to have been fairly successful. In regard to the sale proceeds of the International Finance Centre, they have always been identified as providing the funding for the construction of the underground car park. That is identified in the Esplanade Quarter Master Plan. While it is not fully scoped, the cost of the car park is expected to be between £20 million and £25 million, which means that S.o.J.D.C. need to retain all the return in order to progress this project. I would, however, say that they are intending to have discussions with Constable Crowcroft as to putting something into St. Helier.

3.1.2 Deputy M. Tadier of St. Brelade:

I am sorry to interrupt the self-congratulations that are taking part in that part of the Assembly, but does the Assistant Minister for Treasury and Resources believe that there has ever been any public support, or indeed mandate, for the taking of what was premium and prime public land to be sold on to the private sector?

Deputy L.B.E. Ash:

It is sold as a leasehold so it is not disappearing completely. It is on a lease. I also feel that we have made some great profit. I know that certain people would love to stand there and go: "I told you this was going to be a mess" but it has not been. We already have a fully occupied second building. We are looking at tenants for the third building. We have people interested in buying the second building. As I say, at times we are very down on ourselves in this Island, but this is something where we should look and say we have done something right.

3.1.3 Deputy M. Tadier:

This is not a question about being down or up, it is a question about realism. One hundred and fifty years probably represents 4 or 5 generations for whom it will effectively be sold. I know from my own constituency that leasehold properties which were on a 99-year lease have now been sold anyway to freehold, so it does not give much comfort. The underlying question was: does the Minister think, given the amount of public protests that happened at the time and the development

at the time, that it should have been sold or leased for a 150-year period when it could have been kept in S.o.J.D.C. ownership with the rents accumulating over a period of time?

Deputy L.B.E. Ash:

The S.o.J.D.C. are not a property holding company. They are a property development company. Their job is not to hold things and rent them out. It is to develop things for the good of the States of Jersey, and that is what they have done in this case.

The Deputy Bailiff:

I have Deputy Higgins, Senator Ferguson and Deputy Morel, and then a final supplementary. Members will understand I have to be fairly prescribed in the number of questions I can allow as supplementals because there is an enormous number to get through. We will do as many as we can.

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

I would just like the Assistant Minister to confirm the occupancy of the second building. On memory, I was talking to a person who was considering buying the second building and it was 87 per cent occupancy. Will he confirm 100 per cent is the correct figure?

Deputy L.B.E. Ash:

I thank the Deputy for his accuracy there. I believe it is not yet at 100 per cent but will be very shortly.

3.1.5 Senator S.C. Ferguson:

The Deputy got through the figures rather fast. Would he confirm the cost of the portion on which this building stands and will he confirm that that cost is in equity in the shares in S.o.J.D.C.?

Deputy L.B.E. Ash:

All I am able to confirm is that it stands on the entire site or part of the site of the Esplanade surface car park, which as I stated was valued at £5 million. The net return on this which is calculated is the net development value less the development costs less any tenant incentives that are given less financing costs.

Senator S.C. Ferguson:

A supplementary?

The Deputy Bailiff:

Yes.

3.1.6 Senator S.C. Ferguson:

So how much cash did S.o.J.D.C. relinquish in exchange for this piece of land?

Deputy L.B.E. Ash:

As I said earlier, the combined value of the sales in 2004 was £20.196 million and that value is reflected as shareholder equity. As to the amount of cash they relinquished, I do not know.

3.1.7 Deputy K.F. Morel of St. Lawrence:

Could the Assistant Minister inform the Assembly as to the nature of the car park that is being built for £20 million? Is it going to be for private parking or is it for public parking as was originally intended?

Deputy L.B.E. Ash:

I believe it will be a straight swap for the car parking that is already there, the temporary car park, which will be land that will be developed once the underground car park is complete.

3.1.8 The Deputy of St. Peter:

I am still somewhat concerned. The land was owned by the States of Jersey and was transferred to what was the Waterfront/Esplanade development area. I cannot remember, way before my time. That was owned by the people of Jersey. How much money was returned to the people of Jersey during this transaction? The other question is the land value. I think you have mentioned £5 million as the land value. I believe in a scrutiny meeting in 2015 that land was valued at £7.63 million. Could we quantify exactly what net profit has been returned based on the land value today? Otherwise we are using land as an investment when we could have sold it 10 years ago for about 50 million quid, I believe. A summary of that: how much money did the States of Jersey, the people of Jersey, receive during this and what was the actual valuation of the property against which these numbers were ... you are looking confused.

Deputy L.B.E. Ash:

I often look confused but doubly so there. I do not believe that the people of Jersey received any money back at the time. It was a transfer into S.o.J.D.C. to set them up for development of properties. As to whether they get anything back now, yes, they do because obviously the S.o.J.D.C. provide dividends back to the States of Jersey. I do not have the exact figures of what we are putting back into the Treasury at the moment, but that is how the people of Jersey will benefit from such transactions.

3.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the 5G network: [OQ.216/2018]

Will the Minister as shareholder representative request J.T. (Jersey Telecom) to specify the number of firms which tendered for the 5G network contract? Was the contract decision discussed with either the Treasury's Investment Oversight Group or the Telecommunications Policy Group and, if not, why not?

Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):

I shall be answering this one on behalf of the Minister for Treasury and Resources. It is worth noting that 5G is just the evolution of the previous mobile technologies. I am no great expert on mobile technologies such as 4G, 3G and 2G, but it is merely in a linear process. It is the core network infrastructure that is the key decision point for network operators, and J.T. last went to tender for new mobile infrastructure in 2013 when 8 network vendors were invited to tender and from which J.T. chose a single provider that best fitted its requirements. That being the case, there was never an intention to tender for a 5G network contract as it is simply an extension of radio equipment that uses the existing core network. As the radio equipment must integrate seamlessly with the core network, using an alternative supplier would be a high-risk strategy with potentially significant service-related impacts. There was, therefore, no requirement to discuss with the team in Treasury and in any case this is a matter that sits squarely with the board of directors of J.T. that have been put in place to run that company, as the Senator is no doubt aware having been provided with a copy of the memorandum of understanding in place between Jersey Telecom and the Minister for Treasury and Resources. While updates are provided on key issues, this does not extend to input on operation or network-related decisions.

3.2.1 Senator S.C. Ferguson:

A supplementary: is the shareholder representative not aware of the increasing requirements for security of data and the concerns about Chinese equipment raised by the U.S. (United States),

G.C.H.Q. (Government Communications Headquarters), the Australian Government, the New Zealand Government and Germany as highlighted in the *F.T. (Financial Times)* this week? Is the shareholder not aware of these concerns and does the shareholder not consider that they ought to have thought about it?

Deputy L.B.E. Ash:

The shareholder is aware of these concerns and I thank the Senator for reminding us but we are aware. Detailed discussions and meetings took place with the U.K. (United Kingdom) Government's General Communications Headquarters, or G.C.H.Q. as it is known in Cheltenham, and the National Cyber Security Centre, N.C.S.C., prior to signing agreements with ZTE, who are the Chinese provider in question. These were done in 2014 and as matters have developed these updates have continued. The content of these discussions will obviously remain confidential but the advice given was fully taken on board by Jersey Telecom.

3.2.2 Deputy K.F. Morel:

With regard to the M.O.U. (memorandum of understanding) signed by J.T. and ZTE, would the Assistant Minister confirm whether J.T. are happy with the idea of building a single network for all mobile operators to use in the move to 5G or is J.T. going it alone?

Deputy L.B.E. Ash:

At the moment I would not be able to comment on whether or not... that was not part of this question. As far as I am concerned, J.T. have always tried to facilitate other users within their 4G product and will continue to do so within their 5G.

3.2.3 Senator S.C. Ferguson:

Is the shareholder representative not aware that the other telecoms companies are making very little use of the fibre network installed by J.T. and, therefore, J.T. is not getting best value for the installation? Obviously, it is not, as I say, getting best value for it and probably will be making a loss on it in due course.

The Deputy Bailiff:

Senator, the question was designed relating to tendering. It was not designed relating to use of the network and I think I will disallow that question.

3.3 Deputy J.M. Maçon of the Minister for Treasury and Resources regarding the financial return from the sale of Building I.F.C.1: [OQ.221/2018]

Further to the sale of Building IFC1 at £43.7 million with a net return of £10.9 million, will the rapporteur explain how much of this return will come back to the Treasury as a dividend, how much will be awarded in bonuses, and will they advise how much it cost the States to reclaim the land that IFC1 is built on?

Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):

The net return from the sale is £10.9 million. That is the net return from the sale of IFC1. It is to be used, as we have already discussed, to part-fund the construction of the new 500-space underground public car park that is to replace the temporary car park at Les Jardins in order to free this land up for residential development, as I previously said. Remuneration of the staff at S.o.J.D.C. is determined by the Remuneration and Nomination Committee, whose membership comprises independent non-executive directors. On an annual basis, in accordance with the memorandum of understanding, the shareholder is presented with and votes on the Remuneration and Nomination Committee report at the A.G.M. (annual general meeting).

3.3.1 Deputy J.M. Maçon:

Of the return, we do not know how much is going to be used up in bonuses, we do not know how much is coming back to the States and we cannot do a cost-benefit analysis of developing the land because those figures have not been given either, in which case can the rapporteur produce for States Members and for the public what the actual profit of this development has been? It is just net return at the moment; we do not know what the profit figure is.

[15:15]

Deputy L.B.E. Ash:

As I say, I can only reiterate what the net return figure is. It is £10.9 million. The actual profit I do not have. It has to be stripped down into its various items. As I say, all the profits were designated to go back into an underground car parking system. I cannot put that any plainer than I have already.

3.3.2 Connétable A.S. Crowcroft of St. Helier:

With no fewer than 3 questions on this matter on today's sitting, which is in itself perhaps a matter for P.P.C. (Privileges and Procedures Committee) to look at, does the Assistant Minister for Treasury and Resources not find it surprising that none of the questions are asking him to agree what a success has been created on the Waterfront, not least that open amenity space which would not be provided by a private developer is being provided to the equivalent of 3 Royal Squares and regeneration funding of between £50 million and £75 million is predicted for the urban area?

Deputy L.B.E. Ash:

Thank you for the question from the Constable of St. Helier. Do I find it surprising? No, I do not because generally people tend to look on the dark side rather than the positive side. There is a big positive side, as I stressed earlier, and hopefully we will continue with rejuvenating that area along with rejuvenating other areas of St. Helier.

3.3.3 Deputy R.J. Ward of St. Helier:

Might I ask just for a point of clarity on this? We have net profits but we do not know the actual profits and they will be spent on a car park which will be a public car park. Therefore, these profits have been spent and nothing will come back to the actual States coffers from the sale of this building overall?

Deputy L.B.E. Ash:

I do not know if the Deputy has parked in St. Helier recently, but there will be charges for these parking spaces, 500 of them. They will contribute to profits that will eventually return to the Treasury, I trust.

3.3.4 Deputy R.J. Ward:

The question was whether the parking itself would be a public car park, and I understand the system of paying for public car parks, or whether it is a private car park or part of each, i.e. will it be privately run, or whether it will be accessible to all members of the Island who want to park there.

Deputy L.B.E. Ash:

As I understand it, at the moment - and I may be mistaken on this - it will be a public car park replacing the one that we have at the moment.

3.3.5 Deputy J.M. Maçon:

I do not believe I have made a positive or negative statement about this particular matter. I think I have just been trying to understand the figures. I would like to dispel any myth that for some reason I am being negative or that I am being positive. I am simply trying to understand the figures.

The Deputy Bailiff:

Deputy, if you could ask the question, please, it is a final supplementary.

Deputy J.M. Maçon:

What I would like to ask the Minister is: in that situation, given that St. Helier was supposed to be promised a certain amount of money for regeneration, is the Assistant Minister able to tell the Assembly what proportion of these funds, if any, will go in order to do that?

Deputy L.B.E. Ash:

I thank the Deputy for his question. I was not insinuating that he was such a person.

The Deputy Bailiff:

Yes, if you could just answer the question.

Deputy L.B.E. Ash:

I will answer the question. I cannot tell you exactly how much but I do believe that S.o.J.D.C. will be discussing with the Constable of St. Helier a sum that can be used for the rejuvenation of St. Helier.

The Deputy Bailiff:

As Members will have noticed, we are having a difficulty with the sound system. We have a technician on their way, hot footing it. When the technician arrives we will adjourn for 5 to 10 minutes in order that it can be put right. We will have to soldier on in the meanwhile, Deputy, if you can try.

3.4 Deputy K.F. Morel of the Chief Minister regarding the halting of works commissioned by Andium Homes on the Ann Court site: [OQ.211/2018]

Thank you. It seems to be working now. Will the Chief Minister confirm whether he was aware of the scale of any costs associated with halting the work commissioned by Andium Homes on the Ann Court site before ordering the current halt to works and, if so, will he outline details of these costs and state whether they are to be borne by Andium Homes or the States of Jersey?

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

I was wondering what Deputy Morel was doing with the beeper but anyway. Just to clarify, I have asked for a short pause rather than a halt at this stage and it is going to the Council of Ministers next week. I was aware there would be the potential for some costs to be incurred but let us just put that into context: Members may know that I am deeply committed to achieving the office consolidation strategy which has been delayed roughly 10 years. When I was originally involved the type of savings that we were looking at at that time were around £10 million a year and that is a combination of cash savings, avoided costs and what I will call soft dollar savings as well. So very simplistically if we say that is 10 years, that is £100 million worth of savings not achieved through not delivering on the strategy. Now, the costs that would be incurred on the Ann Court site will include things like the acquisition of the property and site enabling works which will have to be incurred anyway. Where there might be a sunk cost would be on such things as planning fees and design. But that should all be considered in the context of annual savings we can achieve through the acceleration of achieving this project on that site and do not forget there is also to be taken into

account the decamp costs which would be presently incurred on La Motte Street, for example, which could be avoided. Rest assured in the overall context the impact on housing for supply will also be at the forefront of our minds and I know that is a very key concern, for example, for the Minister for Children and Housing who is to answer a question later. But at present it looks to be beneficial. If we have time I will talk about this more in the next question but one of my private passions - and even accountants can be passionate at times - is urban regeneration and this scheme is likely to deliver on that as well. But all of that is up for discussion next week.

3.4.1 Deputy K.F. Morel:

I note that the cost to Andium Homes did not feature in the Minister's answer, which was the question that I posed. That brings me to the supplementary which is: given the unknown cost to Andium Homes, as detailed by the Minister, does he feel it appropriate that he, as chair of another housing trust, is involved in the decision-making process that piles costs on to this housing trust?

Senator J.A.N. Le Fondré:

I really do not like the insinuation there and I would hope that the Deputy would withdraw any inference he is ascribing of impropriety. What I will say is that if this decision does go ahead, in the context of the savings that I have talked about and in the context of urban regeneration we will make very sure that Andium Homes are not in any negative financial position as a result. That has to be quite clear because that is what I would expect to happen on any entity. I have operated on the housing trust you referred to for 21 years and it is purely in an honorary capacity and it has never impacted on any judgments or decisions I have ever made. I trust the Deputy will withdraw the inference he may have, hopefully inadvertently, included in his speech.

Deputy K.F. Morel:

I have nothing to withdraw because I made no inference. Thank you.

The Deputy Bailiff:

You intended no inference. Very well, Deputy Higgins.

3.4.2 Deputy M.R. Higgins:

The Chief Minister, in his answer, mentioned that we had need of this housing consolidation for 10 years. Can the Chief Minister tell us whether over the last 10 years they have come up with a policy with sites other than the Ann Court site and can he tell us where we are with those? Thank you.

Senator J.A.N. Le Fondré:

Basically where we are is when I was involved with it 10 years ago the preferred site was Ann Court. The present position, as I have understood it from the previous Minister who was dealing with this, is that the position is to go to La Motte Street. So the issues are ... when I was in the position I am in now I asked the question about what was the position on Ann Court and I was told that no contract had been signed. I therefore asked the question and said: "Look, when we were doing this 10 years ago it was the preferred site. Is it ... I used the word "barking", is it mad?" The advice that had come back was that: "No, it would be simpler. Potentially it could be achieved quicker and we would avoid certain costs." At that point Andium were informally advised that we were looking at things, which was the end of August, and therefore we have asked for further information to come together. That is what is going to come hopefully next week but the principle was that, with the additional benefits, it would be around the urban regeneration side. One of the areas I am very keen on is the central market and things like that, which I consider to be a jewel in St. Helier, and we are aware, of course, of the issues around empty shops in this area of town. So the benefits are regeneration as well as acceleration of the savings but we have got to make sure the

number of housing units makes sense. I am starting to get the information and I will receive a bit more during the week. Thank you. It is looking beneficial at this stage.

3.4.3 Senator K.L. Moore:

The Senator describes the impact and the cost of the delay in providing this public sector building. However, does the Senator also take into account the cost and the impact on people's lives of the lack of affordable housing in the Island? [**Approbation**]

Senator J.A.N. Le Fondré:

We are absolutely aware of the issues around the lack of affordable housing on the Island; that is one of the key concerns. What I would just point out, and that is obviously one of the discussions that is in the process of being completed, is that the work that is due to start in Ann Court is for the provision of a public car park and I am given to understand that is going to take ... well it obviously will take a period of time to resolve. The question is, therefore, if we basically switch things round, and can release an additional site, whether the construction of actual housing can mitigate any potential delays. At the moment it is looking like it will be consistent or not too far apart. That is where I need some extra detail. But it is possible, as I said ... sorry, in the longer term picture, i.e. during our term of office, is we should be able to ... it looks to be that we will either deliver the same number of social housing or more, but that I need to get some flesh on that. If we can achieve more as a result I think that would be a benefit of the delay.

3.4.4 Senator K.L. Moore:

The Senator talks of a pause but does he not take into account the impact of waiting when a family is living in inadequate and unaffordable accommodation and does he not pay heed to his proposed common strategic priority regarding including the standard of living for Islanders?

Senator J.A.N. Le Fondré:

Absolutely. Also within the common strategic policy is the point about an efficient public sector which is part of the aspect. However, I keep going back to the point, the particular work that was due to start on Ann Court is for a public car park, therefore, there is not going to be a 2-year delay as a result of this. It is my understanding of the position that is what we are firming up. In other words, if you are able to bring a different site on earlier it would not have ... you are saving that 2 years construction, if that makes sense. I have not explained that particularly well but the point is you have got a public infrastructure project of a car park which is going into the site. Anyway, the intention would be for that to proceed but that is ... so social housing does not start construction next week on that site, is the point I am trying to make. There is already an in-built delay into that process because of a public car park that has to be constructed. If we can use an alternative site, which can be brought forward within that timeframe, we will achieve very little delay to the people we want to help.

3.4.5 The Deputy of St. Martin:

I am sure the Chief Minister is well aware of the cost of building and the cost of housing these days, a cost which is escalating even above the cost of living. The site in question has been in the North St. Helier Masterplan for some time now. Irrespective of what the Chief Minister has just said, does he not agree with me that he is sending out the wrong message? He is sending out a message that housing of government is more important than desperately needed housing for the members of the Island.

Senator J.A.N. Le Fondré:

It is a risk, I take the point. But we keep going back to this time and time again; it is short-term gain and long-term benefit. The short-term fix is we keep filling a particular site with a certain number of units. If we can get the office consolidation stuff together we can hopefully free-up

more sites in the round to address this in a better way in the longer term. That is the principle. We can keep fiddling around but there are not that many sites that are big enough to do this and achieve that same aim, which, as I said, also includes things like urban regeneration and savings. It is, within the round, looking at it from a strategic point of view of whether you go for the short-term fix of that site, that is fine. If that is what the Council of Ministers decide to go for, fine. If they do not then hopefully they might at least have the discussion around the longer term vision of how we achieve the priority of providing housing but also the other priorities that have been set out.

The Deputy of St. Martin:

The Chief Minister talks about urban regeneration. I am sure he is very well aware of a part of London called Westminster, which is buzzing during the week, full of people running around and huge activity and at weekends is almost like a desert; the pubs closed, the restaurants closed, nothing happens. If we need urban regeneration we need to build houses for people to live in not offices for government.

The Deputy Bailiff:

Was that a question?

The Deputy of St. Martin:

Does he not agree?

Senator J.A.N. Le Fondré:

No.

3.4.6 Deputy K.F. Morel:

Is the Chief Minister concerned that the message going out from Jersey at the moment with regard to capital projects is one of uncertainty? Here was a project which the business that was undertaking it thought it could just get on with the work and suddenly it has unexpectedly been paused. Similarly we have another capital project in the shape of a hospital for which the decision was made 2 years ago and which has been now put on pause. Could the Chief Minister confirm whether he believes this kind of decision-making is giving business the requisite certainty it needs to have faith in Jersey as a place for investment?

Senator J.A.N. Le Fondré:

I think there are 2 separate projects he has referred to. What we are trying to see is if we can ... one of the discussions that is going on is whether the initial works on the car park can go ahead while the other matters are sorted out; if we can achieve that without having the delay that is what we aim to do.

[15:30]

As I said, this is the problem when things get leaked out, as it were, which is how the story came out initially, without having all the facts in a row, and that is what we are trying to get to. In relation to the hospital project, I make the point it was a political commitment made in the elections - not by myself - that said there would be a decision coming back to this Assembly. That is where we are. It has been in the public domain since May and on that basis I have said I will honour that commitment. I think the Deputy probably also forgets that certainly at election time it was a pretty significant project, pretty significantly high in the minds of the public, certainly in the electorate that I encountered during the hustings. I think, therefore, we will be criticised from all angles but we will also be criticised if we do not give this Assembly a final decision on that project.

3.5 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding the suspension of public sector employees following the Independent Jersey Care Inquiry: [OQ.231/2018]

Further to written question 248/2018, will the Chairman review the membership and terms of reference of the group who considered the evidence in relation to the suspension of public sector employees following the Independent Jersey Care Inquiry, evaluating the evidence it received and the procedure it adopted, with a view to assessing whether it was sufficiently independent and objective and whether the previous board's decision to reinstate the suspended employees was correct?

Senator T.A. Vallois (Chairman, States Employment Board):

The group was established by the previous chief executive officer to advise on whether there were any concerns needing to be addressed given the Independent Jersey Care Inquiry report. As has been previously advised, a mixed team of senior professionals from the Law Officers' Department, Police, Human Resources and Social Services reviewed the cases. While the terms of reference and outcomes could be reviewed again, it is not clear why this should be done given that from an individual employee perspective the case had been closed with no case to answer. There has been no subsequent information that suggests that the case needs to be reconsidered. However, to provide comfort to the Deputy I have asked the current chief executive officer to conduct a desktop review of the approach and outcomes to provide closure on this matter.

3.5.1 Deputy M.R. Higgins:

I thank the Minister for passing it to the chief executive to look at again. Will she also be prepared to publish the terms of reference that were given to the body that was looking at the suspension, and, if not, why not?

Senator T.A. Vallois:

I am not sure whether there would be any difficulty with publishing it but I would like to check with officers and the legality around the terms of reference if the Deputy would consider that appropriate and then I can advise him appropriately and let him know whether we can publish that or not.

3.6 Deputy K.G. Pamplin of St. Saviour of the Minister for the Environment regarding the report of the independent planning inspector in respect of the future hospital: [OQ.224/2018]

Will the Minister provide a deadline for when he will respond to the recommendation of the independent planning inspector in respect of the future hospital and will he outline his process for responding?

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

Currently I am unable to provide a deadline for when I will determine the future hospital planning application. I do not know what the inspector's report might contain and I will need time to give the report and all of the inquiry documents very careful consideration for this important decision.

3.6.1 Deputy K.G. Pamplin:

I thank the Minister for his answer. His predecessor took 6 or 7 days to make his decision based on the previous planning inspector's report, and, as he says, we know that the independent inspector who had planned to deliver his report by the end of November has yet to do so. Would the Minister not agree with me though, due to this ongoing situation, which we were referred to by the Deputy

of St. Lawrence, that in the public interest and the interest of States Members who will now be debating this evidently in the future, that that process is transparent and as quick as possible?

Deputy J.H. Young:

If I can deal with the last point about the process being transparent; I am obliged as the Member holding the office of Minister to follow both Article 12 of the Planning and Building Law, which sets down the exact precise requirements for a public inquiry to determine a planning application, and also the provisions of the Planning and Building (Public Inquiries) (Jersey) Order 2008, which sets out in meticulous detail the rules that apply. In particular, I draw attention to the fact that that law, which well pre-dates me, does not allow me to publish the inspector's report before that determination of the application has been made. So, of course when it is made, the law then requires me to publish the inspector's report during normal office hours to the public and to circulate details to eligible persons where they can see the report. From past experience I know the inspector will also produce a public list of every single document that has been taken to account in his report, which is material considerations potentially for the planning inspector. In my view, to fulfil my obligations in the law to the Assembly and the public properly, I certainly intend to read all those submissions and carefully consider the matter.

3.7 Deputy M.R. Le Hegarat of St. Helier of the Minister for Children and Housing regarding the Minister's position in respect of the delay of the Andium Homes project on the Ann Court site: [OQ.210/2018]

What is the Minister's position on whether the Andium project at Ann Court should be delayed?

Senator S.Y. Mézec (The Minister for Children and Housing):

I have been clear, both in public and in private conversation with the Chief Minister and the board of Andium, that I do support the development of social housing on that site because I think the scheme that Andium have come up with is excellent and it will help get waiting lists down. As the Chief Minister has just said, this will be discussed by the Council of Ministers next week and of course I will abide with whatever decision the Council of Ministers does make. But I am determined that we need to deliver more social housing for the Island and I hope that this review can be concluded as quickly as possible so that there is no further delay and I would not support any further delay.

3.7.1 Deputy M.R. Le Hegarat:

How does he think that this delay will impact on the pledge to children and putting them first?

Senator S.Y. Mézec:

I do not envisage that many properties that will be built on this site will go to families with children I think the larger proportion of those would more likely go to retired people. But I think that when it comes to fulfilling our pledge to Jersey's children and young people to make sure that they all live in the best possible home environment and have access to decent and affordable accommodation we need to take a wholesale look at it. This is not just about the Ann Court site, it is about what we do, as a whole, as a Government, in providing affordable housing and that is certainly a cause that I am more than prepared to champion even when, from time to time, there may be disagreement on the specifics.

3.7.2 Senator S.C. Ferguson:

In view of the possible loss of social housing at Ann Court, will the Minister withdraw permission for hospital staff to live at Convent Court?

Senator S.Y. Mézec:

No, we have had back and forth on this subject previously with the Senator. I do not agree with her outlook on this but I would say that if there was to be a change in decision I would want to argue very robustly to make sure that other sites are made available as quickly as possible and that further areas can be developed into social housing, and on that question I certainly will not take no for an answer.

3.7.3 Deputy K.G. Pamplin:

I think I might be unique here in saying that I, as a child, grew up in Ann Court, in the previous flats that used to be there. I had a great time growing up and I know a lot of my friends and family were lucky to go to great schools in the area; Janvrin School, which is now Springfield School. My question to the Minister for Children and Housing is could he explore and report back to us why there has been a delay in returning houses and flats to people in that area? It seems like a long time since my former flat was brought down; it is a long time to wait. Will he investigate what the delay has been in returning affordable houses to that area?

Senator S.Y. Mézec:

I had a best friend who grew up on Ann Court as well and I remember spending many happy hours down there with my friends. I agree it has felt like a very long time and obviously this is adding a bit of extra time to that. Whether I can have a full review on the ins and outs of what has gone on here, I do not necessarily know if that would be a useful use of my time because I prefer to look forward rather than backwards.

Deputy K.G. Pamplin:

I appreciate the Senator's comments that he used to share time with us as well. It probably was you that used to cause all the trouble around there, not me. But I disagree with him slightly in the sense that, yes, I think we all should look forward, absolutely. But sometimes you can look back and not make the same mistakes over and over again. So would he ...

The Deputy Bailiff:

Deputy, we really have to be disciplined about asking a question.

3.7.4 Deputy K.G. Pamplin:

Of course. So will he recommit to having a look, maybe in smaller detail, at what the delay is so we do not have delays in the future?

Senator S.Y. Mézec:

When I spent time in Ann Court I was impeccably behaved. It was my friends who were the problems obviously. **[Laughter]** If I do not commit to having a full review I am certainly happy to raise that question with the board of Andium when I have a discussion with them and find out why they think things have taken as long as they have and what lessons can be learnt in the future so that we do not have this on other sites.

3.7.5 Deputy K.F. Morel:

Given that, in my view any delay when it comes to housing - because we all need to live today, we need to be housed today - any delay is too long. Could the Minister for Children and Housing confirm whether Ann Court is in fact designated in the Island Plan as being for housing and therefore any change of use to offices would require a planning inquiry and subject it to much longer delays?

Senator S.Y. Mézec:

The honest answer to that is in terms of the Island Plan, I do not know for definite what it says in that but what I do know is that in the North of St. Helier Masterplan it was very clear that this was

to be used for residential purposes. I happen to think that the North of St. Helier Masterplan is a very good document and I would like to see much of the proposals in that plan progressed as quickly as possible.

3.7.6 Deputy M. Tadier:

Does the Minister agree that facilities and infrastructure are going to take up a big part of the next 3 or 4 or 5 years about development? Does he also consider that it is not just Ann Court but questions like the hospital, the future of Fort Regent and States offices that will ultimately have an impact on where housing can be freed-up? What talks have taken place between the Minister for Planning and Environment, for example, and the Council of Ministers about what role he might have when it comes to reviewing and having input into the future Island Plan?

Senator S.Y. Mézec:

In discussions that I have had with the Minister for the Environment, I have picked up on the vibe that I know he is passionate about urban regeneration. As a former St. Helier Deputy and current St. Helier resident, I am very keen that we take a much wider view of developments in St. Helier so we do not just cram housing in areas, we do make sure we get the infrastructure right: the parking, the access to open and green space. I have said to the Minister for the Environment that I would want to be involved in those discussions to make sure we do things properly for the benefit of the people who are going to live in those areas.

3.7.7 Deputy M.R. Le Hegarat:

Accepting that it will not be our families going to Ann Court however, one assumes that the people that will be moving to Ann Court will be moving from somewhere so, therefore, ultimately any delay will have an effect on children and young people. Would the Minister confirm that?

Senator S.Y. Mézec:

I certainly do and that is why I have said throughout this that we can look at this one scheme, a scheme that I happen to think is a good scheme and want to support. But of course we have to have a wider look, not just at this but this is a good day to be talking about social housing as we have had the press release out from Andium Homes about the gasworks development, another excellent project that I hope to see go ahead as soon as possible. We have to take a wholesale look at this and I certainly do agree that we have issues in our appropriate allocation of housing in all sectors, not just social but private as well. That is something, over the next year when we have our housing policy development board up and running and in action, we will be looking at making sure that we can have a decent plan to make sure we get the best out of our housing stock in Jersey.

3.8 Connétable D.W. Mezbourian of St. Lawrence of the Minister for Home Affairs regarding the prospective assimilation of the Customs and Immigration Service and the States of Jersey Police: [OQ.220/2018]

Further to the answer given to the oral question I asked at the last sitting, what evidence does the Minister have to prove that any assimilation of the Jersey Customs and Immigration Service and the States of Jersey Police will result in the service provided to the public by both agencies being as or more effective and efficient than at present?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

My department is working to a number of key principles including integration, collaboration, early intervention and prevention. These principles are well evidenced in delivering improved outcomes for the public. As the Constable knows, both the Police and Customs operate in law enforcement and already collaborate in certain areas and regularly work closely alongside each other. In order to

deliver further improvements and ensure the service provided to the public is as efficient and effective as possible, there is a need to integrate further. This will bring together expertise, intelligence and information that will enable more effective operational and organisational delivery.

[15:45]

3.8.1 The Connétable of St. Lawrence:

I wonder if the Minister will tell us what the underlying business case is for the changes?

The Connétable of St. Clement:

The underlying business case is to improve the service to the public in all areas of law enforcement to concentrate on prevention. Collaboration, cohesiveness and working together has got to be the way forward, not just in these services but in all services throughout the States.

3.8.2 Senator S.W. Pallett:

Will such an assimilation have any effect on staffing levels at the harbour, ports or around our coast and, if so, how will services change? Can he assure the Assembly that this will not put, in any way, the public at risk?

The Connétable of St. Clement:

Absolutely not. It is essential that the level of service provided to the Island, in the security of its borders and prevention of crime and detection of crime, is maintained at least at the current level and enhanced. That is my commitment and it has been my commitment since I took on this role and that will be maintained while I retain this office.

Senator S.W. Pallett:

I just asked whether there would be any change to services. Is that a no or yes?

The Connétable of St. Clement:

The level of delivery of service will be at least maintained and I expect, in due course, to be enhanced.

3.8.3 The Connétable of St. Lawrence:

In his answer to me on 20th November, the Minister said that the Customs and Immigration Service with others are essential for the well-being of the people of the Island. We have just heard him tell us that there will be no delays or there will be no impact on the travelling public when they arrive at our ports if this assimilation goes ahead. Will he also confirm that there will be no operational changes by the work of the now Customs Department at the post office whereby they intercept illegal drugs to stop them flooding on to our streets and they also collect G.S.T. (Goods and Services Tax) for the Treasury? Will he assure us that there will be no changes and certainly no lesser service than we have now?

The Connétable of St. Clement:

I am sure the Minister for Treasury and Resources would be the first to have a right go at me if I suggested that the Customs should stop collecting or reduce their collection of G.S.T., and this is where integration and collaboration and co-operation between the Police Force and Customs comes into play in a big way. Customs are dealing with crime, detecting crime at the post office. They have a dog handler; the Police have a dog handler. The Customs have back office facilities; the Police have back office facilities. What we are looking to do is incorporating and assimilating those, integrating those so they can be as efficient as possible in solving these crimes, in detecting these crimes and intercepting the drugs which the Constable refers to. As I said, there is absolutely no intention whatsoever to reduce the level of service provided by Customs and Immigration and the States of Jersey Police.

3.9 Deputy M. Tadier of the Minister for Education regarding the funding for the provision of French language assistants and Jèrriais language teachers: [OQ.230/2018]

Will the Minister advise whether full funding for 2019 is secure for the continued provision of French language assistants and Jèrriais language teachers?

Senator T.A. Vallois (The Minister for Education):

The Education Department budget for 2019 is what was approved by the States in the M.T.F.P. (Medium-Term Financial Plan). There was no additional allocation of monies for either of these 2 initiatives. The Education Department, however, has allocated money to language assistance and indeed is committed to providing a quality language provision. The budget and responsibility for Jèrriais lies with Economic Development, Tourism, Sport and Culture Department. They commissioned the Education Department to provide the teachers on their behalf. On this basis I am unable to confirm that funding is available for Jèrriais as it was transferred from the Education budget in 2012.

3.9.1 Deputy M. Tadier:

Can the Minister confirm that it is her department that funds both language assistants and funds Jèrriais teachers, provides the money, in the latter, to my department for that? Can she confirm that in 2019 at least the same amounts will be allocated to these 2 areas as were in 2018?

Senator T.A. Vallois:

I believe in the answer to the question I did state that the language assistants, the French language assistants are provided from allocation of monies within the Education Department. The budget and responsibility for Jèrriais lies with Economic Development, Tourism, Sport and Culture Department and they commissioned the Education Department to provide teachers on their behalf.

3.9.2 The Connétable of St. Helier:

Is the Minister aware that L'Office du Jèrriais, which is based at the Professional Development Centre at the Education Department, her department, is likely to close this month due to lack of support for the support service, which looks after Jèrriais teachers.

Senator T.A. Vallois:

I am not aware of that and I appreciate the Constable letting me know. Officers have not advised me of this position but I would be happy to go along and speak to L'Office du Jèrriais to discuss further and see what support we can put in place for them.

3.10 The Connétable of St. Helier of the Minister for Infrastructure regarding planned improvements in the area of the Weighbridge and Liberation Square ahead of 'Liberation 55': [OQ.223/2018]

Will the Minister explain to the Assembly what improvements are planned in the area of the Weighbridge and Liberation Square and how any such improvements are to be delivered in time for 'Liberation 75'?

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

'Liberation 75' is a proposal to join Liberation Square and Weighbridge Place by extinguishing the section of road between the 2 squares to create one large improved public amenity space. It is proposed that it is completed by and opened on 9th May 2020 to commemorate the 75th anniversary of the liberation of the Island. Thereafter, the new combined amenity space will be

available for the continuation and enhancement of the numerous community activities the squares currently host.

3.10.1 The Connétable of St. Helier:

This all sounds wonderful. Will the Minister undertake to brief me, as the Parish Constable, about the plans, and my elected roads committee, as soon as possible?

Deputy K.C. Lewis:

The joining of the squares has been discussed many times over the last 10 years, most recently in the work carried out by the previous Future of St. Helier Group. These discussions have not moved forward due to funding not being identified but funding will be put in place within the budget, which we will be doing this week.

3.10.2 Deputy M. Tadier:

I am the glad that the Minister alluded to the fact that it is not just 'Liberation 75' that will benefit from this really exciting project of public domain but there will be a legacy that will be left for future generations. Does the Minister agree that this is a great opportunity for culture and even sporting events in the Island to enhance the offering that we have in town and that currently there is not really something of this magnitude in terms of an open space that can be used for these kinds of events and other events in future?

Deputy K.C. Lewis:

Absolutely, I look forward to seeing the amenity spaces being well used by cultural events and sports events alike.

3.10.3 Deputy J.M. Maçon:

Rather than extinguishing the road, can the Minister inform the Assembly whether electronic bollards were considered as perhaps a more cost effective way of allowing this to be used as and when for public amenity and allowing the travel-going public in order to carry on that route? If we lose the road it is going to have implications for the entire road network.

Deputy K.C. Lewis:

It is indeed, which is why the road engineers have been working on this for some time and doing lots of traffic modelling to see how much those slip roads are used and the knock-on effects of them being closed. But as soon as the funding is in place a board of stakeholders will be set up to decide the best way forward.

3.10.4 Deputy J.M. Maçon:

Can, therefore, the Minister please ask his department to look at, while they are considering these things, the viability of electronic raising bollards, so you could close off that area for public events but leave the road in use as and when it is necessary?

Deputy K.C. Lewis:

All options are being looked at.

3.10.5 Deputy M.R. Higgins:

Can the Minister tell us whether the bus station is now going to be redundant? If they are closing off that area how are the buses going to get in and out?

Deputy K.C. Lewis:

There are plenty of buses coming around different routes. There is not an awful lot of traffic using those slip roads, but obviously the bus company is one of the stakeholders that will be consulted.

3.10.6 The Connétable of St. Helier:

As I said in my earlier question, I welcome the improvement of the public realm in St. Helier. My comment about consultation is that the Future St. Helier Group did discuss this but it was way down its priority list and many other projects have been mothballed. Will the Minister undertake to let the parish in which this improvement plan is happening ... will he undertake to consult the Parish in a meaningful way so that we know what is going on and we can answer any requests for information that we get?

Deputy K.C. Lewis:

Absolutely. I am not sure who will be on the board at the moment but I would hope the Constable of St. Helier will be at least one member.

3.11 Senator K.L. Moore of the Minister for Treasury and Resources regarding the business cases which had been submitted to the Investment Appraisal Board: [OQ.213/2018]

How many business cases have been submitted to the Investment Appraisal Board and how many have been recommended for the Minister's approval?

Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):

There were 100 business cases received requesting around £75 million by the end of 2019 and a further £25 million by the end of 2020. The board is still in the process of making final recommendations to the Minister but so far she has approved 14 allocations. These were regarded as the most urgent. No requests have been completely rejected at this stage and some of them will need to be considered further as we put together the Government Plan for 2020.

3.11.1 Senator K.L. Moore:

In the statement that was released last week, and after I had submitted the question, the Minister is quoted as saying that it was pleasing to be funding a wide range of sectors. Given that the previous purposes of some of the funds that are being used in this project were dedicated for economic development, productivity and growth funding as well as public sector reform, could the Assistant Minister explain, please, how the Investment Appraisal Board are balancing out those specific priorities when making their decisions?

Deputy L.B.E. Ash:

The Investment Appraisal Board evaluates bids according to the *Her Majesty's Treasury Green Book Guidance on Business Cases*. It is a 5-case model: the strategic case, the economic case, the commercial case, the financial case and the management case. Requests for funding obviously exceeded the amount available. Therefore, the board broadly prioritises requests according to that particular ranking: investment to support recognised legal and compliance matters, e.g. Brexit-related; teams and posts that are a new feature of the target operating model, e.g. the new chief of staff post and associated team costs; investment to support the delivery of the target operating model, which examples would be systems improvement, transformational change, States-wide cultural change programmes. It supports the delivery of previously recognised agreed priorities with short-term funding requirements; it supports new and emerging agreed policy as outlined in the C.S.P. (Common Strategic Policy); and it supports the delivery of future cost efficiencies and income generation to create additional headroom from investment and/or savings.

3.11.2 Deputy M.R. Higgins:

The Assistant Minister outlined all the priorities. Can he explain, therefore, how Jersey Rugby Club got £140,000 if they were the sort of priorities that were being put forward? Can he also give examples of other projects that maybe meet that criteria that were not accepted?

Deputy L.B.E. Ash:

I can give you reasons why Jersey Rugby Club was supported. They were supported ... basically it is a bridge funding to get them through to the end of this season when it will then be reviewed as part of a complete review of sports functions within the Island.

[16:00]

From a reputational point of view, it would not have been a good idea if we had not provided that funding as Jersey Reds may not have been able to complete the season, which would have let down a considerable amount of clubs in the U.K. and a loss of revenue caused to them. When we are an upstanding financial centre that would not send out a particularly good message. It also is the only professional club in the Island and provides a tremendous economic value, for instance, and I will give the Deputy an example. It is widely believed that for every visitor that comes over in that capacity they spend £300 here. London Irish the other day brought 1,000 visitors; that is £300,000 on one particular day. Bearing in mind a lot of this is in the winter, the flights that they are being brought in here on; it is very beneficial. As for other things that have not made the list, at the moment they are still being considered. As I said, no final decision has been taken and it would not be opportune to discuss them at this moment.

3.11.3 Deputy K.F. Morel:

When I first read of the Minister delegating responsibility to the Investment Appraisal Board of officers, I was concerned that the Minister was not taking part in the decision-making process, an appropriate decision-making process, and bringing the political aspect to that. I am now concerned that the Investment Appraisal Board has delegated everything to H.M. Treasury (Her Majesty's Treasury). Can the Minister confirm whether she does have a role in play where the funds are decided and that appropriate political oversight is made with the Investment Appraisal Board?

Deputy L.B.E. Ash:

Yes, the delegated power was previously with the Minister and it remains with the Minister. The role that the Council of Ministers previously had was advisory only, as is the I.A.B. (Investment Appraisal Board). Officers have always made recommendations to the Minister and indeed to Ministers in general. There is no change in that regard. Previously requests were able to go to Council of Ministers without the rigorous scrutiny that the I.A.B. now provides. This gives the Minister far greater assurance that she is allocating money in the most economic, efficient and effective way that she can. The board cannot take any decisions. It only advises the Treasurer and the C.E.O. (chief executive officer) who in turn advise the Minister.

3.11.4 Deputy M. Tadier:

I have no quarrel with the money given to Jersey Reds. I think the economic case has been made and it is important as such that we should even consider nationalising it in future if its future remains in doubt. But could it also be said that bridge funding has been sought by the Arts Centre and Opera House and that as an upstanding finance centre it would also be very detrimental to our reputation as an Island if either or both of these were to close their doors, as they have been threatening and suggesting that they do not know whether their money for 2019 will also be accepted? With this in mind, would the Assistant Minister and the Minister for Treasury and Resources, who is listening, give priority to these 2 areas, which currently need funding to get them through 2019 and beyond?

Deputy L.B.E. Ash:

As I said previously, the door is not closed on any of these requests. With regard to the Arts Centre and the Opera House, they do already receive quite substantial amounts of money, although I would concur with the Deputy, it would be nice if we can provide them with more money because they

form an integral part of the culture of this Island. As I say, the Minister and I will continue to press strongly for this within the Council of Ministers and keep any requests at the forefront of our mind. We cannot guarantee everybody everything because there is not a complete pot of gold to go around.

3.11.5 Deputy M. Tadier:

While I appreciate we are going through a period of enormous change, when certain organisations who have put bids in do not hear theirs being reported back on but they do hear that others have been successful, it tends to send the message out that either they have not been successful or they have been forgotten. It seems that there is a great deal of uncertainty out there for longstanding organisations, not just in the arts sector, who do not know where they are. Have there been any lessons learned about the process that has been gone through with the Appraisal Board that the Assistant Minister thinks we could learn for next time?

Deputy L.B.E. Ash:

At the moment, as I said, we cannot discuss the requests that are still in the pipeline, hence the fact it would be difficult to go back and just say to people: "You are still pending" because they are still pending so it does not really fulfil any criteria. This is the first time it has been done in this manner and I am sure there will be lessons learned from it and those lessons we will carry out, yes.

3.11.6 Senator K.L. Moore:

Usually people expect a timeline if they are waiting and I can only make that a suggestion. But my question is that, when putting children first is a priority for this Government, yet funding for Tier 3 and 4 families who are receiving help at Brighter Futures - those families are of course those most in need in our community - has been cut because funding has not been forthcoming from Government. How does the board balance those most urgent cases, as described by the Assistant Minister, against a funding gap such as this with Brighter Futures that has put our most vulnerable families at further risk?

Deputy L.B.E. Ash:

With putting children first, there are other groups where we have definitely put children first. In fact, reverting back to the discussion on the rugby club, it is one of the reasons that it has been backed because they have 700 children up there participating in the mini rugby programme on a Sunday. So it is not that we are not looking to put children first; it is that there is a limited supply of people that we can help with £15 million out of £100 million of requests. But, as I say, going forward it still has not been finalised and until it is I would rather not comment.

The Deputy Bailiff:

May I just draw to Members' attention the fact that the Consolidated Order Paper has now been circulated to Members. Unfortunately by mistake a non-consolidated version was previously made available. The consolidated version should be with individual Members on their desks.

3.12 Deputy T. Pointon of St. John of the Minister for Home Affairs regarding the impact of comments he had made to Channel Television on police morale: [OQ.229/2018]

Will the Minister provide his assessment of the likely effect of comments he made to Channel Television on 27th November 2018 that a survey of the States of Jersey Police undertaken in early 2018 was not important anymore? What effect has this had on police morale and on the efforts of managers trying to implement a revised operational structure?

The Connétable of St. Clement (The Minister for Home Affairs):

I attended the Police Association annual general meeting last Thursday and this matter was raised and discussed. It is clear that my comments came across and had been interpreted by some in a manner that was not intended and I regret that. Let me be clear to the Assembly, as I was hopefully clear at the Police Association meeting, the results of the survey undertaken in March were very important and significant and I said that in my interview to Channel Television. But what matters now, what is important, is the result of the next survey. We need to look to the future, make improvements and see more positive results in the next survey. That is also very important. I was trying to say we need to ensure action is taken to respond positively, that improvements where necessary are made, and then hopefully we will see more encouraging results in the future. That is the message I was attempting to get across. That is the message I hope I got across to the Police Association at their annual general meeting.

3.12.1 The Deputy of St. John:

Two hundred and nine members of the Police Association were asked to survey: 85 per cent responded, 64 per cent said they would not recommend joining the States of Jersey Police to a friend, 21 per cent did not see themselves working with the States of Jersey Police in a year's time, 71 per cent said morale had declined and 46 per cent said morale had become much worse. In light of what is a troubling picture, will the Minister explain what action has been and is being taken to improve the situation?

The Connétable of St. Clement:

I do not think anybody could be surprised that morale is relatively low in the States of Jersey Police Force, as it is throughout the public sector, because when you have a period of change that is unsettling and is not good for morale. But the senior management team at the States of Jersey Police have already reacted to the survey, which unfortunately came out some 7 months late, and the important thing that has been recognised by the senior management team and by the Police Association and by the police officers themselves and by myself is that what is important in helping morale is communication. The Acting Deputy Chief Officer has set up forums so that officers can communicate with the senior management team and indeed officers can communicate with each other. I am getting mixed messages. There are some areas where I am being told morale has already improved; there are other areas where I am told it has not. That is something that my department, myself and the Deputy Chief of Police, have to work on. For my part, I intend to continue my communication directly from time to time with police officers. In fact, I have even been invited to go out with them on patrol one evening this month and I am looking forward very much to that.

3.12.2 Senator S.W. Pallett:

Would the Minister confirm or otherwise that there have been - and I was careful which words to use here - a significant number of police and fire officers leaving the service this year? What is he actively doing to retain and support experienced officers at what we all agree is a very difficult time?

The Connétable of St. Clement:

In any organisation, any department, you will get people leaving the service for various reasons, retirement, ill health, or for other opportunities. Where those vacancies are occurring, Customs, Police and Fire, recruitment processes are being or have been undertaken. The Senator will have seen in the last few weeks I think there were 9 new police officers sworn in at the Royal Court, only 2 this Friday just gone. The recruitment process is underway for a number of fire officers because of retirements in the recent past. So numbers I cannot give him, but certainly recruitment processes have been undertaken or are being undertaken.

3.12.3 Senator S.W. Pallett:

Would he provide the numbers of officers that have left the service - Police and Fire Service - in the last year so that Members for themselves can make a view whether that is an acceptable number or not?

The Connétable of St. Clement:

I obviously do not have those figures with me but am quite happy to provide them.

3.12.4 The Connétable of St. Lawrence:

Will the Minister advise us what communication has taken place by the senior management team with the rank and file on the proposals to revise the operational structure?

The Connétable of St. Clement:

I cannot go into great detail there but I know that the Acting Deputy Chief holds great store by communicating with his officers. Efforts in that area have been redoubled, as I have said earlier, with a number of forums being set up and people able to go to briefings on various matters, which they are concerned about.

3.12.5 The Connétable of St. Lawrence:

Will the Minister advise whether the changes will be imposed upon the States of Jersey Police?

The Connétable of St. Clement:

I am not quite sure what the Constable means by imposing change. I mean change will come along collaboratively and will enhance the service provided to Islanders. What I know about the States of Jersey Police, and indeed the Fire Service and the Ambulance Service and the Customs and Immigration Service, is that is something that they will all embrace enthusiastically.

The Connétable of St. Lawrence:

Can I clarify my question?

The Deputy Bailiff:

No, I am afraid you have had a supplementary, Connétable.

3.12.6 Deputy R.J. Ward:

Can I ask the Minister if you would at some time, as soon as possible, provide the number of job losses that will come from the reorganisation of blue light services as a defined number? It seems to be very unclear, which is one of the impacts that is making morale so low in blue light services, the uncertainty as to whether many of them will have a job in the future. Indeed, more experienced and senior members of that service are the significant number that are leaving, leaving us with a very inexperienced service that will allegedly provide a better service. I am not entirely sure how that will happen.

The Connétable of St. Clement:

The department, including officers from all the services within Home Affairs, are working together now on a target operating model that will best serve the Island. All of them are involved, Customs, Police, Fire and Ambulance joined Home Affairs, them as well. There is no plan whatsoever to reduce the capability of any of those services. In fact the majority of people who have left the service over the last 6 months or so have been retirees. Some have gone back to the United Kingdom, some have gone for other jobs, but in the main they have been retirees, which indeed is creating opportunities for promotion for others within the service. So what the service will look like in 3, 4, 5 and 6 months' time, I cannot say at this present moment because that is being worked on by the organisations themselves within Home Affairs.

[16:15]

3.12.7 Deputy R.J. Ward:

Can I ask the Minister, does the Minister suggest that the same capability of delivery of service can be made with lower numbers of staff in our blue light services?

The Connétable of St. Clement:

It is quite clear that numbers cannot continue to fall. That is a statement of the obvious, and we are not looking to reduce numbers any further. I am not looking for any further budget cuts. My job is to be champion for the services and even where they can justify to me an increase in budget for certain things then I will fight the Council of Ministers and I will fight in this Assembly if necessary. But I am not seeing a case at this stage, or probably at any stage but certainly not at this stage, for any reduction in the numbers now at emergency services.

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

Since the Minister places so much emphasis on communication, could I ask simply how many ways can he communicate: "Do more with less"?

The Connétable of St. Clement:

Sorry, what I can say is the emergency services, with the resources they currently have at their disposal, are doing a brilliant job. We have seen over the last 5 years crime reduce and compared to the United Kingdom, for example ... I think I mentioned before there was something like 26 crimes per 1,000 people; in the U.K. it is well over 80. We have seen the number of fires reduce since 2003 by 43 per cent. Those are good positive figures and we should be commending our services for the way they have reacted to the change. Okay, things are difficult, we know they are difficult, they are difficult throughout the States, but the emergency services are responding positively and I have nothing but praise for them and I am extremely proud of them.

3.12.9 The Deputy of St. John:

Will the Minister commit to having an in-depth investigation into the managerial framework that existed in the year prior in order to determine what led to such a catastrophic fall in police morale?

The Connétable of St. Clement:

I do not really think that is necessary. Morale is low. I am getting reports that it is improving. I am getting reports from other areas that it is not improving. We are looking now and we are hoping to finish the target operating model by the spring of next year, which will then give more certainty for everybody. Once there is more certainty there has to be an increase in morale.

3.13 Senator S.W. Pallett of the Minister for Infrastructure regarding changing rooms at Fort Regent in which legionella had been discovered: [OQ.217/2018]

Further to the discovery of legionella at Fort Regent, will the Minister provide an update on work to reopen the changing rooms near the gym at the Fort in which legionella bacteria were detected, including a timeframe for the reopening of these facilities?

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

The changing room facilities were originally closed due to the discovery of asbestos debris in and around the air-handling units that supply these facilities. Following remediation work to remove asbestos materials, legionella tests were carried out prior to commissioning the area back into operational use. It was at this time the test showed a presence of legionella species. Property Maintenance then engaged with a contractor to carry out chlorination of the water system feeding these areas. The process would have addressed the problem of bacteria and allowed the facilities to

reopen. However, prior to this work commencing, the contractor advised the existing pipework was in poor condition and would not tolerate the chlorination process. In their opinion, the entire pipework feeding these facilities should be replaced. I can confirm that steps have been undertaken to open the changing rooms for public use from the week commencing 19th November. Those facilities are now open, with the exception of the shower facilities remaining closed and isolated until further works are completed to ensure they are fit and safe for public use.

3.13.1 Senator S.W. Pallett:

I fully accept that and I thank the Minister for his answer. I fully accept that testing found some legionella in that pipework, but could the Minister state what testing procedures and management systems have been in place since January 2015 at Fort Regent to reduce any risk to the public? I do understand he may not have that information but if he does not, could he provide it to all Members, please?

Deputy K.C. Lewis:

The system is only brought into play really when something is shut down. When an area is shut down for a period of time - this also happens with guest houses, hotels - legionella species, which is very, very low level, can build up in pipework and it is safe practice to flush it out with chlorine to make sure everything is safe. I will research that further if there is any further testing taking place, but unless a unit is shut down I am not sure what the testing regime is. All the pipework in the shower area will be replaced but that will take time because we do not want to disturb any other materials that may be sealed in the water.

3.13.2 Senator S.W. Pallett:

What I can take from that answer is that I think the Minister is telling us there has been no testing of legionella disease at Fort Regent since January 2015. A building of that size with the amount of waterpipes and hot water systems it carries, does he not agree that is a totally unacceptable to have carried out this way, putting the public at risk in the way I have suggested?

Deputy K.C. Lewis:

You are referring to the shower system and area. The whole building itself does have several testing regimes. He probably knows more about it than I do, but there is regular testing regimes and I will get back to the Assistant Minister regarding that.

3.14 Deputy R.J. Ward of the Chairman of the States Employment Board regarding Civil Service vacancies within the new Target Operating Model: [OQ.215/2018]

Further to the response to Written Question 201/2018, will the Chairman detail which of the 276.7 Civil Service vacancies are planned to be left unfilled and then lost in the new target operating model and state what long-term effects it has been assessed such measures will have on services to Islanders?

Senator T.A. Vallois:

That is for my Vice-Chairman.

Connétable R.A. Buchanan of St. Ouen (Vice-Chairman of the States Employment Board - rapporteur):

I thank the Deputy for his question. He has correctly assessed that as each area rolls out its target operating model existing vacancies within the structure that is being looked at will be looked at to see if they fit into the revised new model. If they do they will be retained, if not they will effectively be absorbed and disappear. However, I can reassure the Deputy that the purpose of the

target operating model in each area is to remove duplication, not to impact on the service offered to the public, so front line roles are not expected to be impacted and that was emphasised by the Minister for Home Affairs. While some target operating models are currently being implemented at the moment, accurate vacancy numbers are not yet available because of the way the process works. However, a full report will be provided on completion of the roll-out of all target operating models in March 2019. I can also assure the House that S.E.B. (States Employment Board) are currently reviewing all directorates' target operating models and redesign proposals to ensure that they have been correctly and properly considered in respect of staff and employment matters. The board additionally has advised all directorates to share their proposals with their relative scrutiny committee to ensure that the impact on services are fully considered.

3.14.1 Deputy R.J. Ward:

May I ask, given the announcement by the Vice-Chairman of the S.E.B. that only roles key to operational of the States, including P.R. (public relations) and communication workers, will be filled, are jobs in pathology, which are Civil Service vacancies, considered as key roles to operation of the States or is P.R. and communication more important?

The Connétable of St. Ouen:

I thank the Deputy for his question. It is sort of self-answering really. Of course pathology roles are important, I do not think anyone would agree otherwise. If those roles become vacant and we are able to fill them as the target operating model for Health is rolled out, then they will be filled.

3.14.2 Deputy G.P. Southern:

I have just been looking at the people who work on the Civil Service grades in the hospital and there are a considerable number of them. Will the Assistant Minister assure this House today that he will not be removing social workers, for example, or occupational therapists, posts like that, which are linked to direct services?

The Connétable of St. Ouen:

I thank the Deputy for the question. It is difficult to give an absolutely definite answer, but it is our intention to maintain public-facing services wherever possible. Clearly those roles that he has described are within the remit of Health and it is their decision whether they keep them or not, but that will be reviewed by the S.E.B. and we will comment if we feel that public services will suffer as a result of the removal of certain roles.

3.14.3 Deputy G.P. Southern:

The Assistant Minister appears to be saying that some Health posts will go under his target operating model. Is that the truth as he sees it?

The Connétable of St. Ouen:

I thank the Deputy for his comment. It is an interesting interpretation of my last comments. What I am saying is that I do not know the answer because at the moment it is outside of my control; it is within the control of Public Health. But we will be reviewing and in fact we did review their model last week and wherever possible public services, people who are on the front line, will be retained in those roles, provided the department that is running that considers it to be necessary.

3.14.4 Senator K.L. Moore:

Perhaps my interpretation of the previous answer had been slightly different because I would just like to check with the Vice-Chairman that when he said "public-facing roles" it was his intention that teachers, health workers and those in the emergency services, would be protected, would have their jobs protected?

The Connétable of St. Ouen:

I thank the Senator for her question. I think the general principle is the answer to that is yes, they will be protected, provided that the Education Department and the Health Department consider that they have vacancies for those roles. But in general terms, yes, they will be protected and our priority will always be providing services to the public.

3.14.5 Deputy R.J. Ward:

I would just like to say, I am uncertain as to whether the target operating model is a white elephant or the emperor's new clothes, but do you not agree that the uncertainty that comes from it as to whether people will have jobs is what is increasing the effective stress on the workforce and contributing to low morale? Can you also confirm that maternity cover within pathology, for example, will be seen as one of the essential services that this Island relies upon and it will be undertaken?

The Connétable of St. Ouen:

I thank the Deputy for his question. I think the answer to the second part of the question is yes, obviously those essential services, which are required by Health, will be maintained where there is a maternity gap. As far as his comments about white elephants and the target operating model is concerned, I have some sympathy with what he says, I have been through this in the private industry, it is a very unsettling time for anyone who is thinking they might lose their job. However, we are addressing the issue of communication, which is a big part of driving this forward successfully, and we hope that will help in some way to address morale. The more certainty people have, the less likely they are to be concerned about what is happening.

3.15 Deputy G.P. Southern of the Chief Minister regarding targets for reducing staff costs across the public sector: [OQ.234/2018]

[Aside] Question 15, will the Chief Minister provide the overall target for reducing staff costs across the public sector and the associated reduction in employee numbers and outline what measures he has under consideration to protect the range and quality of front line services in the sectors of health and education?

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

I was getting slightly worried there. I have committed to £30 million of efficiency savings in 2019 and this is based on the due diligence work undertaken and will be achieved through responsible headcount management and savings in other areas, for example through better contract management, more commercial use of our assets, possibly revisiting the issues around the supplementation grant. That will deliver better value for money, enabling us to target investment where it is needed the most and that includes our front line services. So to answer the question, yes, and the details will - as previously stated - be available in spring next year; I think my Assistant Minister referred to March next year.

[16:30]

3.15.1 Deputy G.P. Southern:

Does the Minister accept ... and an interesting use of the word "admitted": "I admitted that we were going to make so many posts vacant."

Senator J.A.N. Le Fondré:

Committed.

Deputy G.P. Southern:

Will the Chief Minister accept, does he accept, that according to the figures given in Written Question 13, this target of £30 million equates to around 800 posts to be reduced from the workforce? Is that not the case?

Senator J.A.N. Le Fondré:

No, I do not accept that we are talking 800 posts. I think we are mixing apples and bananas. The point is what we have said we will do is we have to achieve around £30 million of savings and that is based on the projected forecasts, which are obviously in the budget for 2020. Elements of those savings will be through what I have called vacancy management and responsible headcount management. There are other areas we can do as well to achieve those savings. So I am not simply taking something and scaling-up and saying that means we are going to lose 800 jobs. That is definitely not the case. As we have said, the detail will come out in the spring of next year.

3.15.2 Deputy G.P. Southern:

If he does not accept the figure of 800, what is the balance between other measures and reduction of posts? What figure does he have for any reduction in posts to save £30 million?

Senator J.A.N. Le Fondré:

I think the difficulty is that it is a bit too simplistic at this stage because we expect headcount management. Also when I say vacancy management there may be some reductions but I suspect that in some other areas of priority we will see increases. So until that all comes together I cannot give some direct figures at this stage because I want to have the full picture. That full picture will come together in March of next year.

3.16 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding civil servants who had received financial settlements under compromise agreements: [OQ.232/2018]

Will the Chairman advise how many outgoing senior civil servants have received financial settlements under compromise agreements in the past 12 months and how much those payments have totalled? Will she advise whether an assessment will be made as to how effective current States policies on compromise agreements are, taking into account whether consideration should be given to adopting other approaches when seeking to remove non-effective and non-performing staff?

The Connétable of St. Ouen (Vice-Chairman of the States Employment Board - rapporteur):

If the Deputy is happy, the Chairman of S.E.B. has delegated me to respond to this question.

Deputy M.R. Higgins:

It depends on your answer.

The Connétable of St. Ouen:

That is a bit of a subjective response. I am not sure how to proceed now to be honest, but I will answer the question and you will decide afterwards whether you are happy with it. In response to the Deputy's question, there have been 5 senior civil servants, Tiers 1 and 2, that have left the States as a result of the implementation of target operating models. New proposals means that some roles are either redundant or individuals did not wish to apply for roles in the new structure, hence they have left under the existing redundancy policy with appropriate contractual payments. Total payments were £567,050. In response to the Deputy's second question about whether we are happy with compromise agreements, which I think, if I can go short form, the answer is no, we are not. Generally speaking within an organisation it is a sign of unsatisfactory performance

management within that organisation and at S.E.B. we have already commissioned a workshop to look at the improvement of performance management throughout the whole of the States workforce to ensure that we do not have to resort to compromise agreements.

3.16.1 Deputy M.R. Higgins:

Can the Vice-Chairman say whether it was £100,000 for each individual or some got considerably enhanced money? Was it an average of £100,000 paid to the 5 who have left under the compromise agreements?

The Connétable of St. Ouen:

I do not have the breakdown unfortunately. I am happy to provide that to the Deputy within the constraints of G.D.P.R. (General Data Protection Regulation).

3.16.2 Deputy K.F. Morel:

I was wondering if the Assistant Minister could confirm, because I am slightly confused. I believed we had assurances from previous Council of Ministers that there would no longer be compromise agreements and payoffs for senior civil servants. Can you confirm whether that was the case and what the current case is?

The Connétable of St. Ouen:

I thank the Deputy for his question. I believe the Council of Ministers did make a similar statement but the unfortunate and sad answer is that, where you have a position where you have no other recourse to remove an employee for poor performance, a compromise agreement is the last resort you can use to achieve that end and that is why we have had to, in certain instances, resort to using that agreement. But I agree entirely, it is not a satisfactory position to be in.

3.16.3 Deputy K.F. Morel:

Does that not mean then that when the Council of Ministers says something, we should not necessarily believe it?

The Connétable of St. Ouen:

I am not quite sure how to respond to that question. It is not a question of trying to mislead the House. I think it is the intention of the Council of Ministers to move away from compromise agreements for the reasons I have outlined. I am sure they did not intend to mislead the House. Maybe a previous S.E.B. failed to implement a performance management system quick enough for us to avoid using these things.

3.16.4 Deputy M.R. Higgins:

Can the Vice-Chairman tell us whether they are actively working on a scheme that will do away with the need for these compromise agreements and when it will be brought before the Assembly?

The Connétable of St. Ouen:

Yes, the S.E.B. is actively working on improving the performance framework throughout the whole of the organisation. I am happy to bring back a report to the Assembly and we are trying to drive it through as quickly as we can, but it is also linked to the new culture project that is being run and also we are linked to some extent to working with the chief executive to work out what his objectives are, which, as I am sure the Deputy knows, is an active process that is ongoing at the moment. Those objectives should properly be cascaded throughout to all the D.G.s (directors general) within the new structure and then on-cascaded to their own staff members. So we are on one hand trying to encourage the existing performance management structure to work properly; on the other hand trying to introduce a new performance management structure to replace it. So it is

an ongoing project and I am happy to come back with a report, say in 6 months, as to how we are progressing.

Information subsequently provided by the Vice-Chairman, States Employment Board:

Breakdown of the five compromise agreements paid to civil servants during the past 12 months.

Individual	Compromise Sum Received
Person A	£118,636
Person B	£187,639
Person C	£87,196
Person D	£102,834
Person E	£70,745
TOTAL	£567,050

3.17 Senator K.L. Moore of the Minister for Treasury and Resources regarding departmental budgets for 2019: [OQ.214/2018]

Will the Minister inform the Assembly whether departmental budgets for 2019 have been settled?

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

Departmental budgets for 2019 were set and agreed by the Assembly in 2016 as part of the Medium-Term Financial Plan addition. As the Senator knows, the chief executive announced a new target operating model as part of his One Government plans; therefore a transition report will be presented to the States before the end of the year that translates budgets from the old to the new structures. To give one example, Health and Social Services becomes Health and Community Services. As part of that translation, certain common functions are being brought together rather than existing in each department, functions such as finance, communications and ministerial support. Some other functions will move, for example Children's Services will move from Health and Social Services to Children, Young People, Education and Skills. Draft reports have been run and throughout this week officers are meeting with directors general to agree budgets prior to them forming part of the transition report. Some of this work will need finessing during the early part of next year. We have requested that directors general sit with Ministers as part of the transition report process to ensure they understand the variations to their departments' operational budgets as a result of the centralisation of budgets of certain functions.

3.17.1 Senator K.L. Moore

Given the pressure on budgets and the expectation that £30 million, as the Chief Minister just said, will be taken out of the budgets for next year, does the Minister feel that it is acceptable that such important information as to how much money each department has will only become available at the very end of this year?

Deputy S.J. Pinel:

Well, as the Senator correctly said, the transition report will be submitted to the Council of Ministers in mid-December and presented to the States Assembly shortly afterwards. A ministerial decision will need to be signed by myself to transfer from the old to the new departments.

3.17.2 Deputy K.F. Morel:

Bringing it more specifically to home, I was wondering if the Minister would be able to give some clarity to my colleague on my left here as to what the Department for the Environment's budget will be in the coming year?

Deputy S.J. Pinel:

The report will contain the new department cash limits, which will include the 2019 effect of all permanent and recurring service transfers that have taken place since the M.T.F.P. addition, 2017 to 2019, up to and including July 2018.

3.17.3 Deputy R.J. Ward:

May I ask the Minister, if the Education Department does not have its budget yet and will not have it until into 2019, how will schools know their budget and what will the knock-on be? The fact that they are in the middle of their term, which runs from September to July, how on earth are schools meant to plan their spending, their staffing and their resourcing for education that is so essential for children?

Deputy S.J. Pinel:

Ministers should be concerned with policies and not detailed budget matters. It is for the officers to manage the budgets and to deliver as far as possible what the Ministers wish to achieve.

3.17.4 Deputy M. Tadier:

Quite difficult to deliver policies when you do not know your budgets I imagine. **[Approbation]** While it might be the case that officers are the ones who deal with finances, they do it under direction from politicians. When the officers do not know the finances for next year either, one is in a difficult situation; is that not correct, Minister?

Deputy S.J. Pinel:

Yes, I understand where the Deputy is coming from, but it is really just that the budgets are not necessarily going to reduce, they are just managed in different ways, so that the policy, performance, finance, communications, all sit within an overarching area as opposed to being in each department where they can not necessarily be as effective and double-up on the expense.

3.17.5 Deputy M. Tadier:

Supplementary. It is now 3rd December and we are less than a month away from the New Year and being given answers like budgets are not necessarily going to reduce does not give much comfort to politicians, Ministers, officers or the departments themselves. Can we do better than this?

Deputy S.J. Pinel:

As I said, the budgets are going to still be available; they will just be administered in a different way so that you are not doubling-up on each department having the same communications, finance, arrangements and costs. So, as I said before, an umbrella policy.

3.17.6 The Deputy of St. Martin:

Does the Minister appreciate the difficulty that Ministers and Assistant Ministers must have, to my knowledge, when this week we debate the budget but they are still not aware exactly how much money they have to play with next year?

Deputy S.J. Pinel:

I think that is what the budget will establish. That is why we have it at the end of the year so that it can be effective as soon as the New Year starts.

3.17.7 Connétable M.K. Jackson of St. Brelade:

The Minister alluded to the centralisation of budgets. Would she not agree that this smacks of dictatorship by the chief executive?

Deputy S.J. Pinel:

No, it is efficiencies that are being made by not repeating in each department, as I said before, the issues of communications and financing and policy. It is an overarching one that will deal with all of these things.

3.17.8 Senator K.L. Moore

The Minister has consistently repeated the message that the M.T.F.P. spending limits have been set and will not be deviated from. However, we as an Assembly are receiving mixed messages and I hope that the Minister will be able to clarify for us all as we just heard a question or 2 questions ago from the Chief Minister that £30 million will be removed from departmental budgets next year. So which one is it? Are we sticking with the M.T.F.P. spending limits of the current M.T.F.P. or are we going for reduced budgets in the following year, which is 3 weeks away?

[16:45]

Deputy S.J. Pinel:

I quite understand what the Senator is saying and the objective is to make £30 million worth of savings. Equally, I understand the difficulties that departments may be seeing with a lack of consistency and certainty in funding. But, as I say, the budget will establish that for 2019, but of course we are constrained by the M.T.F.P., which restricts the funding as has already been agreed by this Assembly.

3.18 Senator S.W. Pallett of the Minister for Education regarding the implementation of the 'Daily Mile' in Jersey's primary schools: [OQ.218/2018]

Given the popularity of the Daily Mile in schools across the United Kingdom and in Guernsey, in that it provides physical and social activity during the school day, will the Minister inform the Assembly whether she is considering implementing the Daily Mile within primary schools in Jersey? If so, when will it be implemented; and if not, why not?

Senator T.A. Vallois (The Minister for Education):

Many but not all primary schools in Jersey have chosen to adopt the Daily Mile within their school days to good effect. Some others have trialled alternative additional fitness programmes based on time spent active rather than distance travelled. Some schools in association with Jersey Sports have developed programmes responding to analysis of pupil activity at home and at school using pedometers or other activity devices, such as the free and inclusive football programme offered on Saturday mornings by some town schools. Given this variety of approaches and the range of experiences being offered to children, there is no intention to implement the Daily Mile for all schools as a blanket approach. We are committed to delivering quality P.E. (physical education) lessons within the curriculum and to supporting families and children to be as active as possible. We are happy to continue working together with colleagues from Sport, Infrastructure and Health, to maximise the access that all pupils, regardless of background, have to high-quality well-resourced, accessible sports and open spaces.

3.18.1 Senator S.W. Pallett:

I know the Minister is being positive and I know she wants to help as best she can, but what I am looking for is some certainty. Could the Minister inform the Assembly how she will ensure that there is a consistent approach taken to physical education throughout all schools so that all children have equal opportunity to progress physically - and I repeat equal opportunity?

Senator T.A. Vallois:

At the moment under P.E., part of the curriculum there is a formal advice back from the schools in terms of the department advising what it is that happens with regards to that. One of the issues that we have of course is, if the Assistant Minister was to look at the recent teacher survey, the pressure that is already placed upon schools, in terms of after-school, breakfast clubs, weekend working for teachers, in addition to all the planning and the marking that they are required to do, but also trying to provide a full and extensive curriculum, and so we need to balance this in an appropriate way. But I would be happy to work with the Assistant Minister with a focus on sports if he would be happy to come and sit down with us at Education to look at a more consistent approach, but recognising the professionals who are the teachers in terms of how they can conduct P.E. or even Daily Mile within their schools and whether that is supplemented with support.

3.18.2 Connétable J.E. Le Maistre of Grouville:

Could the Minister tell us how many schools currently take part in the Daily Mile?

Senator T.A. Vallois:

I do not have the exact number in front of me but I am happy to send that around to all States Members.

3.18.3 Senator S.W. Pallett:

Has the Minister or her department taken any advice from Jersey Sport to date or any authority, either in Guernsey or further afield, in regards to implementing the Daily Mile as it has been received well by students, parents and teachers, elsewhere around the country and, if not, why not? I am prepared to help as well.

Senator T.A. Vallois:

I thank the Senator for his offer of help. I understand that discussion has not taken place yet but there are a great deal of changes going on with regards to the public sector but also within Education at the moment in terms of ensuring that we are creating an appropriate range of educational opportunities for our children. I would be happy to sit down with the Senator and discuss with Jersey Sport how we can take this forward proactively and positively for all the children in the Island, but recognising the constraints which we have at the present time.

3.19 Deputy R.J. Ward of the Minister for the Environment regarding the introduction of climate change and the reduction of carbon emissions as regular items on the agenda of the Council of Ministers: [OQ.233]

May I ask the Minister, in the light of the recent U.K. climate projection study by the Met Office, which has anticipated significant changes in temperature, rainfall and sea levels by 2070, will the Minister request that climate change and the reduction of carbon emissions become regular items on the agenda of the Council of Ministers?

Deputy J.H. Young (The Minister for the Environment):

The Deputy is absolutely right to highlight the importance of climate change and the need for Jersey to play its part in global emissions. This very report that he mentioned is a very significant

one. It was published last week and it is by the Met Office, D.E.F.R.A. (Department for Environment, Food and Rural Affairs) and the Environment Agency. For the first time in 10 years it gives us some very clear information about what is ahead: increasing summer temperatures, extreme weather and rising sea levels. So all of that climate change is already on the agenda in the draft common strategic priorities. I see Members shaking their heads. I think there is no room for climate change denial in this report anymore. There are a lot of specifics. Anyway, climate change reliance is in the common strategic policies of the Council of Ministers, and also the work on the energy plan pathway 2050 to reduce our emissions. An energy partnership will oversee that and there will be regular reporting. But having that, I do not think at the moment that it would be beneficial to put it as regular item on the Council of Ministers agenda. It is not a criticism but I do not think it will necessarily get the attention at the moment but, nonetheless, as Minister I will make absolutely sure that work is monitored and brought back and notified to the public and everybody concerned as we proceed with it. But it is a top priority.

3.19.1 Deputy R.J. Ward:

I think you have just hit the nail on the head, so to speak, of my question. The impact of climate change is wide ranging and we need to change our cultural approach of government and understanding the economic, social and health implications. Therefore, it is essential that it must be considered as a central tenet of all the discussions that we have about policymaking on the Island. I would urge the Minister again to reconsider the cultural approach to where climate change fits in across all policy. If it is discussed at the Council of Ministers as such we will get a greater opportunity to make policy that impacts upon lowering our effect on climate change.

Deputy J.H. Young:

I share the Deputy's passion but I fear that achieving a cultural change is a pretty long-term task. We can do that in steps, and the message here is about mitigating the effect of climate change and what we as a community do to do it. Specifics: we are going to be looking at the Island Plan, coastal defences strategy, flood management and what we do about flood waters and so on. There will need to be responses to that in the plans and communities. But cultural change with the key big issues of vehicle emissions and space heating, both of those are areas we are seriously short of and those priorities are in the energy plan and we have to meet them.

3.19.2 Deputy M. Tadier:

Something which is directly within the Council of Ministers' gift is whether or not they choose to invest in companies that make money out of fossil fuels. The Minister may well be aware that there is currently a petition on the States of Jersey website which asks for the States to cease investing or to divest from companies that invest directly in fossil fuels. Is this something the Minister is aware of and is this something that has been raised already or that the Council or indeed the Minister is willing to support?

Deputy J.H. Young:

I am aware of the question. I cannot recall whether I have given an answer in the States or maybe in a letter that I have issued, that I have committed to meeting with the Minister for Treasury to discuss that question of investment policy. The Minister for Treasury has very, very sophisticated and quality arrangements about investment management and of course it is not my responsibility, but I intend to discuss that with the Minister for Treasury because I think that is an important issue of our investment strategies and, if you like, ethical investments generally.

3.19.3 The Deputy of St. Martin:

Climate change is the greatest threat to this globe at the moment, and irrespective of regular items on C.O.M. (Council of Ministers) agendas and discussions between Ministers, I would like to ask the Minister what proposals he will specifically bring to reduce emissions here in Jersey?

Deputy J.H. Young:

Well if I had my way I would do something about transport and that has got me into trouble, as Members know, because this is a shared responsibility across the Council of Ministers. I certainly would want to do something about that. Of course without funding to back up the previous commitment to energy reduction, which was done by the previous Minister and others, it is hard to find ... at the moment it is persuasion, it is by soft measures, and in fact in the budget the Deputy will know I have lodged an amendment, which I am pleased to say I have agreed to withdraw because the Minister for Treasury has given me commitments that the issue of environmental policy and taxes is an issue that will be looked at in 2019. I want to see specific measures, fiscal measures, to encourage those good environmental behaviours. That is an agenda to come and I do not want to be more specific today because I know there will be big debates about some of them, like there was when I happened to mention congestion charges. I will say no more.

3.19.4 Deputy G.P. Southern:

Will the Minister revisit and review the targets set out for energy saving and insulation in homes set out in Energy 2050?

Deputy J.H. Young:

I think we have got some excellent targets; the challenge is to achieve them. In my briefing notes that I have been given I have been told we have done very well, we have reduced our emissions. But of course that was a result of the policy of our energy provider as a result of changed practices by the Jersey Electricity Company. What I am looking for is how we can achieve that, but what I will undertake to the Assembly is that this is a top priority. I will make sure there is a flow of information on progress and when we eventually get to deal with budgets to back up some of these policy changes I will be here bringing those issues to you to make sure, if you like, the rhetoric can be matched with “do”. But please, Members, I commend, read this report, *U.K.C.P. (United Kingdom Climate Projection) 2018*. It is a vital report.

3.19.5 Deputy R.J. Ward:

I would just like to point out that I really do believe that the nagging question of climate change on the Council of Ministers agenda is essential if we are genuinely going to drive our influence over making changes that are so desperately needed for not just this Island but the planet we live on. Simple solutions such as more help with insulation of homes, a move away from fossil fuels, more use of public transport, and putting our children first, because in 2072, 52 years from now, it will be our children who will suffer the social, economic and health consequences through the lack of consideration of this as an agenda item.

The Deputy Bailiff:

Deputy, it really does have to be a question, not a speech.

Deputy R.J. Ward:

Therefore, would you agree?

Deputy J.H. Young:

I think the Deputy is asking will I agree to discuss it with the Council of Ministers; yes, I can, but I think I made my point. All those issues, transport, energy, all those things he listed, they require resources and that will be an issue I will be discussing with the Council of Ministers.

**3.20 Senator S.C. Ferguson of the Chief Minister regarding the cybersecurity policy:
[OQ.228/2018]**

When will the Jersey cybersecurity policy be prepared and will it prescribe the use of Chinese electronic equipment and components as a precautionary measure?

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

The Jersey cybersecurity strategy was published in October 2017, I am informed, and is available on gov.je. It includes a critical national infrastructure group which meets quarterly to discuss cybersecurity issues, and as a result our approach mirrors the U.K. Government's. Infrastructure companies should prioritise cybersecurity and take into account international concerns, that is in the general sense. We will remain in close contact with our U.K. counterparts and, as has previously been alluded to in an earlier question today, that includes G.C.H.Q.'s national cybersecurity centre, as we monitor the issue. I am very happy for the Senator to meet and discuss any concerns with officers if she has any.

3.20.1 Senator S.C. Ferguson:

Is the Chief Minister not aware that various large organisations in the Island do not hold their data here and prefer Switzerland since that country has Tier 1 security? Will the Chief Minister please use the concept of Tier 1 security as an objective of our cybersecurity policy?

[17:00]

Senator J.A.N. Le Fondré:

I think the point is we do take cybersecurity seriously. I cannot remember if it was addressed in the pre-budget presentation in the previous week to States Members, if not I will make sure it is included in the next update and that will give a full and frank discussion around security issues. Yes, generally, we need to make sure we are doing more because of the ongoing concerns, I hasten to add, in terms of cybersecurity globally.

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

4.1 The Connétable of St. Lawrence:

Will the Minister confirm that he supports the proposed target operating model for health and community services and if he does, do the proposed changes and their implications also have the support of the Council of Ministers?

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

Officers from my department gave a presentation to the Council of Ministers last week, a presentation relating to the target operating model, which I believe was well received. That model is now rolling-out in the department from today, departmental staff are being consulted upon it. It is intended to provide a shift away from older, perhaps inefficient ways of working to reorganise ourselves within the department to put the patient, the public first, at the centre of the care.

4.1.1 The Connétable of St. Lawrence:

I am trying to establish who politically has the final say on the target operating models that are being proposed across the States. The Minister has just told us, I believe, that the proposal for health and community services was well received by the Council of Ministers. Was it approved or endorsed by the Council of Ministers, or is the only political say on these proposals from the Minister of each department?

The Deputy of St. Ouen:

My recollection is that it was a presentation of proposals and no formal decision was taken, and indeed it could not have been because it is the beginning of a consultation period. No doubt the results of that consultation will feed back in due course.

4.2 Senator S.C. Ferguson:

What steps is the Minister taking to remedy the lack of consultation of senior doctors by the future hospital team?

The Deputy of St. Ouen:

I assume the Senator is referring to the site location and selection of the site for the new hospital. I think we first of all need to have that debate, which the Chief Minister has promised, as to where we as an Assembly wish to build the new hospital. Then I fully recognise that I as Minister and the whole of management will need to better engage with staff around the building processes, wherever it may be that this hospital is built.

4.2.1 Senator S.C. Ferguson:

What is the Minister's view of the Comptroller and Auditor General's report on the processes employed by the future hospital team? The Minister will recall that the Auditor General criticised the fact that people were told rather than consulted.

The Deputy of St. Ouen:

I know that many, many hospital staff were engaged in the plans. They had opportunities to receive information. The Senator suggests that there must be consultation and that did not take place in the sense that staff were asked to say yes or no to plans. When one considers that staff were, it seems, very much in favour of proposals to build on People's Park before that was removed as an option - we know that from the survey recently undertaken - that that is far and away what would have been their preferred site, I think what has now happened within the staff is that having that option removed has resulted in them feeling somewhat left high and dry.

4.3 Deputy K.G. Pamplin:

Would the Minister for Health and Social Services give more comment today on the released OneGov strategy for health and the community service changes in regards to mental health? It does get a mention that there is no health without mental health and mental health is just as important as physical health, but it does not say much more. Could he give us some more information on the future of mental health services, including the much required service of mental health at Overdale, as pointed out by your predecessor?

The Deputy of St. Ouen:

Mental health will have parity with physical health. We want to enhance the service and we are committed to doing that. We want to bring forward proposals for a service which is available at all times of the day and night for people in need. We want to bring forward proposals for a place of safety where people could be suitably accommodated if they need inpatient care. I do not know what the Member was reading from - perhaps it was a news release that has gone today - but merely the fact that there has been one mentioned in a news release does not mean that we do not pay attention to mental health. It is a fundamental part of the strategy going forward.

4.4 Deputy M. Tadier:

Does the Minister intend to honour the decision made by the States on 6th November in voting for P.113, that all medicinal professionals with the right to prescribe should be able to prescribe cannabis?

The Deputy of St. Ouen:

I do not see I am in a position not to honour it. That is a decision of this Assembly and that situation will be enacted. My understanding is that it will be enacted by an order that I am able to make under the misuse of drugs legislation. That, I am told just this morning, is in the final stages

of drafting. I would like to invite a discussion with Deputy Tadier before I make it because he has obviously brought the proposition, but I envisage it coming along soon.

4.4.1 Deputy M. Tadier:

In a statement given yesterday in response to a petition about medicinal cannabis the Minister said that there is no intention of rescheduling cannabis *per se*. Will he explain how he is going to allow cannabis in its pure form to be prescribed by professionals, as was the intent of (a)(i) of the proposition, without rescheduling that drug?

The Deputy of St. Ouen:

My understanding of Deputy Tadier's proposition was that he wanted cannabis to be made available for medicinal purposes, so what must be capable of being prescribed is a product which is recognised medicinally, which is capable of prescription. Cannabis itself as a raw plant will not be capable of being prescribed, but cannabis in forms that are capable and recognised as having additional medicinal qualities will be itemised and will be able to be prescribed.

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

Is the Minister aware that the N.H.S. (National Health Service) announced yesterday extra measures that will be on offer to families of new babies, where if there is a mental health condition present in the mother that new fathers will also be offered support with their mental health through automatic mental health checks for the fathers?

The Deputy of St. Ouen:

I am not aware of any announcement from the N.H.S. yesterday, but I would hope that all our services in Jersey would provide the best type of help for expectant mothers and fathers. If the Deputy knows of any deficiency in our services in that respect, I would be pleased to talk to her.

4.5.1 Deputy L.M.C. Doublet:

Would the Minister be able to send some information via email about what exactly is offered postnatally to mothers in terms of mental health support, and also what support is offered to fathers please?

The Deputy of St. Ouen:

Yes, I will send that to the Deputy.

4.6 Deputy G.P. Southern:

Is the Minister prepared to release his target operating model for the health and community services, as we now have to describe it, so that we can all understand what is going on with the delivery of health services on the Island?

The Deputy of St. Ouen:

The model is out for consultation among all healthcare staff today, so I imagine that it can be shown to States Members also.

4.7 Deputy K.F. Morel:

In his response to written question 282/2018, I was concerned to read that the Minister said that steps have been taken to remind staff of the legislation in the States of Jersey. Can he confirm that adequate training is being given to all staff, and particularly off-Island staff who join the Health Department, who may erroneously believe that Jersey is just another local authority and may not understand that it has its own legal system?

The Deputy of St. Ouen:

I am just trying to find that context there. Yes, I understand now the question. Yes, from documentation I have seen where recruitment takes place outside of Jersey there is a good explanation of what makes Jersey distinctive and that we are not part of the N.H.S., that we operate our own independent health service, and I am confident that staff coming in know of the particular Jersey requirements.

4.8 Deputy R.J. Ward:

Does the Minister believe that anyone in Health and Social Services below the top tier of management has any idea of how the target operating model will impact upon their roles and future employment and, if so, what evidence supports his belief?

The Deputy of St. Ouen:

That is the purpose of the consultation that has now begun today, that those discussions will take place. Staff do want to work in ways which are more efficient and we are trying to promote within the health service an atmosphere where clinical staff can produce ideas, can have a major say in the running of their departments rather than feeling a dead hand of management. So I am confident that all that will be brought forward as part of the consultation exercise.

4.8.1 Deputy R.J. Ward:

Is it not very last minute to have a genuine consultation on a new operating model when that operating model seems to be being driven through at a rate of knots? Is this not a token gesture towards consultation?

The Deputy of St. Ouen:

No, it is not a token gesture and the model is not being driven through because the model will be developed in the light of consultation.

4.9 The Deputy of St. Peter:

The pain consultant over here has gone on record stating that he has effectively no intention of prescribing medicinal cannabis at this particular stage. This has had a morale-sapping effect on those people who would like the opportunity to try it and believe it will have a life-changing effect on their lives. Can I ask the Minister to try and encourage the pain consultant to take a positive and proactive view of his research into medicinal cannabis? We obviously cannot tell him to go against whichever regulations he believes, we cannot order him to obviously, but to have a proactive approach to looking at cannabis and the benefits to help those people in the Island who would genuinely benefit.

[17:15]

The Deputy of St. Ouen:

I think we must take care about making this personal because the consultants in question are seeking advice from their professional bodies to which they belong, and at the moment that advice is that the use of cannabis for chronic pain is not proven, though it is proven or there is good evidence for other uses. I recall that Professor Barnes in his report was suggesting that prescribing cannabis should be within the context of clinical trials rather than an acceptance that it is all fine and it should go ahead. I believe the consultants here would be very willing to engage in clinical trials, because that is really what is needed at this stage. Cannabis is not a certain solution for chronic pain and it is right that those who look after our health do not just jump to conclusions but rely on solid clinical trials. So if there is a means of bringing that forward and those trials we can participate in from Jersey, then I think our clinicians would be willing to join in and that is perhaps the route that we should be taking.

5. Questions to Ministers without notice - The Chief Minister

5.1 The Connétable of St. Lawrence:

This is a very straightforward yes or no question, although knowing our Chief Minister ...

The Deputy Bailiff:

Well perhaps we could just get on with it.

The Connétable of St. Lawrence:

I will get on with it. Does the Chief Minister support the proposed target operating model for the newly created Justice and Home Affairs Department, which would see the merger of Fire, Ambulance, States of Jersey Police and Jersey Customs and Immigration, and also as I understand it Prison and Probation?

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

As I understand it, the process is going to be that the target operating models, in the same way as happened with Health I assume, are going to be presented to Council of Ministers and at that point we will have that discussion. I would hope there is consultation in place. I do have to say I am not sighted on the direct specifics on the target operating model for the departments in question so I cannot give you a yes or no at this stage. But I do make the point that everything that is being done at this stage, some of which obviously started before we came into place, is around trying to deliver efficiencies and value for money for the public, but we do need to make sure that service delivery remains the same where appropriate.

5.1.1 The Connétable of St. Lawrence:

My supplementary is: will the Chief Minister advise the Assembly on who has the final say on the delivery of the target operating model proposals across the States? Will it be Ministers or civil servants?

Senator J.A.N. Le Fondré:

Ministers.

5.2 Deputy S.M. Ahier of St. Helier:

Will the Chief Minister advise the Assembly what actions, if any, he intends to take to reduce the rampant inflation rate?

Senator J.A.N. Le Fondré:

I am not an economist so I am always cautious about what levers we have to reduce inflation. The point is that some elements of inflation are out of our control, so one key component of it relatively recently was the increase in interest rates, and that is obviously not under the control of ourselves. Things that we can control, for example on the housing costs, if we can reduce or take the heat out of rent increases there we can have some impact. So it is a mixture; where we can we will seek to take the heat out of inflation increases. Part of that, by the way, is the provision of public services being applied in an efficient manner.

5.3 Deputy R.J. Ward:

Does the Minister believe that anyone in public services below the top tiers of management has any idea of how the target operating model will impact upon their roles and future employment, and what is the timescale for this understanding to be disseminated?

Senator J.A.N. Le Fondré:

The timescale, as we have said, is broadly speaking March of next year. I use the word “Spring”, that is when matters are going to be completed, so during that timeframe there has to be consultation and understanding. I do go back to the point that the Assistant Chief Minister, the Constable of St. Ouen, made because I of course have been there as well; when an organisation is changing it is unsettling, no question. Therefore, we do have sympathy from that point of view, and this is a large change but it is important it happens.

5.3.1 Deputy R.J. Ward:

May I ask the Minister how, if we do not know the structure of the target operating model in 2019 which will go into the future, are we to make £30 million of savings from job vacancy management if we do not know what those vacancies will be and we do not know the roles of our public services in the future?

Senator J.A.N. Le Fondré:

I did not say we did not know what it was; I said the point about the target operating model is about reducing duplication. I think that comment was made by the Constable of St. Clement, if I remember correctly. So the detail of the savings are going to be detailed into the Government Plan. Part of the issue we have - and I talked about 2019 - the focus is obviously that we have a deficit in 2020 and, therefore, we have to have the savings in place before 2020 and, therefore, 2019. It does not mean we need to have them on day one. It is, therefore, very important that the structure is bedded-down, that the communication does happen properly and there are measures in place to ensure that happens. It is a longer-term plan as well, but that the structural changes in some shape or form do take place, otherwise we will not achieve the efficiencies that need to be made. I would just add that part of the problem we are having at the moment is, firstly, discussions around ongoing recurring revenue issues facing against single amounts of money that we have available; secondly, that savings that were previously committed to have not been achieved; and thirdly, that some of the measures that were previously funded out of short term sums of cash carried forward are now going into the base budget for 2020. This is all coming together to cause the problems that we are facing.

5.4 Senator S.W. Pallett:

At the last sitting I followed on from an excellent question from Deputy Maçon to the Assistant Chief Minister, the Constable of St. Ouen, who was answering on behalf of the Chief Minister in regards to eGov. I asked what the eGov programme had cost to date and was informed £10 million. I also asked what funding was required to complete the work but to date I have not received a response. In the light of the £2.2 million being committed to a global professional services firm as a digital modernisation delivery partner, can the Chief Minister give the Assembly any idea of what the final cost will be?

Senator J.A.N. Le Fondré:

I do not have the precise figures to hand but I will ensure that the Senator is provided with them. I think the point that should be made is that we are moving away from the eGov programme and moving into digital transformation, I suppose is the right expression, within the Government. That is slightly different, but I will ensure that he gets the figures he seeks.

5.4.1 Senator S.W. Pallett:

I accept there is a slight difference to what is trying to be achieved now. But everything that was being asked to be delivered I thought we were already delivering. Who is politically overseeing the work and can he ensure that the public are going to get value for the £12.2 million investment to date?

Senator J.A.N. Le Fondré:

I believe that eGov still falls under my remit at the moment, although I am seeking to try and amend that. But, yes, we will ensure that we do achieve value for money. We have to.

5.5 Deputy K.G. Pamplin:

In the recent cultural strategy review of the arts and culture of the Island the greatest challenge, it says, to the arts and culture of Jersey is that investment is strikingly low. The Isle of Man's *per capita* expense on culture is 72 per cent higher than that of Jersey. Investment has steadily been diminished by real time decreases alongside direct cuts. Will the Chief Minister agree with me that the time has changed to support the arts properly and fund them for the future?

Senator J.A.N. Le Fondré:

One of the things we have made reference to in the strategic plan is the culture and arts on this Island, and also having some past connections with the arts world, believe it or not, I am very sympathetic to their plight. I am also acutely aware, for example, that the Arts Centre is critically low on, let us call it, backlog maintenance funding because the status of some of their present assets is not in a good way. We have to see if we can get the funding on a sustainable level. I think the Assistant Minister for Treasury did refer to that in terms of the potential at the moment, but also looking forward we need to try and make sure we have assessed the sustainable source of funds. Again, that comes under the Government Plan in the middle of next year, but I do want to see it there.

5.5.1 Deputy K.G. Pamplin:

In answer to my oral question on 8th November when I asked the Chief Minister about bringing Article 20 of the Dormant Bank Accounts Law into force by its Appointed Day Act he said it would be brought forward towards the end of the year, and also that would be done in consultation with the Economic Affairs Scrutiny Panel. As it is mentioned in this cultural review as a way to distribute monies to struggling arts funds, will he confirm when this will be brought forward so the distribution of those monies can be brought into law to support funds for the arts, the culture and the charities that need the money?

Senator J.A.N. Le Fondré:

I just want to go back and check because I have had at least 2 decisions that have come in recently on the Dormant Bank Accounts funding side of things and that is why I am just pausing. But I will go back and double-check and I would expect to see it imminently.

5.6 Deputy K.F. Morel:

I was wondering if the Chief Minister could update the Assembly as to progress with the Access to Justice legislation, and whether he is still looking at a Government-funded version or maintaining the current system?

Senator J.A.N. Le Fondré:

We need to split this into 2. Firstly, on the legislation surrounding getting a statutory structure in place for Access to Justice and where we are, obviously Members will be aware there has been some correspondence from the Law Society who do not support the present proposals, and we have had some discussions with the relevant scrutiny panel. So there are 2 items outstanding, or technically one. One is about the funding for the officer in 2019, that has been confirmed; and secondly is looking for a form of words around the scheme. By that I mean that the proposal originally was to get the legislation in place because that obviously has to go through Privy Council, *et cetera*, and then to try and get the scheme sorted out. The concern I have is that in the structure that is proposed there needs to be a backstop as to what scheme is in place, because what you do not want is just discussions going on and on and on and we end up in a circular argument all

the way through. I need to see if there is a form of words that we can just tweak. The intention is to get it lodged before the end of this year, in time for debate early next year.

5.7 Deputy G.P. Southern:

In the light of the withdrawal of goodwill by our Health employees, does the Minister consider that the consultation process will take place in a spirit of goodwill with Health Service employees?

Senator J.A.N. Le Fondré:

A clarification: which consultation process?

Deputy G.P. Southern:

The consultation over the target operating model, which we mentioned earlier.

Senator J.A.N. Le Fondré:

I was just being careful; I had assumed that was the case. It is always difficult, when we have pay disputes going on, to try to see how we are going to get into the longer-term position of trying to get the structure sorted out. I would hope that people would be mature and co-operate in that side of things and I will be very disappointed if they do not.

5.8 The Deputy of St. Martin:

I am in ongoing discussions with the future hospital team over oncology and haematology. I think we all know that cancer and diabetes are going to be hugely significant diseases as we move into the future decades. Can the Chief Minister give us an absolute assurance that we will have in our new hospital, wherever it is, facilities which are more than large enough to cope with diabetes and cancer into the future?

Senator J.A.N. Le Fondré:

I am aware that is one of the concerns that has been expressed, if I remember correctly, by this department, so certainly from my perspective I think it is critical that those departments do have sufficient resources and do have sufficient facilities. I am given to understand that one of the concerns is that with an ageing population that those facilities will face greater requirements in the future and, therefore, certainly from my personal point of view I would absolutely endorse what the Deputy has said.

5.9 Senator S.W. Pallett:

Just in regards to the Christmas lottery, I understand it is doing very well again this year and I would encourage everybody to go out and buy tickets for all the good causes that will benefit. But in regards to wider use of money raised and then distributed by the Christmas lottery, is the Chief Minister in favour that that money goes to both arts and culture and sport in future?

[17:30]

Senator J.A.N. Le Fondré:

I see no reason why it should not. I will just add that it is usually, I believe, the responsibility for the Minister for Economic Development, Tourism, Sport and Culture - that was my understanding - and, therefore, it would very much be a matter for him. But I hope he would take those matters on board, subject of course to making sure existing recipients are not prejudiced.

5.10 Deputy M.R. Le Hegarat:

Would the Chief Minister like to comment on the following statement: "One of the chief executive's KPIs (key performance indicators) is to lead organisational change and secure cultural change through the Team Jersey." Given that the chief executive has already delivered a new work to rule culture among many civil servants, left numerous committed public sector workers totally

disillusioned and looking for new careers elsewhere, and with strike action imminent, does the Chief Minister consider it “job done” in this respect? **[Approbation]**

Senator J.A.N. Le Fondré:

I think when we are in the middle of pay disputes and organisational change it is always going to be difficult. As far as I am concerned, the measures that we are going to be looking at are over the next few months, so let us see what the position is towards the middle of next year.

Deputy K.C. Lewis:

Sir, may I clarify an answer to question 13 in less than 20 seconds?

The Deputy Bailiff:

An answer that you gave? If it is a matter where without that clarification the Assembly might be misled I think that is an appropriate use of ...

Deputy K.C. Lewis:

The temperature monitoring in Fort Regent is monitored monthly, which is above statutory requirements. This provides an indication of conditions conducive to legionella, which can thrive between 20 and 50 degrees centigrade. Legionella risk assessments were undertaken and reviewed annually, which again is above and beyond statutory requirements. I will get the full details and inform all Members.

The Deputy Bailiff:

That brings to a conclusion the work that the Assembly allocated to itself to be conducted during the course of the afternoon and we start with Public Business tomorrow morning. The first item I think on Public Business will be the approval or otherwise of taking matters late, so people know how the debate will function from then on. That is how I propose to deal with the matter tomorrow so Members know which documents and which amendments, for example, they are going to be debating as the matters proceed.

Deputy G.P. Southern:

I was going to rise to my feet to seek the agreement of the House to bring my particular proposition, P.137. I think it is important, as you just said, that we know where we are starting in the debate tomorrow and the day after.

The Deputy Bailiff:

Well I think as a matter of first business, before moving on to the substance of Public Business, Deputy, if you want to ask Members when they wish to take your proposition, and indeed whether you are in a position to have it taken in effect given that the necessary period for lodging has not been complied with. I think if you have Members deal with that we will deal with the other matters where there are time issues at the same time, first thing tomorrow morning, unless you would like to ask Members to stay a little bit later and deal with it now.

Deputy G.P. Southern:

No, no, but either we will be debating one thing or another. Have you made a ruling on what is going to be first up, Sir?

The Deputy Bailiff:

As I understand your position, Deputy - and I could be wrong and please do correct me - I had understood that you wished to move the debate on your matter from what is currently last on the list to be taken further up the Order Paper, but in order to have yours debated in any event Members have to be prepared to allow it to be debated at all.

Deputy G.P. Southern:

I was attempting to seek that now.

The Deputy Bailiff:

It seems to me that if you are going to ask for both of those things then you may as well ask for the ability to debate it tomorrow as a first item of business when we will deal with the others in a similar situation, and if the Assembly accepts that it can be debated during the course of this sitting, then to ask where you want it in the list.

Deputy G.P. Southern:

The permission to reduce the lodging period belongs to the House I think. I thought the order of debate belonged to you, sir.

The Deputy Bailiff:

Well, no, once the Order Paper has been settled and the States has agreed things will be taken in a particular order it will be a matter for the Assembly as to whether they are prepared to take it out of order and bring it further up the Order Paper if that is your wish. So it is 2 questions for the Assembly; you clearly want, firstly, the permission to deal with it at all and, secondly, then to ask the Assembly for its indulgence to move it in the Order Paper if that is still your wish.

Deputy G.P. Southern:

Indeed, and the first is priority, the second is less important.

The Deputy Bailiff:

Yes, of course, but we may as well deal with it all in one go so we know how we are going to be dealing with business going forward. Very well, in which case is the adjournment proposed? The States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:35]