

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 24th MARCH 2015**

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

I turn to the Order Paper and firstly A, communications from the Chair. I am very pleased to welcome as usual His Excellency the Lieutenant Governor. **[Approbation]**

### **1.2 Vice-Dean acting as Dean Substitute during the absence from the Island of the Dean on sabbatical:**

Secondly, I received noticed and the more hawk-eyed of Members may have noticed themselves that we had the Vice Dean saying prayers this morning. So he is acting as Dean Substitute for the duration of the Dean's absence from the Island on sabbatical. **[Approbation]**

### **1.3 Greffier of the States – notification of intention to resign on 18th December 2015:**

Thirdly, I am giving notice to Members that I have received notice from the Greffier that he will be resigning from office on Friday, 18th December. He has been Deputy Greffier for 2 years and 13 years as Greffier, and this is not the time for long tributes to him but I pass on that information to Members because I know there is some concern that he is leaving us and I know that all Members, like me, will want to extract as much knowledge from him as possible **[Laughter]** over the next 9 months. **[Approbation]**

**Senator I.J. Gorst:**

Perhaps, as you rightly said, I appreciate that now is not the time to thank the Greffier for his service to all Members but if I could just say that we are extremely grateful for his dedication, his service, his impartiality, his often action beyond the call of duty into the long hours of the night and we look forward to paying fuller tribute to him in due course. **[Approbation]**

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Nomination of members of the Planning Applications Committee**

**The Bailiff:**

Chairman, are you able to tell us how many members you wish to appoint to the Planning Applications Committee and who they might be.

#### **2.1 Connétable J. Gallichan of St. Mary (Chairman, Planning Applications Committee):**

Indeed, I am, thank you. In accordance with Standing Order 125A I would like the committee to consist of 5 members plus myself, so 6 in total. I am particularly delighted that the members of the last incarnation of the Planning Applications Panel have all agreed to put their names forward and I therefore nominate the Constable of Trinity, Deputy J.M. Maçon of St. Saviour, Deputy R.J. Rondel of St. Helier, Deputy R. Labey of St. Helier and Deputy G.J. Truscott of St. Brelade.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? Very well, then I declare the Connétable of Trinity, Deputy Maçon, Deputy Rondel, Deputy Labey and Deputy Truscott appointed as members of the Planning Applications Committee. **[Approbation]**

## QUESTIONS

### 3. Written Questions

#### 3.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING E-GOVERNMENT:

##### Question

Further to the Minister's answer tabled on 10th March 2015 to question 8666, could a breakdown of the £219,000 spent on the implementation phase of e-Government be provided and could the Minister further explain what tangible benefit can be attributed to the cost of attempting to implement e-Government so far?

The Chief Minister has stated in the Assembly that he is aiming to produce a new timetable for the implementation of e-Government, could he therefore indicate when that timetable will be completed?

##### Answer

£206,000 represents the full costs of the e-Government team, which numbered 3 FTE, in 2014. The balance of £13,000 was for a mix of internal communications, a research trip to Estonia and supplies such as computer hardware and software.

The e-Government team has supported delivery of a number of tangible benefits, including a design and business case for e-Government which was approved by the Council of Ministers and remains in place. Work is also progressing on digital identification, to allow customers to access services online.

Smaller, although still significant, elements of work include initiatives in various departments, such as the ability to pay social security contributions online. We will soon be offering online planning submissions.

A new approach to e-Government is being developed and we expect to start procuring services in May 2015. Activity on e-Government continues to progress during this re-planning phase. A number of e-Government projects are already underway, and more have been started since January. This ensures that while we develop complex technical design in the background, we are delivering improved services to customers in the foreground.

#### 3.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX REVENUES:

##### Question

Following the Minister's response on 9th December 2014 to question 8570, which revealed that the proportion of taxpayers paying tax at the 20% rate has fallen from 32% to 14% over the period 2007 to 2013, will the Minister inform members what proportion of overall income tax revenues were paid over this period by those on the 20% and those on the marginal (27%) rate?

Will the Minister further show how individual changes to allowances and the introduction of "20 means 20" measures has affected both numbers of taxpayers and revenues collected over this period?

Can he also state the extent to which the loss of 8,500 taxpayers at the standard (20%) rate is a reflection of increased numbers of low-skill, low-paid employment rather than high?

Can the Minister further account for the reduction in the overall number of taxpayers from over 47,000 to 44,700 in a period when population continued to grow, despite the recession?

Given the above changes in tax revenues can the Minister provide the full update of all States income forecasts following the provisional 2014 outturn figures, and if not, when will he be in a position to do so?

**Answer**

*Following the Minister’s response on 9th December 2014 to question 8570, which revealed that the proportion of taxpayers paying tax at the 20% rate has fallen from 32% to 14% over the period 2007 to 2013, will the Minister inform members what proportion of overall income tax revenues were paid over this period by those on the 20% and those on the marginal (27%) rate?*

**Analysis of Individual Taxpayers:**

<b>Year of Assessment</b>	<b>Proportion of individual taxpayers benefitting from the 27% Marginal Relief calculation</b>	<b>Proportion of income tax revenues paid by Individual Taxpayers benefitting from the 27% marginal relief calculation</b>	<b>Proportion of individual taxpayers taxed at the 20% standard rate</b>	<b>Proportion of income tax revenues paid by individual taxpayers taxed at the 20% standard rate</b>
2007	68.4%	31.8%	31.6%	68.2%
2008	77.5%	42.3%	22.5%	57.7%
2009	81.4%	47.3%	18.6%	52.7%
2010	83.7%	49.9%	16.3%	50.1%
2011	85.3%	52.7%	14.7%	47.3%
2012	85.1%	52.8%	14.9%	47.2%
2013	85.6%	53.6%	14.4%	46.4%

- The above data was extracted from Taxes Office systems on 18 March 2015
- Individual Taxpayers include:
  - Single individuals.
  - Married couples / civil partnerships that have not opted for separate assessments (these count as one taxpayer)
  - Married couples / civil partnerships that have opted for separate assessments (these count as two taxpayers)

*Will the Minister further show how individual changes to allowances and the introduction of “20 means 20” measures has affected both numbers of taxpayers and revenues collected over this period?*

‘20 means 20’ involved the gradual withdrawal of certain tax allowances from taxpayers with higher incomes between 2007 and 2011. This did not affect the total number of taxpayers.

There were almost 15,000 taxpayers (standard rate taxpayers) who would have been affected by '20 means 20' in 2007, the first year in which the withdrawal of allowances commenced. A significant number of these taxpayers switched from being standard rate taxpayers to being marginal rate taxpayers (from which point they kept their allowances and deductions) between 2007 and 2011. These movements are outlined in the answer to question 8570 (and repeated above).

'20 means 20', bearing in mind the compensating increases in the exemption thresholds at the same time, aimed to increase the amount of income tax revenue collected by about £10m by 2012. (Budget 2007)

*Can he also state the extent to which the loss of 8,500 taxpayers at the standard (20%) rate is a reflection of increased numbers of low-skill, low-paid employment rather than high?*

The movement of taxpayers between the standard rate (with few allowances) to the marginal rate (with a broader range of allowances and deductions) was mainly due to '20 means 20' and to a lesser extent the annual increases in the exemption thresholds. (See **Appendix A** for an illustration of a taxpayer transitioning from paying tax at the standard rate to becoming a taxpayer that benefits from marginal relief).

Changes in the number of people employed or the mix of employment between 2007 and 2013 have been much less significant. Total employment increased by 1,180 over this period, with growth concentrated in sectors of the economy where average earnings are close to the average (as measured by the median) for the economy as a whole such as private education and health, other services and computer related activities. These trends in employment are likely to have increased the number of marginal rate taxpayers and not had a significant effect on the number of standard rate taxpayers.



*Can the Minister further account for the reduction in the overall number of taxpayers from over 47,000 to 44,700 in a period when population continued to grow, despite the recession?*

For the avoidance of doubt in answering this question and question 8570 an individual taxpayer is an individual or married couple/civil partnership who has a positive liability in Jersey for the tax year based on their income, allowances and deductions.

Single persons and married couples/civil partnerships that have not opted for separate assessment are counted as one individual taxpayer. Married couples/civil partnerships that have opted for separate assessment will count as two individual taxpayers.

The total number of people paying income tax is affected by many factors, the most important being:

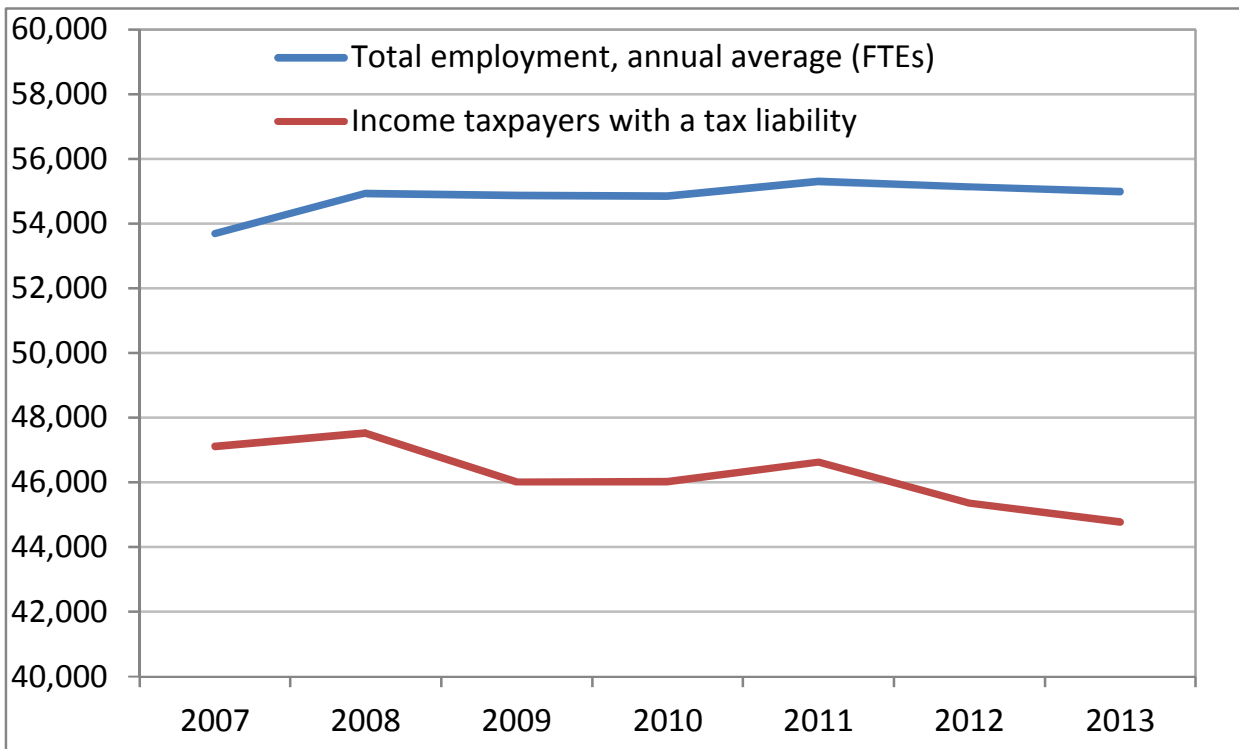
- How fast incomes are increasing (typically earnings but also pensions and investment income, for example).
- How fast the exemption thresholds are increasing.
- Changes in the number of employed people and those earning income. The number of employed people increased in 2008 and remained broadly flat thereafter.

In 2008, 2009, 2012 and 2013, the exemption threshold increases were 6.5%, 5%, 4.5% and 3.0% respectively, which were higher than earnings growth in each year. This would have meant that some taxpayers with a small tax liability in the previous year became “non-taxpayers”, dropping out of the income taxpayer number totals in these years.

In 2007, 2010 and 2011, the exemption threshold increases were 2.5%, 0% and 1.1% respectively, which were less than earnings growth in each year. In these years, taxpayers with small tax liabilities were less likely to become non-taxpayers because their incomes were more likely to increase in line with (or above) the increase in the exemption thresholds.

In 2008 (and 2011) the number of income taxpayers increased slightly. The increases in employment in these years would have contributed to this, alongside the income and exemption threshold effects described above. Similarly, in the years when employment fell slightly it is likely to have put downward pressure on the number of tax payers.

### **Total employment and number of income taxpayers (with a tax liability) 2007-2013**



Year of assessment	Percentage increase on previous year						
	2007	2008	2009	2010	2011	2012	2013
Exemption threshold increases	2.5%	6.5%	5.0%	0.0%	1.1%	4.5%	3.0%

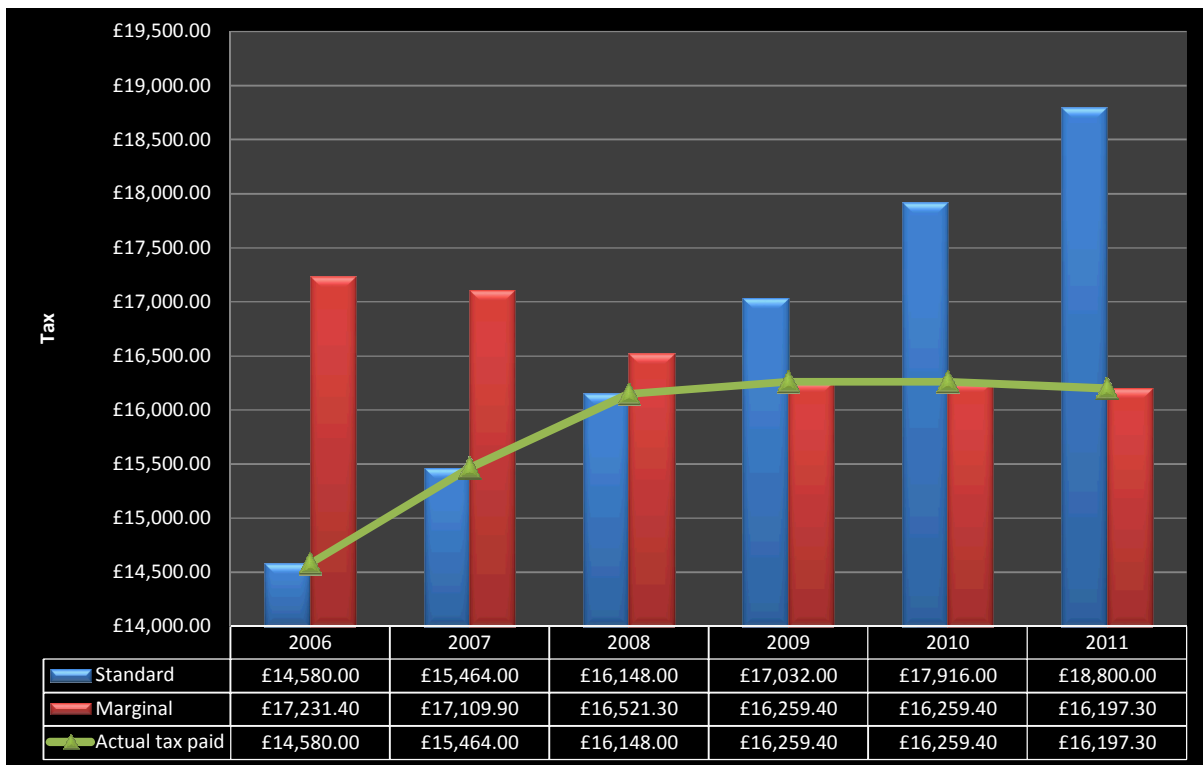
*Given the above changes in tax revenues can the Minister provide the full update of all States income forecasts following the provisional 2014 outturn figures, and if not, when will he be in a position to do so?*

Although provisional outturn data for 2014 has been received it is still subject to audit. The Income Forecasting Group (IFG) are reviewing the 2014 outturn, as part of a range of relevant data, as they prepare their recommendation for future States Income forecasts that will be used in the MTFP 2016-2019. The Minister is therefore not in a position to be able to elaborate on these draft forecasts but will do so as soon as he is satisfied that they have been fully validated.

### Appendix A

The following chart helps to illustrate how an individual taxpayer (subject to a specific set of circumstances – i.e. income £100,000, married, 2 children, mortgage interest of £13,500) transitions from being a standard rate taxpayer to a taxpayer that benefits from the marginal relief calculation as a result of the phasing out of allowances for standard rate taxpayers over the period from 2006 to 2011.

**Individual Taxpayer: Income £100,000 Married, 2 children, mortgage interest of £13,500**



Tax threshold increase:      0%                      2.5%                      6.5%                      5.0%                      0.0%                      1.1%

Notes on chart:

(i) The effects of the phasing out of allowances for standard rate taxpayers under ‘20 means 20’ over this period are clearly illustrated by the blue bars on the chart. This demonstrates that the standard rate tax calculation in respect of this taxpayer increases in steps as the allowances are withdrawn.

(ii) The movement in the marginal tax calculation (red bars) reflects the movement in the tax exemption thresholds over this period.

(iii) The specific effect on this taxpayer is:-

- 2006 to 2008: The taxpayer is a standard rate taxpayer affected directly by ‘20 means 20’ with an increasing annual tax liability reflecting the phasing out of his allowances.
- In 2009 for the first time the taxpayer benefits from the marginal tax calculation. Whilst he is still paying more tax in 2009 than in the previous year, marginal relief is beneficial to him as the allowances in 2009 have increased the standard rate tax to a figure that is higher than the tax due in accordance with the marginal tax calculation.
- 2010 and 2011: The taxpayer, now firmly in the marginal relief band, is no longer affected by the phasing out of allowances in 2010 and 2011. The variation in his tax liability is therefore solely a consequence of the changes in the income tax exemption thresholds.

### 3.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INDEPENDENT JERSEY CARE INQUIRY:

#### Question

Further to the answer to question 8674 of 10th March 2015 regarding the Independent Jersey Care Inquiry, can the Chief Minister detail:

1. In 3(b):

- the proportion spent on representing individuals (including their number) and the department;
- full details of expenditure under each heading;

- whether the States is funding legal advice/representation for former States employees/members, and, if so, how many, and why;

2. In 3(c):

- costs incurred by the bodies listed;
- whether additional staff have been employed by/seconded to the bodies listed, how many, in what areas, for what duration, and at what cost;
- whether the original roles of secondees have been recruited to and at what cost;

3. In 4:

- expenditure on lawyers, broken down by type of work undertaken;
- the law firms involved and the number of lawyers and other staff employed to undertake Inquiry work; how much each firm is being paid; the charge-out rate for each member of staff and the average cost to date;
- the number of ex-gratia payments made and the median compensation paid out to claimants;

4. The nature and cost of professional, hired and sundry services provided;

5. The accounting officer(s) for all States expenditure directly attributed to the Inquiry to date?

**Answer**

Further to the answer provided to written question 8675 tabled on Tuesday 10<sup>th</sup> March 2015 regarding the Independent Jersey Care Inquiry, the following additional information can be provided.

1. Lawyers representing departments and individuals (item 3b in the previous answer)

The Departments seek to provide their fullest support to the Inquiry in discharging its Terms of Reference. Where current or former employees have indicated that they wish to give evidence to the Inquiry, or where the Inquiry has requested them to do so, the Departments are conscious that these current and former employees are unlikely to have given evidence in public before. As a result, Lacey Advocates have been instructed to work with, advise and support current and former employees, who wish, or who are required, to give evidence to the Inquiry. Where allegations have been made against current or former employees of unlawful conduct, Departments are not funding any legal costs incurred in responding to any such allegations. Should current or former employees require legal advice on such matters, they must obtain this either through the Inquiry or from their own lawyer at their own expense. As Phase 1b (evidence from staff) has not yet commenced, it is not known how many current and former employees will be required to give evidence. To date, approximately fifteen employees have sought the assistance described above. Financial recording and billing systems are not able to provide an analysis of costs according to the individuals being represented.

2. Further details of departments' costs (item 3 in previous answer)

The costs incurred by the bodies listed were identified in part 3 of the earlier answer. In relation to staffing, the States of Jersey Police have contracted four staff on a part time basis (the HOLMES Team) to assist during the Inquiry at a cost of £113,629 up to the 31st December 2014, as reported in the previous answer. The Chief Minister's Department has seconded three officers to work with

Lacey Advocates for the duration of the Inquiry at a cost of £129,750 up to the 31<sup>st</sup> December 2014, as reported in the previous answer.

### 3. Further details regarding Inquiry and Redress Scheme costs (items 3 and 4 in previous answer)

Two law firms are involved in undertaking work for the Independent Jersey Care Inquiry, Eversheds as Solicitors to the Inquiry and Outer Temple Chambers as Counsel to the Inquiry. The costs for law firms engaged to support the Independent Jersey Care Inquiry are: Eversheds £2,193,323 up to the 31<sup>st</sup> December 2014; Outer Temple Chambers £545,480 up to the 31<sup>st</sup> December 2014.

Two law firms are involved in undertaking work for the States of Jersey in relation to the Independent Jersey Care Inquiry, Lacey Advocates and Carey Olsen. The costs for law firms engaged to support Departments are: Lacey Advocates £747,888 up to the 31<sup>st</sup> December 2014; Carey Olsen £471,298 up to the 31<sup>st</sup> December 2014.

The number of staff engaged by these firms on work relating to the Inquiry varies over time based on the nature of the work for each phase. The Independent Jersey Care Inquiry Information Index sets out the categories of information held by the Inquiry, which information can be made publicly available and how it can be obtained. The charge out rates are commercially sensitive and therefore unavailable for release. Financial recording and billing systems are not able to provide a ready analysis of costs according to the type of work undertaken.

In relation to the Redress Scheme, to date the total number of ex-gratia payments made is 116, with the median compensation paid out to claimants being £12,750, at a mean of £17,820.

### 4. Redress Scheme costs: professional, hired and sundry services provided (listed under item 4 in previous answer)

Professional, hired and sundry services include medical and psychiatric assessments as well as ad hoc payments including, for example, research by UK forensic data confirmation services. Total cost to the end of December 2014 amounts to £100,683, as reported in the previous answer.

### 5. Accounting Officers

The Accounting Officer for the Independent Jersey Care Inquiry expenditure is the Greffier of the States. It should be noted, however, that due to the need for the Inquiry to operate independently, the Inquiry Panel has directed the expenditure and the Greffier of the States has not been in a position to influence spending in the usual manner expected of an Accounting Officer.

The Accounting Officers for the relevant departments are responsible for spending in relation to the Inquiry within their departments. It should be noted, however, that this expenditure arises generally from responding to the requirements and requests of the Inquiry.

## **3.4 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING CHILD ABUSE INVESTIGATIONS:**

### **Question**

Will the Chief Minister, as Chairman of the States Employment Board, explain why States employees who were known to be under investigation for alleged child abuse were not suspended as a neutral act whilst

investigations were taking place? Has the Chief Minister reviewed this policy, and is he satisfied that sufficient safeguarding measures are in place to stop alleged abusers working with vulnerable individuals whilst allegations are being investigated?

Will the Chief Minister inform members how many current and past States employees were investigated in relation to child abuse and how many remained in active employment during that time?

### **Answer**

The decision to suspend, as a neutral act, any States employee under investigation is taken on a case by case basis. The primary consideration in relation to any “return to work” assessment is the risk to the public and is dependent upon the role undertaken by the individual. The policy in relation to suspension was last reviewed by the States Employment Board on 25th March 2011.

Where allegations of abuse are under investigation by the States of Jersey Police, senior officers from the Human Resources Department liaise with both the Law Officers Department and the States of Jersey Police to ensure that decisions are made as to when and if it is safe for an individual to return to work during or after an investigation. The States of Jersey Police inform the Department if they have concerns about an individual returning to the workplace and this enables the Department to fulfil its responsibilities as set out in the safeguarding partnership board memorandum of understanding, ensuring that measures are in place to stop alleged abusers working with vulnerable individuals while allegations are being investigated.

The States Employment Board does not maintain a record of the number of current and past States employees who have been investigated in relation to child abuse. Since 2010 and the introduction of the Sex Offenders Law, Jersey Multi-Agency Public Protection Arrangements (JMAPP) have been in place. The States of Jersey Police Offender Management Unit, through the National ‘Visor’ IT network, maintains a register of all convicted sex offenders and liaises with UK forces over the movement of any offenders across borders.

### **3.5 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DUAL ROLE OF THE BAILIFF:**

#### **Question**

Does the Chief Minister intend to lodge a proposition to end the dual role of the Bailiff and, if so, what does he intend to propose as an alternative for the role of Presiding Officer of the States Assembly? Given the Chief Minister’s stated support for an end to the dual role of the Bailiff, will this be a matter for which collective responsibility will apply?

#### **Answer**

I have previously clearly expressed my view both during the debate on this matter last year and during the election period. I have said that this is a complex issue on which we need to start a conversation with the community.

I hope that PPC might consider taking the lead in initiating this conversation and I will be writing to PPC about it in due course.

### **3.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING STATES EMAILS:**

#### **Question**

Will the Chief Minister advise Members whether a decision has been taken by the Corporate Management Board (CMB) to delete all emails that are more than 2 years old from States computers and servers and, if so, will he advise whether:

- a. he, or the Council of Ministers as a collective body, or any individual Minister, gave their consent to the CMB prior to its decision;
- b. the CMB, the Chief Minister, Council of Ministers, collectively or as individual Ministers, received legal advice from the Law Officers' Department before the CMB made its decision to delete the emails;
- c. there were any exceptions to the deletion policy and, if so, in what circumstances;
- d. is aware that emails have been instrumental in proving guilt or innocence in criminal trials, proving miscarriages of justice or helping the States defend itself in civil actions for damages brought against it;
- e. will he seek to reverse the policy of the CMB relating to email deletion?

#### **Answer**

The States has an automated email archive system that records all email sent and received to gov.je accounts. This email archive is retained to restore data if it becomes corrupted or is lost. Information Services implemented this system on Friday 4<sup>th</sup> May 2012.

After taking into account the information requirements stipulated in the Public Records (Jersey) Law 2002, Data Protection (Jersey) 2005 Law and the Freedom of Information (Jersey) Law 2011, the Corporate Management Board decided that these archived emails should be retained for two years. This policy was implemented on 17<sup>th</sup> October 2014.

This process does not delete emails from all computers and servers. Each department has its own records retention policy, and the automatic deletion of emails from the backup server does not affect emails saved in user files or on official records management systems.

- a) The Corporate Management Board is responsible for the operation of the public sector. It would not be a requirement to consult the Council of Ministers about a retention policy for an email archive system.
- b) Departments are required to handle information in documents, applications and emails in accordance with their retention schedules and legal obligations. Retention schedules are determined by the business needs of departments and are reviewed and approved by Chief Officers and Jersey Archive. As approved business retention schedules are in place, CMB, the Chief Minister, Council of Ministers, collectively or as individual members did not seek legal advice on the retention period for the email archive system.
- c) There are no exceptions to the automatic removal of email from the email archive system.

d) There is awareness that emails have been used as evidence in both civil and criminal trials. However that does not mean we should maintain an email archive in perpetuity. Emails that constitute official records are required to be kept in an appropriate business records management system.

e) The Corporate Management Board has the authority to make operational decisions and I will not seek to reverse the email archive retention policy.

### **3.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING HAUT DE LA GARENNE:**

#### **Question**

Will the Minister provide a list of the names of all the governors and members of the Board of Governors (or equivalent) of Haut de la Garenne from 1945 until its closure? In particular, will the Minister highlight which politicians, past or present, if any, held such positions?

#### **Answer**

The documents held by the Department for Education, Sport and Culture do not record the existence of a separate Board of Governors for Haut de la Garenne. The States Committee with political responsibility for Haut de la Garenne was the Public Instruction Committee from 1945 to 1955, and this was renamed the Education Committee by Act of the States in January 1955. In December 1959 the Education Committee decided to establish a sub-committee to 'deal with all matters relating to child welfare', and this body was still in existence when Haut de la Garenne closed in December 1986.

A list of names of the members of the sub-committee is given in Appendix 1, together with their membership status (i.e. 'States member' or 'co-opted member') and the periods in which they served as members. For the sake of completeness a list of the members of the Public Instruction and Education Committees is also attached as Appendix 2 for the period 1945-1986.

#### **APPENDIX 1**

##### **Membership of Childrens' Sub-Committee**

<b>Name</b>	<b>Membership Status</b>	<b>From:</b>	<b>To:</b>
Deputy Mrs P Green	States Member	January 1961	December 1963
Deputy K.A. Baal	States Member	January 1961	December 1961
Deputy C.A. Goodwin	States Member	January 1961	December 1961
Deputy F.E. Luce	States Member	January 1962	May 1965
Constable E.W. Vautier	States Member	January 1962	February 1963
Deputy A.C. Queree	States Member	January 1964	June 1969
Mrs A.P. Lakeman	Co-opted	January 1964	December 1966



Mrs St. J Birt	Co-opted	January 1964	December 1967
Mr R.G. Malzard	Co-opted	January 1964	December 1965
Constable R.H. Le Cornu	States Member	October 1965	June 1975
Mrs J.B. Norton	Co-opted	January 1966	December 1968
Mrs L. Picot	Co-opted	January 1967	December 1969
Mrs A.T. Chamier	Co-opted	January 1968	December 1970
Mrs R. Pilkington	Co-opted	January 1969	December 1972
Deputy J. Le S. Gallichan	States Member	June 1969	December 1969
Mrs E.C. Quenault	Co-opted	January 1970	December 1973
Deputy P.G. Mourant	States Member	December 1969	December 1978
Mrs M. Le Ruez	Co-opted	January 1971	December 1974
Mrs A. Baal	Co-opted	January 1973	December 1975
Father F. Isherwood	Co-opted	January 1973	March 1976
Mrs E.J. Becquet	Co-opted	January 1974	December 1977
Mrs E. Le Boutillier	Co-opted	January 1975	December 1978
Deputy A. Baal	States Member	January 1976	December 1981
Mrs. R. Hambly	Co-opted	January 1976	December 1981
Mr. K.R. Barette	Co-opted	January 1977	December 1980
Mr. A. Colback	Co-opted	January 1978	December 1980
Mrs N. Yates	Co-opted	January 1979	September 1980
Deputy E.C. Quenault	States Member	January 1979	Beyond 1986
Mrs C.F. Skinner	Co-opted	September 1980	February 1985
Advocate R.F.V. Jeune	Co-opted	January 1981	December 1985
Deputy P.G. Mourant	States Member	December 1981	February 1985
Mrs N. Queree	Co-opted	January 1981	June 1983
Mrs M. Pallot	Co-opted	January 1981	December 1985

Reverend M. Beal	Co-opted	November 1983	Beyond 1986
Constable I.M. Le Feuvre	States Member	January 1985	Beyond 1986
Mrs M. Marett	Co-opted	February 1985	Beyond 1986
Mrs M. Jeune	Co-opted	January 1986	Beyond 1986
Dr. S. Milner	Co-opted	January 1986	Beyond 1986

## APPENDIX 2

### Membership of Public Instruction and Education Committees

#### **Name**

Le Quesne	P.	Deputy	Jan-46	Dec-49 President
Collas	W.J.J.	Jurat/Senator	Jan-46	Dec-54
Hornby	Rev R.S.	Rector	Jan-46	Dec-48
Avarne	C.H.B.	Deputy/Senator	Jan-46	Feb-51
Le Marinel	Very Rev Canon	Rector	Jan-46	Dec-48
Le Boutillier	F.	Constable	Jan-46	Apr-50
Krichefski	W.H.	Deputy	Jan-46	Dec-48
Ryan	D.	Deputy	Dec-48	Dec-51
Le Marquand	John	Deputy/Senator	Dec-48	Dec-68 President
				Feb 1952
Le Marquand	J.J.	Deputy	Dec-48	Dec-52
Le Brocq	E.H.	Deputy	Jan-50	Feb-52 President
				Jan 1950
Baudains	J.W.	Constable	Apr-50	Oct-62
Morrison	H.H.	Deputy	Feb-51	Sep-54
Crill	P.	Deputy	Dec-51	Apr-58
Macpherson	Brigadier R.C.	Deputy	Mar-52	Dec-63

Simon	W.J.J.	Deputy	Dec-54	Dec-59
Rider	Rev R.J.	Deputy	Dec-54	Dec-60
Vibert	R.	Deputy	Dec-57	Dec-60 Reappointment
				June 1970
Le Brocq	R.F.	Deputy	Jul-58	Dec-59
Baal	K.	Deputy	Jan-59	Dec-59
Goodsman	C.A.	Deputy	Dec-60	Oct-61
Vautier	E.W.	Constable of St Ouen	Jan-62	Jul-64
Green	Mrs P.	Deputy	Dec-52	Dec-63
Luce	F.E.	Deputy	Jan-63	Apr-65
Jeune	R.R.	Deputy/Senator	Oct-62	Dec-84 President
				Jan 1969
Huelin	Mrs G.C.	Deputy	Jul-63	Dec-63 Reappointment
				Jan 1969
Queree	A.C.	Deputy	Jan-64	Jun-69
Riley	Major J.R.C.	Deputy	Jan-64	Dec-66
Letto	M.	Deputy	Jan-64	Jan-66
Le Cornu	R.H.	Constable	Jun-65	Jul-75
Gallichan	J. Le S.	Deputy	Nov-65	Dec-68
Cabot	P.G.	Deputy	Feb-66	Jun-67
Le Brocq	R.F.	Senator	Jan-67	Jun-67
Le Ruez	S.P.	Deputy	Jul-67	Dec-75
Le Gresley	H.F.	Deputy	Jun-68	Dec-75
Huelin	Mrs G.C.	Senator	Jan-69	Dec-75
White	L.H.	Senator	Jan-69	Jun-70
Mourant	P.G.	Deputy	Jan-69	Dec-87 President
				Jan 1985

Vibert	R.	Senator	Jun-70	Dec-72 Reappointment Dec 1984
Le Maistre	J.A.	Deputy/Senator	Jan-73	Dec-84
Le Brocq	A.D.	Deputy	Oct-75	May-83
Baal	Mrs A	Deputy	Jan-76	Dec-81
Quenault	Mrs E.C.	Deputy	Jan-76	Dec-87
Troy	B.E.	Deputy	Jan-76	Dec-78
Sandeman	Mrs J.P.	Senator	Jan-79	Dec-84
Horsfall	P.F.	Senator	Jan-82	Dec-84
Le Maistre	C.A.	Constable	Jun-83	Dec-84
Vibert	R.	Senator	Dec-84	Aug-86
Le Feuvre	I.M.	Constable	Dec-84	Sep-95 President April 1988
Rumboll	R.E.	Deputy	Dec-84	Apr-88 President Dec 1987
Wavell	M.A.	Deputy	Dec-84	Dec-87
Dubras	H.L.	Deputy	Dec-84	Dec-90
Baudains	H.H.	Deputy	Nov-86	Dec-87

### **3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING SOCIAL HOUSING:**

#### **Question**

Will the Minister inform members what proportion of social housing units, whether properties of Andium Homes or of other trust providers, are categorised as under-occupied?

Of this number, what proportion are:

- (a) pensioner households where the adult children have left;
- (b) non-pensioner households where the family has left home;
- (c) households where there are adult children still resident;
- (d) households where there are health, disability or other needs which require an extra room?

Is it still the case, as previously with the Housing Department, that in (a) and (b) above, the under occupation is disregarded if the tenant has applied to downsize? In this context, how many of the 154 Andium one-bedroom properties which become available are used for downsizing annually?

### **Answer**

Affordable (social) housing providers do not record statistics on under-occupation levels in their existing housing stock.

However, the 2011 Census identified that 17 percent of existing tenants in States (now Andium Homes), housing trust or parish rental accommodation were under-occupying their properties by one bedroom, and 2 percent were under-occupying by two or more bedrooms. In comparison, 39 percent of households in the United Kingdom living in social rental accommodation have more than one spare bedroom.

It should also be noted that, in the situations described, (c) would not be considered under-occupation and (d) would provide reasonable medical grounds for a household to have a spare bedroom.

It is important that under-occupation is handled sensitively and tenants are supported to transfer into a size and type of property which is appropriate to their needs, for example, where under-occupation is the result of older tenants remaining in their existing properties after their children have grown up and left home.

The responses of the Minister for Social Security to written question 8648 of Deputy M. Tadier on 24<sup>th</sup> February and the oral question on 10<sup>th</sup> March explain the implications of under-occupation in the context of the accommodation component of Income Support, although not all households who under-occupy will be in receipt of Income Support.

In the period 2013 to present, Andium Homes allocated 48 percent of one bedroom properties to under-occupying households.

The regulatory framework for social housing – which the Minister for Housing will bring forward by the summer – will provide a mechanism to review occupancy levels within existing social housing stock, and support the development of policies to address under-occupation.

### **3.9 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003:**

#### **Question**

Will H.M. Attorney General advise members whether any Enforcement Officers employed by States Departments or Andium Homes have any legal powers similar to the police under the Police Procedures and Criminal Evidence (Jersey) Law 2003, and if not, whether, as head of the prosecution service, he would recommend they should be given such powers or be issued with specific guidance as to how they should conduct their investigations.

#### **Answer**

The Police Procedures and Criminal Evidence (Jersey) Law 2003 provides the police with a range of investigatory powers including the power to search property pursuant to a warrant in order to obtain relevant evidence during a criminal investigation.

Parts 5 and 6 of the Control of Housing and Work (Jersey) Law 2012 [the 2012 Law] regulates the ownership and occupation of property. Article 9 of the 2012 Law requires individuals to provide the Chief Minister with relevant information. Article 10 enables the Chief Minister to obtain relevant information from other States Departments about an individual. It can be seen that the Chief Minister has the power to obtain relevant information albeit he does not have the power to apply for a search warrant in order to enter and search premises.

In so far as the question seeks to propose that the Chief Minister should be provided with a search power then one would wish in the first instance to better understand why such a power might be needed. A search power is a strong thing that raises human rights considerations and questions of proportionality.

### **3.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING POLITICAL EDUCATION IN SECONDARY SCHOOLS:**

#### **Question**

Does the Minister have any plans to review the provision for political education in secondary schools? What support, if any, has the Department offered the students who are attempting to set up a Jersey ‘Youth Parliament’?

#### **Answer**

The whole curriculum, including political education is currently being redrafted and there are no plans outside of this process to review the subject. Education about politics is a component of the new Jersey Curriculum. It specifies that pupils in Key Stages 1 to 4 should be taught the subject as part of the Personal, Social and Health Education (PSHE), which includes citizenship.

A specialist group consisting of teachers who lead the subject in their school has considered the content of the PSHE curriculum, including the politics element. Under the new curriculum, which takes effect in September 2015, Students will be expected to study the development of the political system of democratic government in Jersey and the United Kingdom, including the roles of citizens, the States Assembly and the Island’s relationship with the Monarch. They will learn about the operation of the States Assembly, including voting and elections, and the role of politicians, including Senators, Deputies, Constables and non-elected States Members. Students will be taught about their rights and responsibilities as citizens who are both Islanders and members of a global community

All students in Year 5 in Jersey primary schools have a debate in the States as part of the curriculum and this has been a successful and well-received part of students’ political education. The annual Youth Assembly for Years 12 and 13 provides an opportunity for political engagement for an older age group.

Also, in 2014 a series of visits were arranged for teachers and secondary school students from secondary schools to raise awareness of the political process before the October election. Staff from

the States Greffe also held sessions in some secondary schools and a significant number of students took part. ESC and the States Greffe plan to explore how these sessions can be provided in future.

The ESC Minister has been advising Youth Parliament team from an early stage and helped arrange meetings with other politicians, including with the Comité des Connétables, and useful contacts. Deputy Bryans has spoken to the Scottish Youth Parliament on their behalf and invited them to a specially arranged Council of Ministers meeting to discuss the Strategic Plan before it was published. The appointments include a slot speaking at the forthcoming Youth Service conference. The students themselves have taken on the organising role and ESC will continue to support them.

### **3.11 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE CODE OF CONDUCT FOR ELECTED MEMBERS:**

#### **Question**

Will the Chairman inform members whether, whilst parliamentary privilege means that a member may not be pursued legally for any words (or actions) said during and at States sittings, the member is still subject to the Code of Conduct for Members of the States and, as such, were an allegation of lying to the Assembly to be made, or evidence of lying to emerge, this would be able to be considered as a possible breach under the Code of Conduct?

#### **Answer**

The Code of Conduct for elected Members applies to Members at all times, whether inside or outside the States Chamber.

Generally speaking, Members tend to voice allegations that a colleague has not been truthful immediately, as soon as the suspected or alleged falsehood has been uttered. However, in doing so, they need to ensure that they are not alleging improper motives, directly or by innuendo, and their claims may result in either a point of order being raised by another Member or a direct intervention by the Presiding Officer, seeking the withdrawal of the allegation.

Nevertheless, should evidence of having misled the Assembly emerge at a later date, a complaint can be brought under the Code of Conduct. The complaint would be considered by the Privileges and Procedures Committee. Importantly, Standing Order 156(2)(c) states that the Committee shall not accept any complaint *“from a person who is not a member of the States, regarding words spoken by or actions of an elected member during a meeting.”* This guideline exists to safeguard parliamentary privilege.

### **3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING TAX CO-OPERATION:**

#### **Question**

Will the Minister, in seeking to create an ethical basis for government policies, support Oxfam’s call for European institutions, especially the European Commission in its two tax-related proposals for 2015, to:

- “1. Support the creation of a U.N. inter-governmental body on tax cooperation, by calling for a Ministerial roundtable on tax during the Financing for Development Conference in Addis Ababa in July 2015.
2. Increase corporate tax transparency by adopting public country by country reporting rules for large companies in all sectors, to build on what has been decided for the European banking sector.
3. Increase corporate tax harmonisation in Europe by ensuring a compulsory common consolidated corporate tax base in all 28 countries, which makes certain that taxes are paid where profits and real economic value is created.
4. Analyse the negative impacts one member state’s tax system can have on other European and developing countries, and provide public recommendations for change.”

and, if not, why not?

### **Answer**

Jersey has an established record of engagement with international tax initiatives promoted by the OECD and the G20 and is already committed to support a number of initiatives that relate to the matters on which Oxfam has called for action. These initiatives include the OECD Base Erosion and Profit Shifting (BEPS) project and the Action Plans on country by country reporting, combatting harmful tax practices, and ensuring that profits are taxed where economic activities generating the profits are performed and where value is created.

Jersey continues to play an active role in the work of the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes, a body with more than 120 member jurisdictions. Jersey would be concerned if this work were adversely affected by the creation of a UN inter-governmental body on tax cooperation; particularly if that body were limited to UN members. This would exclude Jersey from the level of engagement presently enjoyed with the OECD Global Forum, which includes being a vice chair of a Working Group that is monitoring the implementation of a new global Common Reporting Standard on automatic exchange of information in both developed and developing jurisdictions.

### **3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE GIGABIT PROJECT:**

#### **Question**

What measures, if any, has the Minister, as shareholder representative, taken to facilitate a resolution to the problems between CH2M, GFF, JT and the Gigabit workforce, and if none, can he inform members what he will propose to bring about resolution?

Will the Minister further inform members what rates of connection are currently being achieved and what measures, if any, are in place to ensure the delivery of the scheme within the original timescale and budget?

#### **Answer**



As previously reported, following the presentation given by senior executives from JT on 19 January 2015 (which the Deputy kindly attended) there was an intensive programme of engagement planned during which, as stated in that presentation, JT committed to “work with CH2M to find a long term solution to their losses. If one cannot be found then other options will be explored, including JT completing the programme itself or working with another partner.” JT are aiming to complete this step by June 2015.

These discussions are progressing and while JT is in no doubt as to the Minister’s expectations in terms of resolving this issue, the Minister is also giving JT management appropriate space to complete this work. The Minister met senior executives from CH2M’s Denver headquarters last week and delivered precisely the same message that the current situation was unacceptable and had to be resolved as a matter of urgency.

Current rates of connections are running at approximately 70 per week but importantly success rates from the smaller team working on the programme are at a high of 80%. In the presentation referred to above, it is clear that the result of the negotiation with the key supplier is a central element to reassessing the timescale and budget required to complete the remaining elements of the programme.

### **3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING SOURCES OF TAX REVENUE:**

#### **Question**

Will the Minister advise members how much tax revenue, broken down into Income Tax, Goods and Services Tax, and other tax receipts, was raised in 2013 from:

- a. Jersey based companies;
- b. foreign owned companies;
- c. financial service firms;
- d. utilities;
- e. firms brought into the Island by Locate Jersey;
- f. the general public;
- g. others;

and provide a breakdown of the sources of those taxes?

#### **Answer**

- a. Jersey based companies**
- b. foreign owned companies**
- c. financial service firms**
- d. utilities**

#### Income Tax

The Minister refers the Deputy to his question 8570 to which the answer was tabled on 9 December 2014.

In that answer the Deputy was advised as follows:-

2012 year of assessment (income) tax payable (raised in 2013) in respect of Financial Services Companies: £67,135,838

2012 year of assessment (income) tax payable (raised in 2013) in respect of utility companies: £3,460,942

2012 year of assessment (income) tax payable (raised in 2013) in respect of “other” companies: £18,335,630

With respect to the “other” companies these will include Jersey based and foreign owned companies referred to by the Deputy. It is important to make the position clear that these companies will be liable to income tax on their profits at the corporate rate of 0% in 2012. Only if they have a source of income derived from Jersey property (rental or development) or from the importation into Jersey of oil will these companies be liable, on these sources only, to tax at the standard rate of 20%. The ultimate ownership of these companies, be it Jersey or non-Jersey, has no bearing on their Jersey income tax liability.

Goods and Services Tax (GST)/International Services Entity (ISE) income received in the Taxes Office

2013 ISE Fees – finance sector (licensed by Jersey Financial Services Commission) £9.36 million

2013 GST – non-finance sector £61.02 million

2013 GST – utilities £5.25 million

**e. firms brought into the Island by Locate Jersey**

At this present time the Taxes Office is not able to provide the information being sought by the Deputy. Work has commenced to explore the feasibility of providing the information in due course.

**f. the general public**

2012 year of assessment (income) tax payable (raised in 2013) in respect of the general public (taken to mean Jersey resident individual taxpayers): £337,410,864

**g. other**

2012 year of assessment (income) tax payable (raised in 2013) in respect of “others” (partnerships, trusts, non-residents, etc.): £17,521,722

Land Transactions Tax paid to the Treasury in 2013 relating to the sale of share transfer properties (460 transactions) £959,107.

**Breakdown of sources of taxes**

To provide a full answer would require a considerable amount of resource within the Taxes Office and is not possible within the time available to provide this answer. The Minister is prepared to provide more detail to the Deputy and States Members on receipt of a more specific request.

However, in order to at least answer the Deputy's question in part, in regard to corporate income tax it is evident that the large majority of the financial services tax relates to business profits in this sector with only a small part of the tax being derived from Jersey property. The same will apply in respect of the utility companies whereby the substantial part of the tax will be derived from their profits derived in respect of their specific businesses.

With regard to "other" companies the profits will have, in the large majority, been derived from Jersey property (rental and development) and to a lesser extent from oil importation and quarrying.

In respect of personal income tax a recent analysis of the top 10% of personal taxpayers (2013 year of assessment) provided the following information:-

Source	Percentage of tax payable
Business Profits	7.33%
Salary/Wages	62.86%
Pensions	4.58%
Unearned Income (Eg Bank interest/dividends/property income etc)	25.23%
Total	100.00%

### **3.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER HEALTH AND SOCIAL SERVICES REGARDING CHILD AND ADOLESCENT MENTAL HEALTH SERVICES:**

#### **Question**

Will the Minister update members on the current situation in the Child and Adolescent Mental Health Services (CAMHS) using the key findings and recommendations of the Health and Social Security Scrutiny Panel Report of 16th June 2014 as his guide, illustrating what has and not changed in the service?

#### **Answer**

The action plan developed from the Scrutiny recommendations has been a priority for CAMHS and the wider organisation. The former Health and Social Services Minister in her response to the review indicated that there were two significant planned processes that would underpin the development of children and young people's mental health services and the implementation of the recommendations of Scrutiny. These were:

- The CAMHS Rapid Process Improvement Week (RPIW) which enabled the CAMHS staff to review their service with key partners across States departments and the voluntary sector in response to the Scrutiny recommendations and to develop a challenging action plan for Service reform using Lean principles. This plan has been implemented and monitored continuously over the last 6 months.
- The Mental Health Service Review which is nearing the end of the development process. Determining the main themes has involved Jersey residents, service users, States Members,

professionals across States departments, business and the charity and voluntary sector. This is due to go to consultation in June 2015 and will provide the strategic direction for Comprehensive CAMHS.

There has been significant progress which has only been possible due to the commitment and effort of the CAMHS team and Children's Services, while still maintaining a service to the community. Health and Social Services will be providing a detailed update to the Scrutiny Panel in April 2015. However, I am able to outline some of the areas that still require addressing, while stressing the major improvements that have been implemented to date.

- Areas currently being addressed :
  - Finding appropriately skilled and dedicated management expertise for the Service (we are competing with other jurisdictions also seeking individuals with these particular skills and expertise)
  - Developing appropriate, robust and efficient data collections systems
  - Finalising a quality framework for the Service
  - Finalising policies and pathways with partner agencies
  - Managing the demand for therapeutic interventions to reduce the waiting time for therapy
  - Developing a designated place of safety for young people
  
- Improvements
  - Interim specialist appointments at senior leadership level
  - Reducing the waiting time to first appointment, which has dropped from 14 weeks to under 3 weeks
  - More efficient processing of referrals. The referral process has been redesigned including new eligibility criteria, referral form and daily decision making. This ensures referrers are aware of the remit and threshold of specialist CAMHS and are able to provide relevant information. Decisions can then be based on this information and are made on a daily basis. This reduces the number of inappropriate referrals and facilitates a more rapid response so that once the referral has been received a family will be sent an appointment date for first appointment within 24 to 48 hours.
  - A range of clinical pathways to ensure that evidence-based care is delivered and provides a standard to monitor the effectiveness and efficiency of the provision.
  - A system to ensure that the staff member with the most appropriate skill set is allocated to work with each individual client and their family so that with the changes outlined above young people and their families will be offered effective evidence-based interventions in a timely fashion.
  - The standardisation of questionnaires to monitor outcomes and satisfaction with the service to ensure that treatment is leading to positive change and that the young people and their carers are satisfied with the service offered. This will be benchmarked against national outcome data through the CAMHS Outcomes Research Consortium (CORC).
  - A targeted Systemic Family Therapy Service for children and young people with significant mental problems and their families so that therapeutic intervention can include all family members when required.
  - Some of the key themes that are emerging have highlighted the importance of prevention and early intervention both in the life of a child and of a condition and

the need to ensure a coordinated response across all providers of service. The strategy will therefore provide direction for all those working with children.

#### Next Steps

- Full completion of action plan prepared in response to Scrutiny including Rapid Improvement Plans
- Implementation of any changes needed in line with the new Mental Health Strategy later this year
- Increased engagement with partners and users of the service
- Move service to an appropriate user-friendly environment
- Develop link with Jersey Talking Therapies
- Provision of talking therapies for children and young people planned for 2016 as part of P82; however, this is dependent on the MTFP for funding.

### **3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EMPLOYMENT OF SOCIAL WORKERS:**

#### **Question**

- (a) Will the Minister advise members how many social workers were employed by the Department during the period 1st January 2014 to 31st January 2015?
- (b) Using a diagram or diagrams, will the Minister set out an organisation chart of these social workers indicating whether they are managers, case workers or other specialists and the numbers in each category together with their grades, titles and duties?
- (c) What was the total cost of employing these social workers?
- (d) For each social worker engaged in case work (anonymised A, B, C etc.) would the Minister provide the following information in a tabular form -
  - (i) the case load of each social worker indicating separately the number of people they had sole responsibility for and those they had a shared responsibility for;
  - (ii) the number of days sickness taken during the period;
  - (iii) the number of days holiday taken during the period;
  - (iv) the number of days spent on training courses during the period?
- (e) How many case workers from Jersey are working with Jersey people in the UK, how many people are they dealing with and how often do they visit the UK to supervise their clients?

#### **Answer:**

- (a) *94 social workers were employed by HSSD.*
- (b) The Community and Social Services organisation chart (Table 1) and breakdown in Table 2 shows the divisions in which the social workers are employed and the number.

**Community and Social Services Management Structure**

Table 1

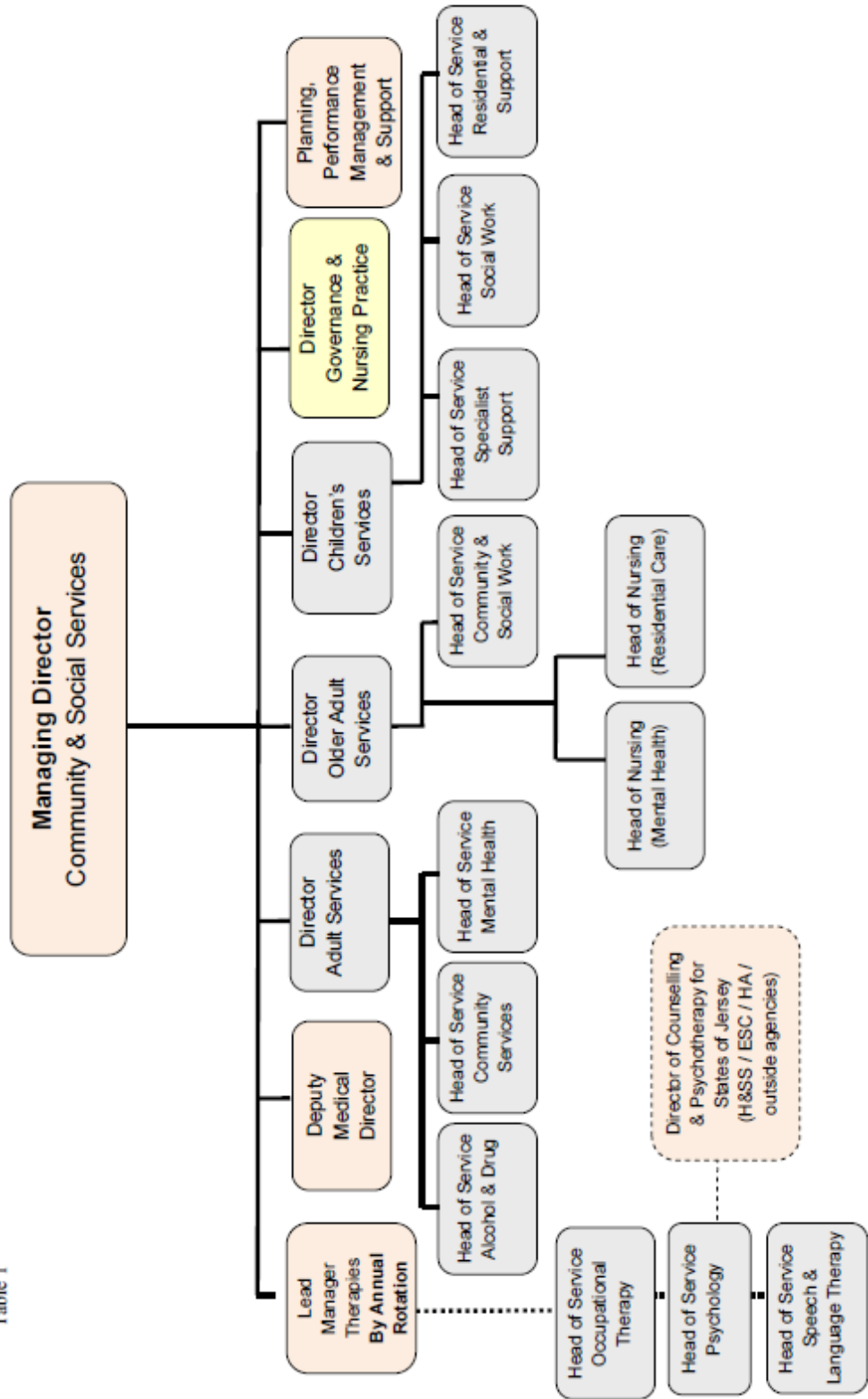


Table 2

Division	Headcount	FTE
Older Adults Social Work	14	13.3
Adult Mental Health	3	2.5
Adult Social Work	15	12.6
C&SS Governance	3	2.5
Children's Mgmt & Admin	11	11
Children's Social Work	44	42.5
Occupational Therapy	1	1.0
Residential & Support Services	3	2.8
<b>Total</b>	<b>94</b>	<b>88.3</b>

Social workers are graded in the following manner – newly qualified social workers join the organisation at Civil Service grade 9, main grade social workers are CS 10, senior social workers are CS 11 and team managers are graded CS 12.

Main grade social workers are members of an established professional discipline who work with other professions to play a key role in helping children, adults and families to take control of and to improve their lives in conditions where their security, safety or ability to participate in civic life are restricted.

Senior Social Workers provide supervision, professional leadership and support to a number of main grade and newly qualified social work staff. The role contributes to the delivery of a person-centred service for Children, Adults and Older People through partnership and effective liaison with other statutory and voluntary sector services e.g. GPs, physiotherapists, voluntary care groups and others.

The social work team managers, as first-line managers, are the keystone of any social work service: their quality and competence make a significant difference to its performance. Managers must often manage teams who are working with people who have complex problems and who are experiencing major changes in their lives. It requires a range of different skills and competencies both in managing staff and in ensuring information flow throughout the organisation.

Adults and Older Adults each has 3 team managers and Children's Services have 5. It should be noted that some of these team managers manage multi-disciplinary teams which consist of other professionals as well as social workers.

- (c) The total cost in 2014 of employing these social workers was £4,648,520.
- (d) (i) *Social work caseloads can vary enormously from worker to worker dependent on the social worker's experience, area of operation and complexity of cases.*
- For example, the social workers supporting the Adult Mental Health Community Services team have an average case load of 17, while in the last week of February the Children's Multi Agency Safeguarding Hub had an average caseload of 19, but with a range of between 8 and 27 cases per worker.*
- (ii) The number of days sickness taken by social workers during the period is most usefully shown by reference to the percentage of days lost through sickness.

<i>Division</i>	<i>Percentage of days lost through sickness</i>
<i>Older Adults Social Work</i>	<i>1.9%</i>
<i>Adult Mental Health</i>	<i>4.6%</i>
<i>Adult Social Work</i>	<i>1.7%</i>
<i>C&amp;SS Governance</i>	<i>3.6%</i>
<i>Children's Mgmt &amp; Admin</i>	<i>6.4%</i>
<i>Children's Social Work</i>	<i>4.7%</i>
<i>Occupational Therapy</i>	<i>5.4%</i>
<i>Residential &amp; Support Services</i>	<i>2.3%</i>

*Community and Social Services has implemented a robust managing absence process which includes monthly analysis of absence rates across all service areas. In addition, individuals with high levels of sickness are supported through the Managing Attendance Policy.*

- iii) *Social Workers are Civil Servants and as such are entitled to between 21 and 28 days of annual leave a year, according to their length of service.*
- (iv) *It is difficult to capture the entirety of the training received by social workers. It comprises a mix of statutory and mandatory training alongside that required for continuing professional development. In addition, there is training that is not formally recorded, for example, team action learning sets or peer group supervision sessions, which are core to their role.*

*In the table below are examples of training for social workers that was delivered in Community and Social Services last year.*

<i>Event</i>	<i>Number attending</i>
<i>Adult Safeguarding – Train the Trainers</i>	<i>2</i>
<i>Adult Support, Protection and Safeguarding – Post Graduate certificate Programme by Distance Learning (via Uni of St Andrews)</i>	<i>4</i>
<i>Child Protection Foundation Training – Train the Trainer</i>	<i>1</i>
<i>FACE</i>	<i>All Adult and Older People directorates Social Workers</i>
<i>Family Therapy / Systemic Skills Training -</i>	<i>3</i>



<i>John Burnham 5 Day Workshop</i>	
<i>HCPC – CPD Event</i>	<i>Numerous - All Social Workers invited to attend</i>
<i>Integrating disabled Children and Young People Services 0-25 years</i>	<i>1</i>
<i>Social Work Trainees</i>	<i>3</i>
<i>Mental Capacity Act</i>	<i>Numerous – Adult and Older People directorates Social Workers</i>
<i>Media Training</i>	<i>1</i>
<i>Modern Manager Programme Level 5</i>	<i>1</i>
<i>Prince2</i>	<i>1</i>
<i>Working with Parents</i>	<i>40 – majority Social Workers from Children’s Directorate</i>

(e) *There are 12 adult placements and 15 child placements in the UK.*

*Everyone placed in the UK has an allocated care coordinator in Jersey who has responsibility for their case.*

*Reviews of clients depend on an individual’s particular assessed needs, but, in general, they range from 3-monthly reviews in Adult Mental Health and 6-monthly for people with a Learning Disability, or as and when required by the individual’s circumstances and needs. When travelling to the UK to undertake a review the worker will, where feasible, undertake a number of reviews at the same time.*

#### **4. Oral Questions**

##### **4.1 Deputy R. Labey of St. Helier of the Chief Minister regarding plans for the forthcoming commemoration of Liberation Day:**

Could the Chief Minister, in his capacity as a member of the Bailiff’s Consultative Panel, update the Assembly on plans for the forthcoming commemoration of Liberation Day?

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

The commemorations for the 70th anniversary of Liberation Day will begin on Friday, 8th May, with a service of thanksgiving and remembrance at the Town Church to which all Islanders are invited. On the day itself the current plans include the slave workers memorial service in the morning and a shortened re-enactment ceremony in Liberation Square. People’s Park will then be

the central venue for the afternoon's events, which will include a States Assembly sitting, a freedom ceremony, a liberation poetry recital and a period montage performance. The afternoon will also feature a grand parade, a royal gun salute from HMS Iron Duke and a fly past of 1940s aeroplanes. As Members will know, the celebrations in People's Park will take place in the presence of Her Royal Highness the Countess of Wessex.

#### **4.1.1 Deputy R. Labey:**

I am grateful to the Chief Minister for that, and it is an unenviable task organising this event, I am sure. I applaud the initiative to put Occupation survivors at the forefront of it. Does the Chief Minister think there was enough consultation though with Occupation survivors on the programme?

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

That is a very good question. In effect there is an officers' cross-departmental working group that makes suggestions to yourself, Sir, and they are then considered by the Bailiff's Consultative Panel, and there was also consultation with the Comité. Perhaps something we have learned from where we are in this process, that we need to develop a mechanism that perhaps would consult with survivor as well and therefore we might have had much more buy-in to what I believe is going to be a very exciting weekend.

#### **4.2 Deputy G.P. Southern of St. Helier of the Minister for Education, Sport and Culture regarding Higher Education grants in 2014:**

Following the release of figures by the department which reveal that only 20 per cent of students - 247 out of 1,213 undergraduates - were in receipt of a full grant in 2014, can the Minister inform Members how this figure compares with previous years?

#### **Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):**

For the 5 past academic years the proportion of students that receive a full grant has been between 20 and 24 per cent. A further 50 per cent receive a contribution from the States but not the full amount. So every year about three-quarters of our university students receive some financial assistance from the taxpayer. So going back to 2009-2010 a full grant was given to 20 per cent; 2010-2011 23 per cent; 2011-2012 24 per cent; 2012-2013 22 per cent; and 2013-2014 23 per cent.

[9:45]

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

Can the Minister inform Members when the income thresholds for receipt of grants on which grants are calculated were last adjusted for inflation or otherwise?

#### **Deputy R.G. Bryans:**

I think back in 2006 was the last time that the threshold was considered. The household income at the moment must be below £26,750 but has not been adjusted ... actually not 2006 but 2001. But average earnings have risen so the ratio stakes to family funding has changed over that time.

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

Would the Minister not accept that this is in effect allowing the grant system to atrophy, with no regard to the threshold for calculations of grant over the past 9 or 14 years? When is the Minister going to do something about this lamentable state of affairs?

#### **Deputy R.G. Bryans:**

The Deputy has got a good point. I think I said at the last Assembly that we are reviewing this at the moment. I was hoping to have a meeting with Treasury last week. Unfortunately my Chief

Officer in relation to this was ill so we have had to postpone that meeting. But it is under review, as all the funding relating to student loans, particularly, are under review. I had a pan-Island meeting with Guernsey and the Isle of Man who are equally in the same position. They have a very similar system to ourselves and are equally struggling with the diminishing budget and trying to relieve the pressure on families. So at the moment we are in a situation; we are going into consultation - we have already done that with parents and students to some extent - but we are carrying on that so we can address the problem of what he calls atrophy.

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

Deputy Southern asked what I wanted to ask. But given that in the last M.T.F.P. (Medium-Term Financial Plan) as Assistant Minister, then the Minister will know that the department had drafted a growth bid to the Treasury Department in order to grow the living allowance of the grant, will the Minister be putting that same growth bid back towards Treasury for this M.T.F.P. given that the work has already been drafted and it is already there?

#### **Deputy R.G. Bryans:**

Originally Deputy Reed back in 2010 decided to unfreeze the maintenance grant. It was increased by 2 per cent and the same has happened every year since then. So that element of the grant will continue to be under an annual review. We are looking at the Medium-Term Financial Plan. We have put in a bid in relation to this but again it goes in with all the other bids.

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

Since we have been clearly informed by the Minister for Treasury and Resources that there is no money in the kitty to create a loan scheme, so that avenue looks fairly closed, what assurances can the Minister give to parents and potential students that something will be done to improve this lamentable state of our grant system in the coming months or years?

#### **Deputy R.G. Bryans:**

I would repeat again that we are going out to consultation. We are going to have those meetings with Treasury. I know it is difficult. I think it was reported in the press, I am not necessarily sure it was a correct reporting of a statement, but we are having discussions and we are discussing it further. It is under review.

### **4.3 Deputy J.M. Martin of St. Helier of the Minister for Treasury and Resources regarding the progress made to date in relation to the new Police Headquarters:**

Can the Minister detail the progress made to date in relation to the new police headquarters, including whether it is on time and on budget, and state whether there has been a need to use special blast-proof concrete and, if so, whether this will require an increase to the allocated budget and by what amount?

#### **Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

If I may, I will ask my Assistant Minister, Deputy Noel, who has responsibility for this area to answer the question.

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

I am pleased to confirm that the construction of the Island's first purpose-built police headquarters is progressing well. At the current time I am confident that the scheme will be completed as promised by the end of 2016, and that it will be delivered within the allocated budget. In line with Home Office guidance, a small number of key areas within the building have required specialist

blast protection. This was specified in the scheme and is accommodated within the construction contract. I can therefore confirm that there has been no requirement to increase the allocated budget as a result of blast-proofing requirements.

**Deputy J.M. Martin:**

I thank the Minister for his reassurances and I am glad it is on time.

**4.4 Deputy M. Tadier of St. Brelade of the Minister for Housing regarding rents paid per calendar month by the existing tenants of the Andium Homes properties at 163-170 Le Clos des Sables:**

Will the Minister provide a breakdown of the individual rents paid per calendar month by the existing tenants of the block of flats owned by Andium Homes at 163-170 Le Clos des Sables and can she also state whether the flats currently meet the decent homes standard?

**Deputy A.E. Pryke of Trinity (The Minister for Housing):**

In the interests of the tenants' privacy I will not disclose the rents for each individual home. I am happy to confirm however that the rents range from £140 to £280 per week. The higher rents are set at 90 per cent of market rents, a policy adopted by this Assembly to place a social housing sector on sustainable funding. The properties all meet 'Decent Homes' standards.

**4.4.1 Deputy M. Tadier:**

So the Minister can confirm that the homes meet 'Decent Homes' standards, this is despite a concrete survey which took place in 2013 and the fact that all of the residents of that block are going to be moved out of the block next year - in one year's time - to a different part of the Parish, so that the block can undergo extensive structural work, which will take some time? Can she definitely confirm that the block is of 'Decent Homes' standard and, if so, provide the evidence for that?

**The Deputy of Trinity:**

I understand that the homes do meet 'Decent Homes' standards and I am aware that if no plan for refurbishment was done by 2016 they might not meet the 'Decent Homes' standards, so that is why work is put in place to refurbish the block. I know the tenants have been informed of that and work will take place.

**4.4.2 Deputy T.A. Vallois of St. John:**

Could the Minister explain why there is no access to the 'Decent Homes' standard on the Andium Homes website so people are able to assess whether their home meets 'Decent Homes' or not?

**The Deputy of Trinity:**

I am not aware that the 'Decent Homes' standard is not on the Andium website but that is something that I will bring up with the chairman when I next see him.

**4.4.3 Deputy G.P. Southern:**

On a more general front, can the Minister state what proportion of tenants of Andium Homes have now been moved on to this 90 per cent of private sector rents?

**The Deputy of Trinity:**

I do not have that detailed information but it is something that I can ask Andium and come back to you.

**4.4.4 Deputy S.Y. Mézec of St. Helier:**

Is the Minister able to identify which Andium properties fall below the housing standards at the moment? Is that something she is able to do?

**The Deputy of Trinity:**

As I understand it, there is a set process of refurbishment, as this Assembly knows, that is taking place and they are working through at De Quetteville Court. As you know, De Quetteville Court is in the process of being refurbished. Significant investment has been placed in Andium over the last years and work will continue. As we know, Le Marais and Le Squez have been done. That is why Andium are playing catch-up, because there has not been significant investment over the years.

**4.4.5 Deputy S.Y. Mézec:**

Do tenants who currently live in properties which fall below the housing standards know that they live in properties which fall below those standards? Do they have a right to know and are they informed of this fact in advance of anything being done about it?

**The Deputy of Trinity:**

The significant investment, as I said, has been done in Andium and Andium do a very good job of keeping their tenants informed, not only on a one-to-one basis, but by newsletters. I think if any tenant has any concerns about that it is important that all their concerns are addressed and I encourage them to contact Andium, because their customer service is their customer and their tenants are very important to them.

**Deputy M. Tadier:**

May I ask a point of order? I thought the Standing Orders say that the Minister must attempt to answer the question. She has clearly answered a different question to that which was asked about whether tenants have the right to know if they live in a property which falls below and we have heard none of that this morning.

**The Bailiff:**

The Minister has given you the answer that she thinks is appropriate to give, Deputy, and that is a matter for the Minister and for Members to follow up politically as they wish.

**4.4.6 Deputy M. Tadier:**

The reason I asked the question is that there is a block of flats in my constituency where the new tenants who have moved in, I believe, in some cases after the date which it was known that they will have to be decanted in a year's time, are moving into properties where they pay £280 a week for the same property incidentally without carpets, and which they are having difficulty and reluctance to carpet naturally if they are only going to be there for a year. Meanwhile other tenants in the block are paying £140, which is exactly half of the rent that these people are paying for the same properties. One can understand that quite naturally there is tension in the block and there is dissatisfaction at having to pay 90 per cent of market rates on one hand for what is considered to be a substandard property and 45 per cent on the other hand for perhaps a more furnished property. Will the Minister look into this as a matter of urgency and also circulate to Members a list of all the properties in Jersey which do not currently meet the 'Decent Homes' standards in the interest of transparency?

**The Bailiff:**

All properties you said, do you mean all the Andium properties?

**Deputy M. Tadier:**

We can start with the Andium ones because we probably will not even get that, so that is what I am asking for, the Andium properties.

**The Deputy of Trinity:**

What little faith the Deputy has. Going back to his question, I can understand his concern but if the Deputy thinks back to the Housing Transformation debates it was said that new tenants moving in are assessed on market value, 90 per cent of market value, which is 10 per cent lower than the market value. At the same time existing tenants are protected by the rents that they pay. It is as simple as that. All those flats will be refurbished in the next year and unfortunately it does mean that the tenants will have to move. Not an ideal situation but unfortunately it has to be. Regarding his final question, yes, I shall ask Andium and come back to the Deputy.

**The Bailiff:**

Deputy Higgins is malade so we cannot deal with question 5.

**4.5 Deputy S.Y. Mézec of the Chief Minister regarding the impact of measures announced recently by the U.K. Chancellor on aggressive tax avoidance and evasion:**

What impact, if any, will the fresh measures announced recently by the U.K. (United Kingdom) Chancellor on aggressive tax avoidance and evasion have on the level of activity of the financial services industry based in the Island?

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

No impact is expected because what the Chancellor in the United Kingdom has announced is entirely consistent with the action we have already taken to discourage the use of Jersey by those engaged in aggressive tax avoidance and tax evasion. Tax evasion of course has been a criminal offence in Jersey since 1999 and our position on aggressive or abuse tax avoidance was made clear in the statement I issued in July last year.

**4.5.1 Deputy S.Y. Mézec:**

The media coverage of this yesterday shows that there are some in the industry who do not believe it is quite as simple as that and think that there will be people who will need to manage their affairs differently to accommodate these changes, so can I ask the Chief Minister what, if anything, is being done with the industry and U.K. Government to ensure that nobody gets caught off-guard and that everything is done properly?

**Senator I.J. Gorst:**

There are some in industry who obviously their profession is to give advice to make sure that their clients and prospective clients are not caught in any changes. That, I think, is what a particular adviser in the media was suggesting yesterday and that is a right and proper approach that advisers make sure that that is the case and of course we have got the change disclosure facility and we will work with H.M.R.C. (Her Majesty Revenue and Customs) to ensure that that disclosure facility is used appropriately in that 9-month window.

**4.5.2 Deputy G.P. Southern:**

The Chief Minister seemed to be very confident that there was no aggressive tax avoidance taking place on the Island. Can the Minister assure Members that those companies, such as mining companies which are invited to set up businesses here, will not be affected by the diverted profit tax, D.P.T., 25 per cent, if they were to divert profits through their Jersey-based subsidiary?

[10:00]

**Senator I.J. Gorst:**

Again the Deputy has purposely misquoted what I said in my answer and what I have said on previous occasions. That is that we have no desire and no wish to have aggressive, abusive, artificial tax avoidance schemes. Of course we are working with the international standard setters and we have supported the base erosion and profit shifting international agenda because generally we do not feel that Jersey, because it does not have the number of double-taxation agreements that some other international finance centres have, is used in the way that the Deputy is suggesting.

**4.5.3 Deputy G.P. Southern:**

Is the Minister giving an assurance that there is no profit shifting taking place in Jersey at the present time?

**Senator I.J. Gorst:**

Once again the Deputy is misquoting me and I stand by what I said in answer to his first question.

**4.5.4 Deputy M. Tadier:**

The Chief Minister just said that we do not want to see any artificial tax avoidance schemes in Jersey. Are there natural or organic schemes that the Minister is referring to? What does he mean by “artificial schemes”? It seems that all schemes for tax avoidance, whether legitimate or not, have to be dreamt up by somebody somewhere.

**Senator I.J. Gorst:**

Tax planning is a perfectly appropriate occupation and individuals do it as well as companies. They use specific clauses within a country’s tax code to plan their affairs to mitigate tax to an extent that they can. The Deputy knows to that which I am referring because it has been made quite clear in public statements not only on behalf of Government but also to members of Jersey Finance Limited.

**4.5.5 Deputy S.Y. Mézec:**

One of the things that is proposed by the Chancellor is to remove the requirement to prove the *mens rea* in tax evasion offences and to make it a strict liability offence. Not just for those committing it but also for those facilitating it. Could the Chief Minister let Members know whether or not that is already the case in Jersey and if it is not the case does he believe it would be a good idea?

**Senator I.J. Gorst:**

I do know that we have extremely strict requirements upon our service providers. I know that it is an offence for those working in the industry if they suspect or should have suspected that what is before them is evasion then they themselves are personally liable. I do not have the full details of that liability in front of me but I can easily provide it to the Deputy after this sitting.

**4.6 Deputy G.P. Southern of the Minister for Treasury and Resources regarding progress made towards resolving the Gigabit dispute:**

Further to the response given on 3rd February 2015, will the Minister, as shareholder representative, update Members on what progress, if any, has been made towards resolving the Gigabit dispute and state what lessons, if any, have been learned by the department?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

As previously reported, J.T. (Jersey Telecom) are committed to working with CH2M Hill to find a solution to the current difficult situation regarding G.F.F. (Gigabit Field Force) workers and the fulfilment of the Gigabit project. J.T. have undertaken to complete this step as quickly as possible

and certainly by June 2015 at the latest. I am assured that discussions are progressing constructively and while J.T. is in no doubt as to my expectations in terms of resolving all outstanding issues quickly, I am persuaded in the interests of ensuring the best outcome for all parties that J.T. need the appropriate time to complete this work. I can also inform Members that I met the president of Global Regions and senior executive from CH2M Denver headquarters last week and delivered precisely the same message in terms of the urgent need to resolve outstanding matters. As to lessons learnt by my department, the most important, in my view, is a matter of expectation management. The roll out of fibre in the manner envisaged was ambitious, visionary but nevertheless the right strategy for J.T. and Jersey. It is however the most technically complex and logistically challenging programme that one can imagine. We should not be surprised to find that there are many engineering and technical challenges along the way and that the roll out plan, costs and timings will be subject to reasonable change based on experience. A learning point for my department, and indeed J.T., is to have been clearer about these challenges from the outset.

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

The Minister has spent some time talking about relations between G.F.F. and CH2M, however he has failed to mention what has happened to the 12 suspended employees. What solution has been found there to what is the core of a dispute where a proportion of the work force has been suspended for some time now?

#### **Senator A.J.H. Maclean:**

Yes, and as I alluded to in my earlier remarks, it is a process that is ongoing which J.T. have been assisting with in order to find solutions for all the workers where there has been a matter of dispute. There were 17 in total. The Deputy has referred to a number who have been suspended as they go through a process. That process is ongoing and I am sure Members would appreciate that talking about such matters in this forum, while that process is underway, is not appropriate for me to give any further detail at this time.

#### **4.6.2 Deputy M. Tadier:**

Will the Minister confirm whether, either due to suspensions or individuals leaving the job, workforce has had to be recruited from outside the Island?

#### **Senator A.J.H. Maclean:**

No, that is not the case at the current time although it has been stated that in the future there is a possibility that if suitable workers cannot be found and indeed trained locally in order to progress the project, then that might be an option that needs to be looked at. But at this stage that is not the case.

#### **4.6.3 Deputy M. Tadier:**

But the Minister will confirm that adverts were placed for replacement workers to be brought into the Island interestingly with the terms and conditions much higher than that which were being offered to the original local Gigabit workforce?

#### **Senator A.J.H. Maclean:**

I do believe there was, as I understand it, an inadvertent advert placed, which was not authorised by the company themselves. That is my understanding of the current position. All I can say is that no workers have been given roles in the project who currently are outside of the Island. The position will be appraised and I have said to Members that there will be a full update by June, which is the period of time I have given J.T. in order to resolve the outstanding issues with our existing work force, or the work force relating to G.F.F., and also the project as a whole in terms of its budget and indeed expected completion date.



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

Does the Minister consider that one of the lessons that ought to have been learnt is that the Minister for Treasury and Resources, as shareholder representative, has a duty to oversee and monitor the memorandum of understanding that J.T. should be a good employer throughout the process of this Gigabit project? Is that not the case that in future we should take much better oversight of that need to be a good employer?

#### **Senator A.J.H. Maclean:**

I find myself agreeing with the Deputy insofar as there is an M.O.U. (memorandum of understanding) in place. The M.O.U. does make it quite clear that the company needs to be a good and responsible employer and, as such, I believe the company has done that. Through the dispute that the G.F.F. workers have had with CH2M Hill, J.T. have on numerous occasions stepped in and, as an example, paid in excess of what was authorised by CH2M Hill to workers. On top of that, as we are going through the process now where workers are being offered and are receiving independent legal advice paid for by J.T. to ensure that they are properly and appropriately looked after. So workers being fairly and appropriately treated is at the heart of the M.O.U. and I have done everything possible to ensure that that is indeed the case, including meeting the workers myself.

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

Does the Minister not believe then that the Minister for Treasury and Resources and his predecessor failed in ensuring that good treatment was had by these employees and that the memorandum of understanding to be a good employer failed?

#### **Senator A.J.H. Maclean:**

No, I do not agree with that.

#### **The Bailiff:**

We do not have question 8 as Deputy Higgins is not here.

#### **4.7 Deputy J.A. Martin of the Minister for Treasury and Resources regarding the potential provision of 40 private parking spaces for the Police in the area adjacent to the new Police Headquarters:**

Will the Minister confirm whether 40 private parking spaces for the police have been secured in the area adjacent to the new police headquarters, given that this was one of the conditions for the build at Green Street, and, if so, can he confirm where those spaces are to be situated?

#### **Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

I am going to ask my Assistant Minister, who is the responsible Minister for this, to deal with it.

#### **Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):**

Deputy Martin's question requires some clarification. For the sake of clarity, no conditions exist on the police headquarters building relating to the provision of private parking spaces. As identified in a written answer to this Assembly in November 2012, a private land owner in the area wrote to the Chief of Police with the offer of secure off-road private parking which could be used for staff. This offer was subsequently followed up by officers but the proposed arrangement was not thought to be suitable and the land owner decided to pursue alternative uses for his site.

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

The Minister says it is not a condition of the police. It was a promise by the Minister that there would be 40 secure places for the police to park in the area as to not impinge on the very, very shortage of parking for the public already there. So the Minister has gone back on this condition, or promise if it was not a condition. Is that what he is saying?

**Deputy E.J. Noel:**

It certainly was not a promise. It was indicated at the time that these spaces may be available.

**4.7.2 Deputy L.M.C. Doublet of St. Saviour:**

Can the Minister also confirm that there are no public parking spaces, save for some disabled parking spaces, so that members of the public cannot in an emergency park outside the police station and go in to report a crime?

**Deputy E.J. Noel:**

That is not the case. From my recollection of the detailed plans, that there is disabled parking directly outside the front of the police station.

**Deputy L.M.C. Doublet:**

Sorry, my question was aside from the disabled parking, so just a member of the public.

**Deputy E.J. Noel:**

Dedicated parking for members of the public visiting the police station will be allocated within the Green Street car park.

**4.7.3 Deputy J.A.N. Le Fondré of St. Lawrence:**

Could the Assistant Minister confirm then if there is no longer to be a provision of 40 dedicated spaces for the police to use where they will be parking or is it likely they will be going into Green Street?

**Deputy E.J. Noel:**

The response to the Education and Home Affairs Scrutiny Panel report, S.R.19/2012 committed to work with the States of Jersey Police in terms of travel planning, including staff parking. This is included within the Police Migration Plan for the new building alongside continual development of the existing workplace travel plan. As part of the project we have committed to provide 56 motorbike and 62 cycle spaces, which will serve the building. The planning conditions to the extent of Green Street car park was to create 64 spaces and the extension of an additional deck. That extension will be completed by May of this year, well in advance of the completion of the police headquarters.

**4.7.4 Deputy J.A. Martin:**

I thank the Minister for stating that 64 spaces that are being created will be taken up by the 40 police spaces that we were promised so we have only increased by 22 spaces. On that, I would like to ask the Minister to confirm that because they have only used the guidance for the police station on the blast concrete, that no public vehicles other than the police vehicles will be able to park under the police station and this will make the parking around the police station even more difficult, also for Honorary Police?

**Deputy E.J. Noel:**

I need to correct my good colleague there, the Deputy. No promise was made. We gave the undertaking to explore the possibility of acquiring these 40 spaces. In terms of public parking in the basement of the police station, that was never an option. We have had this debate many times.

Public parking will not be allowed in the basement of the police station but provision for Honorary Police has been allocated.

[10:15]

**4.8 Deputy M. Tadier of H.M. Solicitor General regarding the criteria necessary for appeal mechanisms against decisions of Ministers and departments to be human rights compliant:**

Will the Solicitor General state what criteria are necessary for appeal mechanisms against decisions of Ministers and departments to be human rights compliant and is he satisfied that a consistent approach is taken by all departments which is human rights compliant?

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

Ordinarily the decision of a Minister or a department can be the subject of a judicial review therefore the Royal Court, as an independent and impartial tribunal, can ultimately review any decision. In some cases the States of Jersey may have provided a statutory appeal procedure as an alternative to judicial review. Planning appeals are a recent example. Whether by judicial review or by means of statutory appeal the fact that the court can review the decision provides a consistent approach for human rights law.

**4.8.1 Deputy M. Tadier:**

In a case where there is no statutory review available or appeal within a particular department, and in particular when a constituent, for example, at Social Security is told that there is no appeal procedure within that department for his contentious decision, could it be said that that is not human rights compliant or against some kind of natural justice?

**The Solicitor General:**

I do not know very much about that case but it has not been suggested to me that the right of judicial review is unavailable and therefore there cannot be a breach of human rights.

**4.8.2 Deputy G.P. Southern:**

Is it not the case that there is some criteria by which the right of appeal is (a) accessible, (b) affordable and (c) timely in order that it should be seen to be effective in human rights terms?

**The Solicitor General:**

Human rights law requires ultimately for there to be access to an independent and impartial tribunal and, yes, that case should be heard within a reasonable time. But the judicial review is such a remedy in that it is before an independent and impartial court and the time limits are such that if you want to appeal a decision you have to get on with it and ordinarily you have to seek leave within 3 months. So very much the idea of judicial review is that you have a timely answer to your complaint.

**4.8.3 Deputy G.P. Southern:**

Is it not the case that in the case of medical appeal tribunals in Social Security it often takes of the order of between 12 and 16 weeks to have a decision made during which the appellant is kept without what she believes or he believes is their proper benefit level which they are appealing against? Is between 12 and 16 weeks a reasonable timely gap to achieve a decision?

**The Solicitor General:**

That is the time period of 3 to 4 months. As I have already said, judicial review one often finds that the leave stage of judicial review can take up to 3 months, so on the face of it, and knowing nothing

about the facts of the case, which I am hearing about for the first time, that does not sound to me to be problematic, however frustrating it may be for the applicant.

**4.8.4 Deputy G.P. Southern:**

I am surprised that the Solicitor General has not heard about Social Security appeals since the Minister herself, some 4 or 6 weeks ago, said that her appeals were of course human rights compliant and she consulted the Law Officers' Department accordingly.

**The Solicitor General:**

I do not detect a question in that.

**The Bailiff:**

I think the question, Solicitor General, was have you not been asked to advise the Minister as to whether the appeals process for medical appeals was human rights compliant?

**The Solicitor General:**

I am sorry. I personally have not been asked to give that advice.

**4.8.5 Deputy M. Tadier:**

In terms of the general principle, which we all know about, even if it does not necessarily have a legal standing that one is innocent until proven guilty, when it comes to an appeal perhaps to do with a sanction that has been applied by Social Security to an individual who may have had to wait 3 or 4 months for that appeal decision to come back and for it to be overturned, that individual has to go through a period which some would say is too long for justice to be done and has also been left without money during that period of time. Could it be said that that individual has not been given the benefit of the doubt, has been treated as if she were guilty rather than innocent, and does that have any wider, if not human rights implications, lessons for us that we could learn from the esteemed Solicitor General about process and fairness?

**The Bailiff:**

Deputy, it is important that the person questioned has official responsibility for the public matter which is the subject of the question. That sounds to me like a political question that ought to be addressed to the Minister for Social Security. I do not understand what legal question is being put to the Solicitor General.

**Deputy M. Tadier:**

While it has become apparent that respondents are allowed to say whatever they want, whether it is relevant or not, it does not apply to questioners, which I take the direction. The question is, I suppose ...

**The Bailiff:**

That is not the case, Deputy. I am sorry, Deputy, that is not the case. I was reminding you of the Standing Order that requires that a question relate to something for which the person questioned has official responsibility.

**Deputy M. Tadier:**

Thank you, Sir, I take that point and I will rephrase the question. In terms of human rights compliance or related matters to do with fairness of human rights compliance, is it reasonable for a particularly long period of time to elapse when a decision is being made during which the appellant is essentially being said to be guilty, when in fact they may well be proved innocent at the end of the process?

**The Solicitor General:**

Whatever challenge is made to a decision by a Minister or department in whatever forum that challenge takes place, there is going to be a period of time during which that challenge will not be determined. So if you take judicial reviews as an example, there will be all sorts of decisions being challenged which will take several months to be challenged and it may be that the Minister's decision is overturned at the end of that process, but there is nothing unique about a Social Security appeal system in that regard. There will always be a period of time when a decision is being overturned and, I am sorry, I do not quite detect the ... whatever the frustrations of the applicant in this particular case, I do not detect any breach of human rights law and nothing unusual about this case as compared to any other public law challenge.

**4.9 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding progress made in finding a suitable public or community use for Piquet House:**

What progress, if any, has the Minister made to find a suitable public or community use for Piquet House, following the States approval on 19th March 2014 of P.16/2014 Piquet House: cancellation of sale and future use?

**The Bailiff:**

Assistant Minister ...

**Senator A.J.H. Maclean:**

No, Sir, you were a bit quick off the mark, I am afraid.

**The Bailiff:**

I thought you nodded when I was ...

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

I was nodding to say I was going to take this one at the request of the Deputy specifically. The property comprising 11 Royal Square and Piquet House has been identified as an excellent location for a new tourism centre by Visit Jersey following expressions of interest. Jersey Property Holdings are currently discussing terms of occupation with Visit Jersey.

**Deputy S.Y. Mézec:**

No, supplementary. Just that I am delighted with that answer.

**4.9.1 Deputy J.A.N. Le Fondré:**

Could the Minister clarify why negotiations with the Royal British Legion were not maintained with a view to their leasing of the building because I had understood they had expressed an interest quite some time ago?

**Senator A.J.H. Maclean:**

The Deputy is quite correct and indeed on the cards was a possible land swap as well. But that was back in, if I remember correctly, the period from October 2013 and Members will recall that it came to this Assembly the proposal to sell the property, and that was the area that the Royal British Legion were particularly interested in. As I understand it, Jersey Property Holdings went out to expressions of interest. There were a number of expressions of interest but, as I have just pointed out, Visit Jersey was deemed to be the most appropriate and negotiations are ongoing.

**4.9.2 Connétable J.E. Le Maistre of Grouville:**

I wonder if the Minister could confirm whether Tourism will be paying a full market value rent for the property.

**Senator A.J.H. Maclean:**

I can confirm that they will be certainly paying a rent. The detail of the rent will be a matter for negotiation, but I would expect it to be close to market rent, yes.

## **5. Questions to Ministers without notice - The Minister for External Relations**

### **5.1 Deputy M. Tadier:**

When the Minister spoke about the estimated cost of the Committee of Inquiry of being up to and excess of £50 million, was that anything to do with his External Relations hat being worn or is that simply comments that he made as an independent Member of the Assembly?

**Senator P.M. Bailhache (The Minister for External Relations):**

I do not think that it had any relationship whatsoever to my responsibilities as Minister for External Relations.

#### **5.1.1 Deputy M. Tadier:**

Does the Minister still abide by the theory of collective responsibility in the Council of Ministers and, if so, how does he judge when to come out and speak publicly in a way which might either be discordant or undermine the other position of the Chief Minister on such matters?

**The Bailiff:**

Which matters are you talking about?

**Deputy M. Tadier:**

I think it is a general question, Sir, about collective responsibility.

**Senator P.M. Bailhache:**

Yes, I fully support the principles of collective responsibility.

#### **5.1.2 Deputy M. Tadier:**

So in that matter will he, despite the suggestion of a free vote, nonetheless subscribe to his personal view that collective responsibility is important and be supporting the Chief Minister later today when we come back to the Assembly to decide on further funding for the Committee of Inquiry?

**The Bailiff:**

What is the relevance of that to External Relations please?

**Deputy M. Tadier:**

Because I think all Ministers who are subject to questioning in this Assembly, to be held to account by the Assembly, have signed up to collective responsibility as part of their individual departments. So it is important to know about the integrity and intentions of those Ministers and how they work collectively at the Council of Ministers.

**Senator P.M. Bailhache:**

I think the Deputy is misunderstanding the nature of collective responsibility. Collective responsibility exists in order to ensure that the Government can form a policy and that all Members of the Government are subscribed to that particular policy. The question in relation to the costs of the child abuse inquiry is not a matter of government policy. The inquiry was set up by this

Assembly and the Chief Minister is drawing to the attention of the Assembly, and there will be a late debate in due course, the implications of the increase in cost. It is not a matter for collective responsibility.

**The Bailiff:**

Any questions on external relations for the Minister for External Relations? No? Very well, the Chief Minister is fortunate enough to get an extended period. **[Laughter]**

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

**6.1 Deputy S.Y. Mézec:**

I was wondering if I could ask question 8 which Deputy Higgins had meant to ask the Chief Minister, which is: can the Chief Minister advise whether a meeting of the Council of Ministers was held at which a decision was taken for a free vote on the funding of the Independent Care Inquiry and, if so, will he publish the Minutes and state whether the view was expressed that the final cost would be £50 million, any related evidence, and how Ministers voted on this issue?

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

I decided that P.20 would be treated as a free vote for all Ministers and Assistant Ministers. This is consistent with the updated code of conduct and practice which determines that the principle of collective responsibility can be set aside by the Chief Minister in relation to a free vote. Consistent with earlier decisions of this Assembly, the minutes are not public and the Council operates by consensus rather than votes. The Council decided this matter should be put to the Assembly so all Members can express their view on the future funding for the inquiry. A variety of views were expressed as to the final cost of the inquiry, the current forecasts of future expenditure provided by the Independent Jersey Care Inquiry and by departments, were considered at the Council meeting and have been provided to the Assembly to accompany proposition P.20.

**6.1.1 Deputy S.Y. Mézec:**

The Chief Minister indicated that it was his choice not to apply collective responsibility to this. Is it the case that the reason he had to choose that option rather than making it a collective responsibility issue is because he simply could not carry some of his Ministers with him? Would he acknowledge that for the survivors and victims of child abuse it is probably a thoroughly unpleasant thing for them to know that some of their government Ministers are not happy with their inquiry continuing?

[10:30]

**Senator I.J. Gorst:**

Not at all. I took the view, and my opening comments when this item was tabled, was that it ought to be a free vote because it is an inquiry which has been set up by the Assembly not by the Executive.

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

The Bailiff and his staff are taking a lot of flak about the changes of this year's celebrations for the 70th anniversary of the Channel Islands liberation. They would not have been alone in making these decisions. Is it possible to know who was in the group that put all this together? I feel it is unfair that the newly sworn-in Bailiff and David are being hung out to dry when they could not have been alone in making these decisions. They are now in the late hour of trying to put things together and making amends for what was trying to make everybody happy. Something I feel will

not happen. Is the Chief Minister able to tell us and the listening public who helped rearrange the event for 9th May 19... sorry, I am going down to my age here, from 9th May 2015.

**The Bailiff:**

I think the reference, Connétable, to David is to the chief officer.

**Senator I.J. Gorst:**

I hope that nobody is being hung out to dry. The process that has been followed for the Liberation 70 celebration is a process which has been followed for a number of years. I cannot say exactly how long but certainly in modern memory that process has been followed. The Bailiff, as civic head, leads on those arrangements but there is an officer working group which is cross-departmental which includes an officer from my department, an officer from Government House, an officer from the Bailiff's Chamber and other officers because it is a cross-community event. The officer group makes recommendations. Those recommendations are considered by the Bailiff and the Bailiff's Consultative Panel. The consultative panel is made up of democratically elected Members of this Assembly. There is also consultation, as I said earlier, with the Comité. It is a disappointment with regard to some of the public comment, however I know that you understand that, as I do, and the consultative panel will be meeting again to consider the current programme but the current programme, as I said earlier, is an exciting programme. There will be a re-enactment, there will be a slave workers memorial ceremony and then in the presence of Her Royal Highness the Countess of Wessex, there will be an extended programme in People's Park, which will allow more people to attend than have been able to attend before and be involved. It will allow those who were here during the Occupation to have access to facilities, if I might put it like that, and also to have an afternoon tea under cover. There will be an impressive Liberation Day Parade. There will be fireworks. So I think when members of the community see the exciting events planned they will see that it is going to be an extremely fitting commemoration to what is a momentous day.

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

Could I have a supplementary please? Maybe the Chief Minister is not able to tell us but could we have a few names of people who helped rearrange. You have told us of the different departments but could we have the names of people who helped rearrange this. If it is not possible; it is not possible.

**Senator I.J. Gorst:**

The members of the Bailiff's Consultative Panel are in the public domain and I shall try, off the top of my head, to recall them. I am a member of that panel, as is the Minister for Treasury and Resources, as is the Minister for Economic Development, as is the chairman of P.P.C. (Privileges and Procedures Committee), as is the vice-chairman, I think, of the Comité, as is Deputy Pinel, as is Deputy of Grouville and the Constable of St. Mary who is a very valuable member, and the fact that I have only just recalled her bears no relationship to her involvement in that panel, and the Constable of St. Helier.

**6.3 The Deputy of St. John:**

The Chief Minister will hopefully be aware as chairman of the States Employment Board that the whistle-blowing policy has gone through a few changes over the last couple of years and also the States do not have legislation such as that of the Public Disclosure Act in the U.K. that protects employees. Does the Minister believe that the current policy is the most optimal policy for public sector employees in Jersey?

**Senator I.J. Gorst:**



It has been reviewed as the Deputy knows. Perhaps it is always good when changes have been made to carry out a check to see if it is working in the way intended. I am not aware that that check has been carried out so perhaps it is appropriate for the new States Employment Board to do such a check.

### **6.3.1 The Deputy of St. John:**

Supplementary. It is widely known that although there is legislation to protect employees in the U.K. it does not necessarily filter in to whistle-blowing. Does the Chief Minister agree that whistle-blowing is an early warning system to significant risks that could come of certain public sector workforces and policies that are trying to be implemented by Government?

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

Indeed it can be that. There is always the difficulty of understanding whether an individual is a whistle-blower or not or whether there are other issues at play but there has got to be an appropriate mechanism to be able to ensure that people can whistle-blow appropriately. Of course my preferred process would be that people simply talk to their line manager and it goes up the line until a policy is reviewed and amended. That, by far, is the most constructive process. Sometimes, for all sorts of reasons, that is not possible and therefore we have to have a robust whistle-blowing policy as well.

### **6.4 Deputy L.M.C. Doublet:**

Could the Chief Minister please update us on the progress so far of the new Early Years Taskforce and tell us what the future plans are and a timescale please?

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

I do not have the details with me of the timescale. I spoke to my officer in the last week about ensuring that we had an appropriate lead for that. There is not yet a person appointed but we have, I think, settled on 2 potential people that could do it. Once that person is in place then the work will be undertaken at great pace in regard to the first phase, which is the 1001 Days agenda. That, of course, then needs to move on to a second phase, which is going to be about how we interact with vulnerable families *per se*.

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

Earlier the Minister, talking about collective responsibility, mentioned the fact that it would be a free vote on P.20 not extending to Ministers or Assistant Ministers. Could he just clarify the last part of that because it was my understanding that a collective responsibility and the whip did not apply to Assistant Ministers across the board.

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

That is accepted. You are right. It does not but under normal circumstances it would apply to the Assistant Ministers within the department of the Minister bringing the proposition or law to the Assembly.

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

Does the Minister accept figures released by his Minister for Treasury and Resources in question 8700, which show that a proportion of tax paid by those on marginal rates has increased over the last 8 years to 53 per cent compared to the proportion of total tax paid by those on 20 per cent on higher rates which has decreased to 46 per cent in that time period? Does the Minister not consider that this reveals that our tax system is becoming more and more regressive and what measures will he take to institute some more progressive changes into our tax system in the Strategic Plan or later in the year in the Medium-Term Financial Plan?

**Senator I.J. Gorst:**

Of course I hope the Deputy would not have expected me to have had time this morning to read through all the tabled answers to written questions. Having said that, of course, I have got no reason to doubt whatsoever information that the Treasury Department has supplied to the Assembly. Where I do diverge from the Deputy is, if more people are paying less tax I am not sure why the Deputy thinks that is a bad thing rather than what I think it is, a good thing.

**6.7 Deputy S.Y. Mézec:**

This is the question 5 that Deputy Higgins would have asked. Will the Chief Minister advise whether the Corporate Management Board consulted him and the Council of Ministers before agreeing a document retention strategy in the States, whether a decision was taken to automatically wipe emails on States servers after 2 years and if so whether this policy can be justified given that emails can be instrumental in finding evidence of criminal wrongdoings and miscarriages of justice and ensuring transparent and open government?

**Senator I.J. Gorst:**

Emails are not automatically deleted from the States network after 2 years. The decision taken by the Corporate Management Board relates to the length of time email archives are retained. Email archives are kept so lost or corrupted emails can be recovered and it is these archived emails that are automatically deleted after 2 years. Emails may still exist in user's mailboxes or in a department's record management system. We are aware that emails have been used as evidence in trials. This highlights the need for emails that contain official documents to be removed from an officer's mailbox and retained in line with the department's record policy.

**6.8 Deputy G.P. Southern:**

The Minister in question 8698, and I am sorry to ... from himself, pointed out that £219,000 was spent on staffing for the approach of e-Government. Since there is no intention to procure services for e-Government before May, what are these people doing?

**Senator I.J. Gorst:**

Getting on and delivering all sorts of exciting projects that the public are going to see over the coming months. These are people that were employed, as the Deputy sees, 3 full-time employees, and they are working making changes to the system. So I am not going to get drawn into when we are going to announce those because they are going on and delivering and I suppose one of the most important projects that they are currently working on is the 'Tell Us Once' project.

**6.8.1 Deputy G.P. Southern:**

If I may, as a follow-up to that? At some stage in the last year there was a presentation given by Atos which suggested that they were going to be the people delivering e-Government in Jersey. What happened to Atos and were they ever employed to do that task?

**Senator I.J. Gorst:**

The Deputy is asking again about questions of which all the information is in the public domain in this regard. The Deputy should know that Atos did undertake a piece of work for government. I cannot recall quite the year, it might have been 2012, around the transactions that we have with members of the community. That was a stand-alone piece of work and it is being used as a basis for changing those interactions. There were a number of firms which tendered under that previous tender process, which is where the public debate has been ... which it has been about and they were also one of those ... because I am not sure I am supposed to mention that in the public domain so perhaps I will just withdraw that but there were a number of companies which tendered for that process.

## **6.9 Deputy M. Tadier:**

My question relates to written question 4 which is to the Chief Minister in his context as the chairman of the States Employment Board and it relates to suspensions of individuals who are or have been investigated for child abuse. Does the Chief Minister find it strange, or is he uneasy in any way, that we knew that a previous chief officer for the Education Department was being investigated for very serious allegations of child abuse?

[10:45]

The department knew about that yet he was not suspended even as a neutral act. Can the Minister comment on whether he is comfortable with that and whether that situation would likely arise again under his leadership?

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

It is not appropriate for me to enter into answering questions about individuals who either are or were employed by the States and I am not going to do so.

## **PUBLIC BUSINESS**

### **7. Draft Video Recordings (Amendment) (Jersey) Law 201- (P.10/2015)**

#### **The Bailiff:**

Are there any further questions for the Chief Minister? Then that brings question time to an end. I give notice that I have had lodged the Gas Tariffs Review by the Jersey Competition Regulatory Authority, P.32, lodged by Deputy Southern. There is nothing under J or K. We come to Public Business. The first item is the Draft Video Recordings (Amendment) (Jersey) Law - P.10 - lodged by the Minister for Economic Development.

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

The Assistant Minister will be acting as rapporteur.

#### **The Bailiff:**

I ask the Greffier to read the citation of the draft.

#### **The Greffier of the States:**

The Draft Video Recordings (Amendment) (Jersey) Law. A law to amend the Video Recordings (Jersey) Law 1990. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

#### **The Bailiff:**

Assistant Minister, would you like to propose the principles?

### **7.1 Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development - rapporteur):**

It might be helpful if I just give Members a little bit of background on the Video Recordings Law. As we can see from the year the law was adopted by the States back in 1990 when the sale and, in particular, renting of video cassettes to the public was very much in full swing. These days cassettes have all but disappeared in terms of rental sales, to be replaced by DVDs and Blu-ray discs. I am informed that there were some problems encountered with a number of video retailers in the late 1980s with a small number of them having problems and that led to the Video Recordings Law being introduced. The outcome was, of course, that retail supplies in Jersey became properly regulated from what had previously been a grey area in Jersey. The law made it

mandatory for supplies in the Island to comply with the same classification criteria and age restrictions applicable under the U.K. Video Recording Act. So these particular amendments that we have before us today relate not to any changes in the age restrictions but to the criteria which must be used in determining whether or not a video work may be considered exempt from classification. As the report to the proposition sets out, the exemption applies to work concerning music, sport, religion and education. The amendments lower the exemption thresholds. They are relatively brief and will bring the Video Recordings Law in line with the U.K. changes which took effect in October last year. In addition to maintain consistency a definition of video game has also been introduced. I believe it is important that the Jersey legislation aims to protect our children from unsuitable video material and maintains uniformity with the U.K. regime on which our law is based. As Members can see in the proposition there is no additional cost involved in adopting these amendments. Trading Standards officers already undertake any enforcement work necessary using the powers provided by the law. In my view the amendments are straightforward, uncontentious, they demonstrate efficient government and most importantly they strengthen measures which are in place to protect our children. I maintain the proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles kindly show? Those against? The principles are adopted. Connétable of Grouville, do you wish to scrutinise the legislation?

**The Connétable of Grouville (Chairman, Economic Affairs Scrutiny Panel):**

No, Sir.

**The Bailiff:**

Assistant Minister, do you wish to propose the Articles *en bloc*?

**7.2 Deputy M.J. Norton:**

Yes, I do indeed. There is very little to add comment to with the Articles, save to say that Article 1 defines the principal law as Video Recordings (Jersey) Law and Article 2 amends Article 1 for the principal, widening the scope for video work and video recordings and it inserts the definition I pointed out of video games.

**The Bailiff:**

The Articles are seconded? **[Seconded]** Does any Member wish to speak on the Articles? Those Members in favour of adopting the Articles kindly show? Those against? The Articles are adopted. Do you propose the law in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the law in Third Reading kindly show? Those against? The law is adopted.

**8. Gas Tariffs: reduction (P.18/2015) - as amended**

**The Bailiff:**

We now come to P.18: Gas Tariffs: reduction, lodged by Deputy Southern as amended. Deputy, I understood that you would be withdrawing this proposition or was that incorrect?

**8.1 Deputy G.P. Southern:**

Yes. I would like to speak on the proposition briefly and withdraw it because I do not intend to spend hours arguing over the difference between 5 per cent and 3.5 per cent at this stage.

**The Bailiff:**

Very well, then if you would like to say a few words about withdrawing it please do that.

**Deputy G.P. Southern:**

As Members were aware last night, my colleague circulated to people that I intended withdrawing this particular proposition today because I think it has achieved its aim in the sense that I proposed that gas prices should come down across the board and lo and behold gas prices have come down. It seems to me rather pedantic to start arguing about, it should be 5 per cent when the reduction has been 3.5 per cent. Presumably, the case for 3.5 per cent has been made internally in discussion with the company and the Assistant Chief Minister and he has proposed a way forward that suggests that he is going to commission the J.C.R.A. (Jersey Competition Regulatory Commission) to investigate fuel prices over the coming months - fuel prices including the price of gas - and he is going to do that on an open book basis with Jersey Gas so we will have some information as to how the gas price is made up sooner or later. Because, as he says, and I agree fully with him, we need to fully understand the issues in the local market before we can start to prescribe solutions. However, this House does have the power to prescribe what the price should be. Now, that price should be based on an informed decision and I believe now that we can go forward and get that informed decision made. What the Minister proposed lacked one vital thing. It often happens when people propose to set up a commission, an investigation, a piece of research, nobody puts a date on it and so time drifts by and people fall into their comfortable slumber thinking everything has happened and everything is okay and we have discussed this. So I have lodged a new proposition, P.32/2015, which says, do this by September. Why I said “do this by September”, investigate the price, and bring it to the House, because I think what we need is to protect people in the coming winter, 2015/2016. That is when we need the protection in. Summer is coming and although there is still a bit chill it will get warmer, I am told, in Jersey eventually and we will not be using that much gas but next year we must make sure that protection is in place and that tariff rises are not once again, if we can help it, going through the ceiling. So not only do I think we should be aware that we should not be rising prices and the gas company says they do not foresee that happening. I believe if prices stay as low as they are or even go lower, and they may well in the future, that what we should be seeing is not just 3.5 per cent but some more reduction between now and the winter of 2015-2016 and that is perfectly possible. What my proposition says is that whether Jersey Gas wishes to put prices up or whether, as I believe may happen, they wish to bring them down further, that they bring those propositions to this House and we accept the arguments that underpin them and can proceed with a rational pricing policy for Jersey Gas and that is what I intend should happen. So for those who have written a good speech and are dying to give it today, save it; you may well get to give that speech when I bring P.32. You may well get it in September and I hope you will in September when we see a gas price tariff proposition before this House that we can form an informed decision and say: “This is the way forward. This is what is going to happen to prices”, and perhaps we can protect the least well-off in our society from gas price rises right the way through to March 2016, if possible. That is what I envisage. Fingers crossed, says the Constable of St. Saviour and I support her in that. So that is all I am going to say today. It will be back. The issue will be back and hopefully in an informed way we will be able to see our way forward to protecting the least well-off in our society well into the future and with that I withdraw - I do not have to seek your permission - I withdraw the proposition and we will return to this topic on another day.

**9. Committee of Inquiry: Historical Child Abuse - additional funding (P.20/2015)**

**The Bailiff:**

We now come to P.20 and I give notice to Members that I am not going to preside over this debate, neither is the Greffier, and I have asked the Connétable of St. Clement, the chairman of Privileges and Procedures Committee, to preside and he will be taking the Chair.

**Connétable L. Norman of St. Clement (in the Chair):**

So we come to projet 20: Committee of Inquiry: Historical of Child Abuse - additional funding, in the name of the Chief Minister and I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion - (a) to agree that up to a further £14,000,000 should be made available in order to provide additional funding in relation to the Committee of Inquiry into Historical Child Abuse (now known as “the Independent Jersey Care Inquiry”) and to request the Minister for Treasury and Resources, if there are insufficient funds from existing sources that could be re-allocated by the Minister for this purpose, to bring forward for approval a proposition asking the States to agree to amend the policy for the use of the Strategic Reserve Fund and to make available up to £14,000,000 from the Strategic Reserve Fund to fund the inquiry; (b) to request the Council of Ministers, if necessary, to bring forward for approval a proposition to amend the Medium-Term Financial Plan 2013-2015 accordingly, in order to provide additional funding in relation to the Independent Jersey Care Inquiry; (c) to refer to their Act dated 6th March 2013 in which they approved the establishment of the Committee of Inquiry and approved its terms of reference, and whilst these terms of reference should remain unaltered, to agree that a separate procedural terms of reference should be appended in order that - (i) the scope of the Inquiry as set out in the Terms of Reference is understood as covering the period 9th May 1945 to 3rd April 2014; (ii) the Inquiry operates within the agreed revised budget of £13.7 million; (iii) the Inquiry and the States publish jointly on their websites details of their expenditure on a monthly basis; (iv) the Chair presents the report of the Inquiry to the States Assembly not later than 31st December 2016; and (v) the Inquiry makes full use of all available published and unpublished reports which it deems relevant to the Terms of Reference.

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

I would like to start by thanking Members for agreeing to reduce the lodging period by 2 weeks in order that this very important debate can take place today. I, of course, appreciate that the report lodged with the proposition is of necessity a somewhat lengthy document and I am grateful to Members for giving this topic the time and attention it merits. The Assembly must be able to take this decision with the full facts before them and the views of the independent chair of the inquiry are clearly articulated within the appendices of the report. Of course the Council of Ministers has a duty in relation to the Medium-Term Financial Plan to bring before the Assembly requests for significant additional funding for the Committee of Inquiry particularly given the many competing demands for public funding and it is right that Members of this Assembly determine whether that funding is approved. The report sets out in detail the series of events that have brought us to this point, from the police investigation into historical child abuse that began in 2007 to the public apology in 2010 by the former Chief Minister to all those who suffered abuse while in the care of the States.

[11:00]

Then, in 2012, the redress scheme and in the following year unanimous adoption by this Assembly of the Committee of Inquiry now called the Independent Jersey Care Inquiry and chaired by Frances Oldham Q.C. (Queen’s Counsel). Two years ago when that decision was debated on 6th May 2013 many Members expressed concern about the likelihood of spiralling costs. I pick out the Connétable of St. Martin who reminded Members of U.K. inquiries which related to similar matters and covered a far shorter period of time than the Jersey inquiry which had significantly resulted in

higher costs than the proposed estimate at the time of £6 million. The Connétable was concerned that the money could be better used to assist victims of abuse of children in care today. I know, of course, that this concern is shared by some here today particularly when we learn that this inquiry is now forecast to cost 10 times that which has been paid out in compensation. But during the debate in 2013 I said that I could not state with certainty what the absolute cost would be and I say the same again today. The best forecast we have, based upon the calculations of both the inquiry and the Treasury, is that the likely total cost of the inquiry to its conclusion will be £20.2 million but as Members will know if new lines of inquiry emerge or more witnesses come forward then it could grow further. It is for this reason that I have proposed a separate procedural terms of reference to enable the inquiry and States Departments to contain costs going forward. If I turn to some of the detail within the report. So on page 20 it shows an analysis of spend for the Independent Jersey Care Inquiry up to 2014 of £5.2 million. I reissued the appendices yesterday in order to provide greater detail in relation to those costs. Page 6, at the bottom of that page we see a figure again of £2.5 million for the I.J.C.I. (Independent Jersey Care Inquiry) and a further £1.8 million of costs within States departments making a total cost at the end of 2014 of £7 million. Again, on that page the original budget for the inquiry as a whole was £6 million which was increased to £9 million in July of that year by the Council of Ministers. The latest available forecast from the I.J.C.I. is for a total of £13.7 million, as shown on page 21. In addition to the latest forecasts of that £13.7 million on page 7 we see a forecast total of £6.7 million of costs within States departments making that overall forecast spend of £20.2 million. There is, therefore, a shortfall of at least £11.2 million between the monies allocated to date; that is £9 million on the total forecast costs. This proposition asks for, in principle, agreement to make available up to £14 million as this would be possible from the Strategic Reserve Fund as explained on page 8. Officers have advised that it is more prudent to seek the opinion of the Assembly on this up to £14 million figure in case the I.J.C.I. revise their forecasts at any stage in the future. In relation to the total costs of the inquiry from launch until the end of 2014 Members will have been able to see from the answer to written question 8675, which I tabled on 10th March, that legal costs account for over 60 per cent of this expenditure. Members may also recall that the original Verita report advised that legal costs for similar committees of inquiries may account for some 70 per cent of total overall costs. So this should, perhaps, not come as a complete surprise. So the Committee of Inquiry is a significant undertaking which needs to be led by individuals of sufficient stature and experience to act impartially and to safeguard the interests of all involved. The independent chair of the inquiry has pointed out that public inquiries are inevitably expensive if matters are to be fully addressed. The current forecasts of costs are based on the assumption that hearings will conclude within 2015 and that 2016 will be dedicated to the production of the inquiry report. You will also note that the inquiry forecasts, as appended to the report and proposition, include a 7 per cent contingency. The procedural terms of reference proposed require both the inquiry and States departments to publish their expenditure on a monthly basis. In this way full transparency of costs will be achieved and mechanisms to contain costs can be considered on an ongoing basis. Setting the limits, as indicated in the proposition, enabled the inquiry to go about its work unfettered by inference from any party yet provide a clear decision point for this Assembly in the future should further funding above and beyond the current forecast be required. I leave it to the Minister for Treasury and Resources to provide any further information as he may wish in due course regarding any possible drawdown of £14 million from the Strategic Reserve Fund and how all other funding proposals will be considered but it is probably important that I set out the serious implications in my view if Members decide not to support this proposition. Without additional funds the inquiry will effectively cease with almost immediate effect. The chair has made it clear in her response of 9th February to the Minister for Treasury and Resources that the phases of the inquiry are not severable and therefore without additional funding the inquiry would not be able to fulfil any of the terms of reference as adopted by the Assembly. Fulfilling those terms of reference have become, I consider, even more important

over recent months. The world has moved on significantly since the Assembly took the decision in March 2013 to set up an inquiry. We are not alone on this difficult journey. England, Wales, Northern Ireland, Scotland, Australia and New Zealand all have uncovered decades of child abuse and are embarking upon inquiries to discover the true extent of what happened and why. We could perhaps consider that we are ahead of our United Kingdom counterparts in terms of progressing our inquiry and it is down to the good governance of this Assembly that we find ourselves in that position. The United Kingdom Secretary of State for the Home Office made a statement to the United Kingdom House of Commons in February of this year announcing her intention to appoint Justice Lowell Goddard to head the Independent Child Sexual Abuse Inquiry in the U.K. and that she would be disbanding their former inquiry and would be setting up a new statutory inquiry under the 2015 Inquiries Act. The Secretary of State had remarked that many are keen that the U.K. inquiry should be extended beyond England and Wales. She, however, has noted that even in the U.K. child protection is a devolved matter so it is right that each jurisdiction looks at this issue within their own remit in order that they can take the action which is right to address the specific issues uncovered. She has also said previously that no institution or individual should be able to fall through the gaps because of geographical boundaries. The U.K. terms of reference make clear that the Goddard Inquiry will liaise with its counterparts ... **[Interruption - fire alarm]**

**The Connétable of St. Clement (in the Chair):**

Would Members please leave the Chamber and muster in the Royal Square. Thank you.

[11:08]

**ADJOURNMENT**

[14:11]

**The Connétable of St. Clement (in the Chair):**

I am pleased to welcome Members back after a longer than usual lunch break. A couple of things I need to say before we recommence the debate, or the opening speech, on projet 20. Firstly, mobile telephones, could you please switch them off because the electronics that we are using this afternoon are different from our usual ones and can be affected even if it is on silent or vibrate. So they are going to have to be switched off please. The States Greffe do have a Business Continuity Plan and that clearly has come into play today. The Business Continuity Plan anticipates a 24-hour notice of having to relocate, so I would congratulate most heartily the States Greffe on that plan which clearly works extremely well. **[Approbation]** I would also thank the Constable of St. Helier and his staff (a) for allowing us to reconvene here and (b) for helping to set up the room and of course the Department of Electronics for making this all work. It does appear that all the electronics are working and will continue to work. I would say to Members that all the microphones are live all of the time, so if you are going to have any asides be aware that it may be going out over the air and may be heard by the public. So if you are going to have any asides please make them polite. So now we can recommence on projet 20 and, Chief Minister, I believe you are just coming towards the end of your speech? No? That is just wishful thinking?

**Senator I.J. Gorst:**

Just before I start 2 things. Firstly, may I add to your thanks to all members of the Greffier's Department and all members of Corporate I.T. (Information Technology) for all their hard work in ensuring that a functioning States can happen in another place in very short order. So thank you very much to all those staff who have worked throughout their lunch hour. Secondly, I just wanted to mention this morning's disaster. I am sure that I, along with all Members, were deeply shocked to learn of the terrible news that a plane crashed in the French Alps this morning. On behalf of all Members I would like to extend our sincerest sympathy to those affected by it. Our condolences



extend to relatives, friends and associates of the passengers and crew. You will be pleased to know, as I hope Members will, that I am coming towards a close. I said this morning that the U.K. terms of reference made clear that the Goddard Inquiry will liaise with its counterparts elsewhere and to that end officials have had initial discussions with the Scottish Government, who are in the process of setting up their own inquiry, the Hart Inquiry in Northern Ireland and the Independent Care Inquiry here in Jersey.

[14:15]

They have agreed that joint protocols will be set up with each inquiry to ensure that information can be shared and lines of investigation can be followed across geographical boundaries. How best we can play our part in this broader push to establish what went wrong across the British Isles and, more widely, in parts of the Commonwealth are important considerations as we begin this debate as to whether additional funding is to be found or alternatively the inquiry is effectively stopped in its tracks. This Assembly has already stated its position on the holding of an inquiry and its comprehensive terms of reference. This Assembly has decided that the inquiry must be independent. It must be able to look at whatever it considers necessary to fulfil those extensive terms of reference set by this Assembly without interference. But of course we must strike a balance; there cannot be a blank cheque. In the current economic climate I do not need to remind the Assembly that it must act responsibly and set financial parameters. If the inquiry requires more funds then they must come back to this Assembly for us to debate again what is required and why. But we cannot stop this inquiry halfway through its progress; that would be the worst of all worlds. I believe that we must provide the resources necessary to complete the job that we set out to do and I believe that this proposition strikes the right balance between completing the job we have started and upholding the independence of the inquiry but at the same time providing a new framework of appropriate limits within which the funding for the inquiry can be managed responsibly. I hope that Members therefore will support this proposition. Thank you.

**The Connétable of St. Clement (in the Chair):**

Is the proposition seconded? [**Seconded**]

## **9.2 Committee of Inquiry: Historical Child Abuse - additional funding (P.20/2015) - amendment (P.20/2015 Amd.)**

**The Connétable of St. Clement (in the Chair):**

There is an amendment in the name of Deputy Tadier. Before I ask the Greffier to read the amendment, I understand, Deputy, that you may wish to delete one of the paragraphs?

**Deputy M. Tadier:**

Yes, Sir. I will no longer be seeking for number (2), so that is sub-paragraph (c)(iv), to be deleted. I am content to leave that and focus on the other 2.

**The Connétable of St. Clement (in the Chair):**

Thank you. Then I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (c) - (1) delete sub-paragraph (c)(ii); and (3) delete sub-paragraph (c)(v).

### **9.2.1 Deputy M. Tadier:**

It is not lightly that I put amendments into this proposition and it has to be said that I am uncomfortable that we are here today at all, although I understand why we are here. I would just like to start off by a quote from when we appointed the original chair of the inquiry who unfortunately could not take up her seat due to ill health. During that debate, I will quote Senator

Gorst who at the time said, and it was something we agreed on: “Deputy Tadier rightly said that with the appointment of the chairman and the ability for the committee to start its work, the committee should then be allowed to get on with its work without any interference from this Assembly.” He continued: “Our job has been to come forward with terms of reference to ensure that appointments processes to the Committee of Inquiry, and today the chairman, is done in an independent fashion of us and we must therefore to some extent sit on our hands going forward, to close our mouths and to allow the committee to do its work and to follow those terms of reference without hindrance or interference, and that is exactly the right way that it should be.” I think one has to question, and it is no doubt something that we can learn from if we ever need a Committee of Inquiry of this like in the future, that we should have systems in place before it even starts so that we do not come into this strange position; come back for funding. It is an unenviable position to be in, it is a difficult position to be in because what would happen if we do not vote for funding today? My concern is, and the reason I brought 2 amendments to debate today, is that I do not think we can have it both ways. We either say that we are allowing the committee to be truly independent, and that includes financial independence, or we say, as we are doing in (c)(ii) here, you must work within a revised budget and we will set this budget for you, tell you what it is and that will necessarily mean the work will be limited. Now that might be a compromise that some in the Assembly are willing to make and it is certainly the one that the Chief Minister is saying is workable. My position is slightly different because I think we have already got the relevant safeguards in place in (a) and (b). We have had to come back to the Assembly for a new package of funding to be agreed. That funding has been specified in paragraph (a) already and it is quite apparent that if, for whatever reason, there are new, legitimate lines of inquiry that the inquiry wishes to pursue, then they will have to come back to the Assembly anyway, so that is already in place. So I would contend that we do not need (c)(ii); it can be deleted without compromising any of the financial comeback that this Assembly would wish to have in future. If I then move on to paragraph (c)(v). I think this is perhaps one of the most bizarre paragraphs that has been added to the terms of reference. It says that the inquiry should make full use of all available published and unpublished reports which it deems relevant to the terms of reference. I am particularly uneasy about this because this goes on to direct the Committee of Inquiry as to how they should do their job. First of all, is there any evidence whatsoever that they are not already making use of published and unpublished reports? If the Chief Minister has that evidence and suggests that they are not doing so perhaps he can make a case for that. I have not seen any evidence of that and I would be very surprised if they were not already doing that. I think it goes further than that. It is almost to say that because there are certain things which have already been looked at in the last few years, particularly since 2007, 2008, the inquiry does not need to worry, I am not going to say “their pretty little heads about it” but it might seem to come across like that: there are reports out there which have been done which we believe are independent and robust; therefore, you do not need to look at that. Quite frankly, not only is that slightly patronising but that is a dangerous line to cross when it comes to the independence of the inquiry. I would suggest that certainly part (v) could be deleted and it would not make any difference from our perspective to what the inquiry will already be doing and it should be deleted for that reason. I do not think there are any further comments to make. I will save my fire for the main debate if it is necessary to do so but I do ask that Members give real consideration. It could well be said that there are 3 different positions here. There are those who do not want the Committee of Inquiry and/or do not want the additional funding to be given. There is the Chief Minister’s position which maybe he would convey as being a centre ground, moderate position. My position certainly with (c)(ii) and (c)(v), if nothing else, is to say that we should not be interfering unnecessarily with a Committee of Inquiry. We have got the relevant safeguards in there in terms of funding already and in particular certainly if Members do want to register their discontent with part (c)(ii) the only way of course that this could have been done is through the amendment. There is no way, for example, for me to be able to vote against

parts (ii) and (v) without voting against the whole paragraph (c), so these are the reasons that the amendment has been brought and I maintain the amendment.

### **The Connétable of St. Clement (in the Chair):**

Is the amendment seconded? [**Seconded**] The amendment is now open for debate. Because we do not have our little microphone buttons to catch my attention, if you wish to make a contribution to the debate, if you could please stand in your place and I will call whichever Member I see first and then continue the debate in that manner. I see the Chief Minister.

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

The mover of these amendments and myself, I believe, both wish to see the inquiry complete its work unhindered. I believe that the proposition as lodged seeks to strike the right balance between respecting the essential independence of the inquiry and presenting words which are sufficiently clear in relation to cost matters to provide the necessary reassurance to this Assembly and to the public. I do not consider that the procedural terms of reference hinder the inquiry in any way. They were designed in consultation with the chairman and panel to assist in this regard. Perhaps I could give some more detail in relation to these procedural terms of reference. Paragraph (c)(ii): this requires the Committee of Inquiry to have regard to costs and to ensure it operates within its agreed revised budget limit of £13.7 million. If I could just pick up, if I may, the mover of the amendment who suggested that in some way this was my or the Assembly's budget. This was a budget provided by the panel itself to my officers so they, at the time that they provided it, felt that it was a sufficient budget to complete the inquiry. So this (c)(ii) places responsibility on the panel and reflects, as I have just said, the panel's own forecast of costs going forward. It is recognised that some of the costs for the inquiry are variable and so there is a possibility that there might be a need to return to the Assembly to agree further funding if a line of inquiry under a particular part of the terms of reference is required, for example, further witness hearings which cannot be predicted at this time. It is clear, therefore, that this does not put an actual cap on spending but instead provides the Assembly and the public with a clearly-defined decision point in the future should costs rise above the panel's own current forecast. In actual fact it does more than that because it will provide real-time information to the Assembly and to the public on a month-by-month basis when they are able to compare the costs which will be published with the budget provided with this proposition. I do not believe that we should send a message to the panel that we have no regard to the costs of the inquiry or to ensuring that funds are used appropriately, effectively and efficiently. I believe that we would be avoiding our duty were we to send that message. Sub-paragraph (c)(iv) provides a point in time not later than 31st December 2016 when the Assembly should receive the panel's report. The timing for the final report is a suggestion of the panel itself and I think that is the amendment that the Deputy accepts. Sub-paragraph (c)(v) requires the inquiry to make full use of all the various published and unpublished reviews, court cases, investigations without seeking to adduce additional oral or written evidence on the matters already covered by these reports where importantly there are no additional benefits in doing so. The panel may decide there is additional benefit in doing so and therefore would be free to do so. The mover of the amendment suggests that there are no financial implications to this amendment. I cannot accept that because I believe it diminishes the opportunity to seek to manage costs. As I said in my opening remarks, the Assembly are aware that there are very few additional sources of funds available other than the Strategic Reserve and there is, and continues to be, a need for financial prudence as the economic environment remains challenging. So despite the fact that both Deputy Tadier and I wish to see additional funding made to the inquiry, I cannot, and I ask Members to follow the lead, accept the amendment because I believe that the Assembly and the public need to know that we have put in place all necessary mechanisms to contain costs going forward. Thank you.

### **9.2.3 Deputy S.Y. Mézec:**

Because of having to change locations for this debate, some Members may not have the letter which was circulated by the Jersey Care Leavers Association which would have been on our desks when we arrived at the Chamber this morning. But I have it here in front of me and I just want to read one paragraph from it which says: “We would also ask you to support Deputy Tadier’s amendment, particularly the removal of paragraph (c)(ii) which we feel does potentially restrict the inquiry in terms of its scope and its independence.”

[14:30]

“While no one would argue that prudence in financial matters is very important, the capping aspect sits uncomfortably and begs the question: ‘Can the inquiry operate as they would wish without having to make allowances due to the restraints put on it?’ Nobody with an interest in this inquiry would like to think that this would be the case. The inquiry must be allowed to continue as they think best while exercising regard for expenditure. Likewise, and perhaps more so, States agents, lawyers all should be exercising the same caution.” I think at all points in this debate we have to remember who this is about. It is not about us, it is about victims who went through some of the most horrific experiences that anybody could imagine, normally vulnerable members of society and people who were in a position under the care of the State who should have been treated far better than they were. I would ask Members to pay high regards to this letter from the Jersey Care Leavers Association. Remember that these are the people who are representing these victims. They are the people whose voice I think should be listened to louder than anybody else’s and they feel that section (c)(ii) does restrict the inquiry at the end of it. The inquiry must have every single penny it needs to be able to do the job. If they get to a point in their work where they perhaps anticipate that they are about to finish or that they may be able to do things within budget and all of a sudden an extra witness comes forward, an extra piece of evidence comes forward that means they need to go down a whole new road to try and uncover some more things they had not initially seen, they would need more money to do that. To have anything in place which suggests that we may just cap that I think would be a thoroughly negative thing and we have to accept that we must get to the bottom of this. What Deputy Tadier’s amendment allows us to do is to remove any ambiguity so we know that if they need extra money in the end that they will not have that extra hurdle to jump over to get to it because that is what matters. It is this inquiry finishing the job it set out to do. Thank you.

**The Connétable of St. Clement (in the Chair):**

Does any other Member wish to speak on the amendment? If not, I ask Deputy Tadier to sum up.

**9.2.4 Deputy M. Tadier:**

Thank you to the 2 speakers who contributed to this part of the debate. I think the Chief Minister has hit on it: we cannot have it both ways. This, in particular part (c)(ii), either does restrict the Committee of Inquiry or it does not. For the Chief Minister to take the position by saying that my financial and now our positions are not neutral because my position would mean that the inquiry is more likely to spend money than under his version of the amendment, I think is the critical part. Because I think the first thing to say, stepping back for one moment, is that I - from what I have seen - have confidence in the Committee of Inquiry. I have not been to many of their hearings, not as many as I would have liked, but the 2 or 3 that I have been to seem to have been well run in a professional way and more critically they seem to have gained the confidence of witnesses to come forward. That confidence was not to be taken for granted because remember there was a whole police investigation which again had to go through very many hurdles to get the witnesses’ confidence only for that investigation to be shut down and the Chief of Police to be suspended as a neutral act, incidentally, even though the Chief Officer of Education, who was also being investigated for crimes of child abuse, was allowed to keep his job. We have to remember this wider context. That is the situation, the very modern situation in Jersey, and there are still

individuals in this Assembly today who were there at that time, so it is a live issue. In that context with that backdrop, if I am to choose a position where the Committee of Inquiry are allowed to have more flexibility with funding or less, to have a proposal where they can, albeit within the restrictions, come back to the Assembly and be accountable anyway even under my amendment, if I am to choose between a scenario where they have got more flexibility, more independence and more spending power or less independence, less autonomy, less spending power, I choose the former because I want the committee to be able to do its job with any perceived or actual hindrance, including financial limitations. But we are arguing the toss here to a certain extent but the Chief Minister has made that point and said that mine perhaps has less restriction and absolutely that is the key difference. I want the Committee of Inquiry to have as few hoops within the legitimate overall spending budget to be able to do their job. Because I am concerned that with (c)(ii) in there, if it is a choice of opening up a new line of inquiry, if we imagine in 3 or 4 months' time that the inquiry came across new evidence and they say: "Well we would quite like to go down this road but it is going to cost an extra £4 million. We could go down that road but we know we are going to have to come back to the Assembly. We have agreed to operate within a revised budget of £13.7 million but we did not realise how big this can of worms is" they would feel restricted. Because they would know: "Well we have got to go through these hoops; we have already signed up to this" whereas without (c)(ii) in there they would still have to respect the overall budget but there would not be that restriction which they have signed up to. It is very difficult to argue of course when the Committee of Inquiry, we are told by the Chief Minister, are already happy to abide by these terms of reference, but they have not had an alternative. Nobody else, as far as I know, was consulted. I was not invited to sit around the table and neither would I have wanted to be because I think it is important that the Committee of Inquiry is allowed to do their job. So I am not saying this is entirely black and white, it is the difficult issues that we are dealing with, but certainly for my part I am much more comfortable with (c)(ii) being removed. That is the position of the stakeholders who are also in that same boat and it would not, I believe, diminish anything by removing it. It would simply give the Committee of Inquiry the independence that both of us certainly had spoken about it that I quoted from earlier and which I hope the Assembly would agree to. Part (v), just to sum up, Deputy Mézec thankfully quoted from the letter which we had earlier. Of course, the Care Leavers themselves also speak about the availability and use of published and unpublished reports. Here is what they said on the issue. They say that: "Paragraph (c)(v) is bizarre as the Committee of Inquiry have already been making use of various reports, *et cetera*. In fact, it is the States departments which have on occasion held up this process by not always being co-operative in the provision of requested documents. It is such actions that undermine the inquiry and add unnecessary cost to the taxpayer. As such, this paragraph is unnecessary and its removal should be supported." So I think that is food for thought. When we have a department like Health which very early on was compelled legally to provide documents which it otherwise would not have done, that all adds to cost and that is perhaps something which we consider in the main debate. So I do not think there is any evidence that I have heard from the Chief Minister that the inquiry is not making use of all published and unpublished reports that it deems relevant. Because they are already doing that and because it is patronising and it goes over into the territory which the Committee of Inquiry themselves should be making provisions for, it is not our place to do that. I would suggest that even if Members have reservations on the funding front, (c)(v) is something which could quite happily be deleted and we could all support. I make the amendment and I do ask for whatever the equivalent of the appel is.

**The Connétable of St. Clement (in the Chair):**

Do you wish a separate vote on each of the paragraphs and you wish the appel?

**Deputy M. Tadier:**

Yes, please.

**The Connétable of St. Clement (in the Chair):**

To explain to Members who may not have been in the States for very long, what occurs with the appel is the Greffier will call Members' names in the same order as they are called for roll call and you announce your vote by saying "pour" or "contre". Once everyone's name has been called, the Greffier will tally the votes and I will announce the result of the vote. So the vote is on the first paragraph of Deputy Tadier's amendment. Will you call the appel, please, Greffier?

<b>POUR: 9</b>		<b>CONTRE: 34</b>		<b>ABSTAIN: 1</b>
Connétable of St. Martin		Senator P.F. Routier		Senator P.M. Bailhache
Connétable of St. Saviour		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy J.A. Hilton (H)		Senator L.J. Farnham		
Deputy M. Tadier (B)		Senator A.K.F. Green		
Deputy J.M. Maçon (S)		Senator Z.A. Cameron		
Deputy S.Y. Mézec		Connétable of St. Helier		
Deputy R. Labey (H)		Connétable of St. Peter		
Deputy T.A. McDonald (S)		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		
		Deputy A. Lewis (H)		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Brée (C)		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P. McLinton (S)		

**The Connétable of St. Clement (in the Chair):**

Paragraph 2 has been withdrawn, so we now move to the appel on paragraph 3 of the amendment and I ask the Greffier to call the appel, please.

<b>POUR: 10</b>		<b>CONTRE: 33</b>		<b>ABSTAIN: 1</b>
Connétable of St. Martin		Senator P.F. Routier		Senator P.M. Bailhache
Connétable of St. Saviour		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy J.A. Hilton (H)		Senator L.J. Farnham		

Deputy J.A.N. Le Fondré (L)		Senator A.K.F. Green		
Deputy K.C. Lewis (S)		Senator Z.A. Cameron		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy S.Y. Mézec		Connétable of St. Peter		
Deputy R. Labey (H)		Connétable of St. Mary		
Deputy T.A. McDonald (S)		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		
		Deputy A. Lewis (H)		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Brée (C)		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P. McLinton (S)		

### **9.3. Committee of Inquiry: Historical Child Abuse - additional funding (P.20/2015) - resumption**

#### **The Connétable of St. Clement (in the Chair):**

So we now resume the debate on P.20 unamended, does any Member wish to speak? Deputy of St. Martin.

#### **9.3.1 Deputy S.G. Luce of St. Martin:**

I have spent much time thinking, more time than ever before, in preparation for a debate. I have lost sleep for the first time in many years and woken up at night wondering about the problems in front of us today. I have not taken much time in writing down my thoughts.

[14:45]

This is as serious debate as I have ever taken part in and I was as sad as I have ever felt in writing down my few words. Serious, because the allegations in the inquiry involve the most awful of crimes. Serious, because it involves the abuse of children, those at young and defenceless ages when we as adults are supposed to look after them until they reach an age. Serious, because of accusations of lack of suitable supervision of youngsters in States care, in our care. Serious, because the financial amounts involved are now of a vast scale at a time when we have little money and challenges to budgets. I feel sad because there is no question that abuse happened in Jersey. I am sad because those victims identified in the inquiry were in our care. Sad because we know when we hear the conflicting evidence given that some people have been telling the truth and some

people have not been telling the truth. Sad because in reality the only people gaining from this inquiry are the lawyers. Sad because I cannot believe that we, as the States Assembly, have found ourselves in this situation. Sad because we all want to do what is right, everyone in Jersey, and I believe we are really struggling to do that today. Ex-Deputy Le Hérissier used to say: “Every once in a while a debate comes along when you hold your nose, push the button and hope for the best.” This should definitely not be one of those debates but what is one to do? Members need to think very, very carefully. I pose some questions and some facts and I venture no answers because even after weeks of thought I still cannot really decide what the best thing is to do. What will be the cost, the final cost, of this inquiry? I do not know but I know that of the £4.6 million given to the redress scheme, only £1.9 million went to the victims. What have we spent so far? I do not know but I know that none of the money we are spending on this inquiry is really going to the victims or care leavers and I fully expect that money is not the issue in this matter. What exactly is there left to do? I am not sure but I know that those care leavers that wanted to have their say have done so. The open-ended terms of reference mean that this inquiry could go on *ad finitum*. Why has it been so much more than the estimates that were given at the start? I do not know exactly but I do know that we re-did and redacted everything regardless. Why do the estimates change so quickly? I have no idea but I know that the estimates rose by £6 million in 4 months over the New Year period. What are the options? I am not sure that the option I want is available today but I know that in my mind we must find a way to do this better, however, I have my doubts that we will. We must stay independent. It is vital that we do not get involved in the running of this inquiry but we cannot carry on like this. This is opportunistic at its very worst; the legal profession should be ashamed. The most we will ever give to victims is £1.9 million and it is just not right. I do not really want to talk about costs, about money, because when it comes to issues as serious as child abuse money should not be an issue. We should spend whatever is needed. However, the numbers are now so huge that I feel compelled to mention them because the size of the final bill is going to have repercussions on everyone in Jersey and that, I am afraid, is inevitable. We should not as a matter of course spend money unnecessarily. We are facing a big shortfall in our coffers. It is happening today, not tomorrow. We need to cut costs and we are going to do that and it is going to be tough. This inquiry and the additional sums required to fund it are going to be taken out of our reserve. There are no other pots of this magnitude available anywhere else. Members need to be in no doubt, carrying on as we are without finding an alternative way of controlling costs, because they are not under control at the moment, we are handing over the bank account details to our reserve fund complete with full and unencumbered access to those funds. Is that right? If the money was going to help care leavers I would support it wholeheartedly. If the money was going towards the funding of the ongoing safeguarding of children, which is so desperately needed in this Island, I would support it wholeheartedly. Let us be clear, I cannot control the costs, Ministers cannot have control and it would not be right for them to do so. This inquiry is this Assembly’s inquiry but this Assembly cannot control the costs either. That horrible phrase “we are where we are”; I do not want to stop, I want to do what is right, but in my view it is just not right to give all these tens of millions of pounds to lawyers. We must, regardless of how we do it, deliver value for money, achieve more with less because at the moment we are getting very little of a great deal. In the letter given to all Members this morning from the Care Leavers Association there is a quote that the costs of the Northern Ireland Inquiry have gone from about £8 million to about £17 million. The population of Northern Ireland is 1.8 million people, so around £10 per head of Jersey’s costs by that rate should be £1 million. I will say no more. We do not have legislation in place for this type of event and we need to address that, but today is not the day. I do not know the cost, but I do not want to stop, but also I know that we do not have the money coming out of our ears anymore and we have ongoing child protection issues to address, but we have to reach a conclusion. We cannot go back and change the past but we can do so much more in the future. I know that continuing to run an inquiry where we cannot control costs will have an impact on everyone on this Island for



any number of reasons, including our circumstances this afternoon. It would be my wish to hear a few more speeches and move on, regroup and come back again at the next sitting. My hope would be that we can find a way forward that is acceptable to everyone, otherwise I will not be able to support this proposition. We can, we should be doing better on this. **[Approbation]**

### **9.3.2 Connétable M.P.S. Le Troquer of St. Martin:**

Parents give good advice, and my late father used to say to me: “Never say ‘I told you so’”, so I will not. There are a couple of ways we could describe the situation we find ourselves in today. We could say: “We are finding ourselves in a challenging situation”, we could say: “What a mess.” I do not know that we are in the second of these situations; the situation was always going to happen and everyone, every Member knew it at the time we discussed the approved terms of reference and approved the terms of reference, the public knew it; we knew it, or very much expected that this would happen. The Chief Minister was up-front with the Assembly on 6th March 2013 when he responded to my comments and concerns, and I have my Hansard. He said: “The Constable of St. Martin is right; I cannot stand here this afternoon with certainty and tell Members what the absolute cost will be. I can stand here with certainty and say the figure estimated at £6 million has got a good basis.” I asked the Chief Minister if the figure could reach £10 million in my wildest dreams, and the estimate from Verita was: “Not even close”, but I thank the Chief Minister for bringing it to attention this morning. The Chief Minister went on during that debate: “I hope that no Member will decide to vote against this proposition today because of cost; the work has been done, Members can be confident that the proper process of budget management will be put in place.” Indeed, those processes were put in place, but to a point. The proposition paper today clearly shows that the Greffier has acted entirely properly at all stages and raised concerns, as he was tasked to do. As Accounting Officer, he has identified how the inquiry costs were escalating and that unless more money was made available then the whole inquiry would stop. He was told that it would be £1.2 million just to wrap-up the inquiry. The accounting office knew about these concerns 9 months ago and raised it with the Council of Ministers and the Chief Minister, so this has been bubbling for some time and the bubble has burst. I have got concerns today when I read the answer to the written question from Deputy Higgins that the panel have directed the expenditure, not the Greffier, in fact; the panel themselves directed the spending of the money. Former Deputy Le Hérissier commented on my view during the debate and stressed the importance of a structured process overseen by people totally independent of our institutions. A number of other former colleagues of this Assembly, I see a former colleague in the Assembly this afternoon, spoke in a similar vein during the debate, and all those speakers agreed, with their different points of view, with the terms of reference, and the proposition before us that day was approved. The difficulty now comes, unfortunately - and I say it with great reluctance - but I do not believe we can tinker with the terms, or the terms of reference that the States of Jersey previously approved. I can see the headlines in the national newspapers tomorrow morning, be they misrepresentation of the facts or not: “Jersey Government tries to curtail inquiry into child sex abuse in government-run homes.” **[Approbation]** Another, depending on the newspaper, you might read: “Tax haven” - their words not mine - “runs out of money to fund child sex abuse inquiry into their state-run homes.” **[Approbation]** I am not sure which headline is worse or for whom, which Minister finds it the hardest to defend, the Chief Minister, Home Affairs; they all come into it: Treasury, Economic Development, Health, External Relations. It affects every department. Thirty-eight Members voted in favour of the Committee of Inquiry and the terms of reference for that committee; there were no votes against the proposition. There are 25 Members of this current Assembly who were among the Members who supported the proposition; that is a majority this afternoon, if all Members are present. This was always going to be an issue that would arise at some time and the Chief Minister clearly answered the questions I and others put to him during that debate. We all knew what might happen, and it has. The only target really that the

Committee of Inquiry have failed to reach is that they were requested in that proposition to complete its work within 12 months of commencing the inquiry. That was just a request and not a set deadline. My difficulty today is that there is no answer, and I know my colleague the Deputy of St. Martin has said it: there is no answer to this situation, whichever way we vote in the main proposition. If we vote in favour of the Chief Minister's entire proposition then we seem to be tampering with the inquiry, certainly with the terms of reference, and this, after the allegations have been made against certain individuals who have not had the right to respond, cannot be right. If we decide to vote against the proposition and seek the independent inquiry run its course, then there appears to be a double-edged sword. We vote against the proposition and there is no funding to continue, so it just follows: £6 million or £7 million, probably more, wasted, and not giving those people named already the chance to make any response to the allegations against themselves. Alternatively, we vote against the proposition and the Chief Minister and the Minister for Treasury and Resources have to find another source of funding, an unknown amount and, in effect, we are telling all the parties, the lawyers, solicitors, legal firms, everyone, that we have the open cheque book again. If the Chief Minister loses his proposition today then either one of these 2 options could happen, unless I am confusing myself and have not understood the propositions properly. I do not think there is any other source, but there may be other sources that would have to come back. I was a lone voice, and in fact a lone vote last year, when we voted on changing Standing Orders to allow U.K. lawyers representing victims, when I felt the proposition for privilege was a slight on the integrity of local lawyers. In hindsight, I wish I had pressed for tighter terms of reference, but maybe not as a lone vote, in the terms of reference that we debated, because I do not think we can do it now. I have been disappointed with some of the events that have happened since the inquiry began. I have tried to support the Committee of Inquiry, both as a Connétable and as a private individual. As Connétable of a Parish, I have replied to queries sent to us, as has happened in the other Parishes, providing replies to that committee. As a Connétable I have encouraged parishioners to make contact with the care inquiry team, wrote an article in a Parish magazine that was circulated last November throughout our Parish.

[15:00]

As a private individual, I made a written submission to the panel having lived in accommodation in the grounds of the Sacre-Coeur Orphanage until I was 26. I grew up with the children, I played nearly every day with the children and went to school with some of them. Never once did I hear a complaint of sexual abuse from any of the children I played with. Yes, the orphanage was strict, but so was my home and so was my school. Of the reports that we have read recently ... and that is why I made the submission, the personal one, the reports we have read of children being made to work in the gardens. I worked in those gardens with the children; it was not a plough they were pulling on their back, it was a harrow which broke the soil up so they could grow food for the children themselves. The media reports those children were inmates; absolute nonsense. The poor nuns, the sisters from the Sacre-Coeur Orphanage would be distraught if they could hear what was being said about them now. What really annoys me about the Committee of Inquiry, I have not even received acknowledgment of my written submissions and other information that I supplied to that Committee of Inquiry. In conclusion, if I vote against the Chief Minister's proposition I could be voting to close the inquiry by April, next month, or I ask the Chief Minister to go out and look for alternative funding. However, voting for the Chief Minister's maybe amended proposition, or it has not been amended as we know now, could result in the independent inquiry being able to continue the work they have been asked to do, however bitter a pill it is to swallow, because it will allow costs to continue to escalate to a figure that we cannot even calculate, but at least it will give those named an opportunity to answer the allegations made against them, those that are still alive, and surely that must be their right. It will probably result in a very long report which, at the end of it, will tell us that we got it wrong. I am sure we all know that already; another report to go with

the 15 that are mentioned in the Chief Minister's proposals. It will also show, if we carry on, that we did everything to identify what went wrong, when and why, to ensure that a reoccurrence never happens again. This is a very difficult debate and a difficult decision for us all. I will listen to the remainder of the debate and summing up, but I fear, with a heavy heart, that we will have to see this out without any further interference to the terms or the funding. **[Approbation]**

### **9.3.3 Senator P.M. Bailhache:**

As both the 2 previous speakers have said this is a very difficult decision for Members. It is difficult because it involves the balancing of conflicting points of view, often passionately held, each of which can reasonably be held. The inquiry has started and, in principle, everyone wants it to be finished. Everyone empathises with the victims of abuse. No one wants to see any wrongdoing covered up. Some of us would like to see a more balanced account than has so far emerged come into the light. On the other hand, I have no doubt that the public does not want to see tens of millions of pounds of taxpayers' money spent on bringing the inquiry to a conclusion. If it could have been done for £6 million it would have been supported, even though we have so many pressing financial problems on the horizon. I have a personal reason for wanting to see the inquiry fully concluded; paragraph 13 of the terms of reference provides that: "The panel should seek to establish whether those responsible for deciding on which cases to prosecute took a professional approach and whether the process was free from political or other interference at any level." I was a Law Officer between 1975 and 1994. I hope that I always took a professional approach and I can categorically say that I never permitted any political or other interference in the prosecution process. If there were the slightest evidence that I had, I should have been unfit to hold office.

### **The Connétable of St. Clement (in the Chair):**

Could I ask for quiet in the public gallery, please?

### **Senator P.M. Bailhache:**

However, I accept that I have an interest in the outcome of the inquiry and I am not, therefore, going to vote on the proposition and I will abstain. I am, however, going to speak and Members, knowing of my interest, will give my words such weight as they think fit. Some have said that I have always been opposed to this inquiry, and it is true that I have always been opposed to an inquiry with terms of reference as absurdly wide as these. I did not vote on projet 118 when it was adopted by the Assembly; I was opposed to it because I knew that the costs were likely to be uncontrollable and huge. I knew that from experience. In a large country like the United Kingdom, you can swallow such expense because it is a miniscule fraction of public expenditure, but that is not the case in Jersey. The Chief Minister recently reminded me that, in discussion before projet 118 was lodged in 2012 when we had been advised that the costs of the inquiry would be no more than £6 million, I predicted that there would be no change from £20 million, and that has proved to be correct. Now that we are all better informed about the scale of the task laid down in the terms of reference, my view has changed and I should be surprised if the final costs was much less than £50 million. Why do I say that? Not to frighten people. There are several reasons: first, experience has shown that the panel's predictions are unreliable. In June 2014 they told the Chief Minister and Senator Ozouf that they were confident that £6 million was sufficient, and indeed generous. Within a few months they realised that they were wrong. The panel's estimate of their own costs was revised. In October 2014, it went from £6 million to £7.8 million, in November 2014 to £8.8 million, in December to £11.3 million and in February to £13.7 million. With that record, it is difficult to be confident that the panel's February prediction is the final one. When you add-in the costs of the States lawyers and the lawyers for the police, the total is over £20 million. That ignores the costs of the Law Officers and their external advisers and the senior civil servants in several departments whose expensive time is being consumed. Secondly, although I may appear to have been critical of the panel's forecasting, my real criticism is directed at this Assembly, at us,

and those who advise us. The terms of reference are so extensive and suffer such a length of time that the numbers of potentially relevant documents is colossal. The panel is estimating cost on the basis of their knowledge at any given time and that knowledge changes. There are, I understand, nearly a million documents in the Law Officers' Department. A first trawl of the Health Department's database reveals that 6.5 million documents were caught by the terms of reference. Of course, when they are examined not all will be relevant but, as the Chief Minister states in his report, it is almost inevitable that further lines of inquiry will emerge during the course of the next phases which will mean that the costs will rise. None of us has any real idea of how long the inquiry will take; originally, it was to take 12 months and finish in June 2015. That was progressively extended to November 2015, July 2016, October 2016 and now December 2016, and every extra month adds nearly £1 million to the bill. Thirdly, the solicitors appointed to the inquiry are experienced in the conduct of U.K. inquiries, they were involved in the Bloody Sunday Inquiry and the West Staffordshire Inquiry. They have applied U.K. protocols to this inquiry. They are not applying what I would describe as a sensible, focused approach appropriate to the size of this jurisdiction. One example is the protocol on the redaction of documents, which required the States lawyers and the solicitors to the inquiry to redact or edit out irrelevant material, for example the names of innocent third parties unconnected with the inquiry. Only after that process of redaction was done did the inquiry's solicitors consider what documents they wanted to use, and that was usually only about 10 per cent; 90 per cent of these carefully-redacted documents went into the bin, never to be seen again. This happened for 9 months, wasting huge amounts of legal time and money. The States lawyers complained regularly but to no effect, until they demanded a public hearing before the panel on 15th October 2014. The panel stated that a new redaction protocol would be coming out within a week but, in fact, it was not until 5 months later, in March of this year, that the new protocol came into effect. The problem is that the solicitors to the inquiry have no real client to whom they are accountable, there is no incentive to be efficient and to have regard to the cost. Fourthly, the panel itself does not give me much comfort that cost is a material factor. The Minister for Treasury and Resources asked in writing for, and I quote: "An explanation, in as much detail as possible, of the currently-estimated costs for completing the work." The response which is in the Chief Minister's report, was that: "Public inquiries are, as you will be aware, inevitably expensive if matters are to be fully addressed." Then: "We remain fully committed to examining how costs can be contained while not compromising our duty to act independently and to give you a full report in accordance with our terms of reference." It is an understandable response from the panel, they are concerned with getting to the truth but, frankly, they are not concerned with cost. I doubt that the new procedural protocols, if they are put in place following the Chief Minister's proposition, will have any significant effect upon cost. I have said that I should be surprised if the final cost were less than £50 million. I accept entirely that that is a guesstimate. The truth is that we just do not know how much the inquiry will cost if it continues. I am afraid that I respectfully disagree with the Chief Minister; it is the proverbial blank cheque, the amount on the cheque is blank. In our private lives we would not take a risk of that kind and I suggest that we should not do it with taxpayers' money either. Some Members have said to me with an air of hopelessness that we have got to do it, but I think it is worth asking the question why. What are the arguments for continuing? Let us identify them. The abuse of children, whether physical or emotional, is one of the worst crimes in the book. No Member would say otherwise. I was opposed to the Committee of Inquiry with these terms of reference, but I supported some form of truth and reconciliation commission which would give victims the opportunity to be heard and help them to try to come to terms with horrible experiences of the past. Now, that opportunity has in fact been given, victims have been heard and taken seriously by a sympathetic and compassionate panel, which is entirely as it should be. I am sure that coming forward to give evidence was an act of considerable courage for a number of the victims. If this inquiry is to be

curtailed this is the appropriate, and indeed the only, time to do it because one of the major purposes of the inquiry, to give victims the opportunity to be heard, will have been fulfilled.

[15:15]

Is it unfair on the alleged abusers that they should not have the opportunity to respond to allegations publicly made against them? Yes, of course, it is unfair, but unfairness is inherent in an inquiry of this kind. There will be no resolution of disputed accounts. Some alleged abusers may be disappointed at the inability to respond before the panel, but the real point is that alleged abusers are innocent in the eyes of the law. It is a fundamental principle of our constitution that a person is innocent until he has been proved guilty in a court of law. They have nothing to prove. The media could indeed mitigate part of the injustice of hearing only one side of the story by publishing the statements of the alleged abusers, if they were minded to do so and the alleged abusers wanted to ask for that. It is unfair to the families of deceased individuals that the reputations of their relatives should be attacked; there can be no response, because the man is dead. I knew Senator Wilfred Krichefski; I do not know whether he was guilty of any crime. I do know that some of the things alleged against him were physically impossible and that, if memory serves, the original allegations were not specifically made against Krichefski. It needed the *News of the World* to speculate that he was the offender. I am afraid that unfairness is part and parcel of an inquiry of this kind, but the unfairness to alleged offenders, abusers, has to be balanced against the unfairness to the rest of the population of paying huge sums of their money to lawyers. Then some Members will say that we will suffer reputational damage. People will say that we have something to hide; just as the truth was about to emerge the inquiry is brought to a halt. I have several answers to that: the first is that it is not true; all the allegations have been made and published, nothing is secret, all the evidence is on the inquiry website. I think it is true to say that after a year of taking evidence, nothing new has emerged that was not known at the end of the Operation Rectangle investigation. If I am wrong, then any new evidence will be investigated by the police and any perpetrator, if the evidence is strong enough, will be prosecuted. I have not heard any evidence of government corruption. I suspect that there were cover-ups in the sense that some abusers, once detected, were allowed to move on without their offending being reported by the institutions to the police; 30 years ago that was what often happened, we know, in England, Ireland and Australia, and I should be surprised if it did not happen here. It happened in the Catholic and Anglican churches and in schools and institutions up and down the country; it was terribly wrong but it happened, and I do not need to pay vast sums of money to learn that the same thing happened in Jersey. The second answer to the reputational concern is that we should get things in proportion, and the Constable of St. Martin and I think also the Deputy of St. Martin mentioned this too. If this situation were transposed to the United Kingdom the United Kingdom Government, I am sure, would not think that it was in the public interest to continue the inquiry. There was outrage in London when the Bloody Sunday Inquiry was estimated to have cost £4 for every person in the United Kingdom. At £25 million, the cost of our inquiry to every man, woman and child in Jersey would be £250; the equivalent cost in the United Kingdom would be £15 billion. If my £50 million estimate is right, the figure is a staggering £30 billion. Would the U.K. Government allow such spending of taxpayers' money on a public inquiry? I do not think so. The third answer is that, whatever happens to our inquiry, there will be reputational flak. I understand that the former Deputy Police Chief has recently filed an 80-page memorandum with the inquiry, and I think that we can be fairly sure that that would provide much lurid material for the media which neither he nor they would be likely to publish without the protection of a committee of inquiry. I think that we have to be prepared to face down wild and inaccurate headlines in the tabloid media. I do not agree with the Constable of St. Martin and I think that we should not allow government policy to be dictated by a fear of what the media might say. We have done our best, we have been transparent, we have compensated the victims generously, even if sadly more money has gone to the lawyers than to the victims. We were misled

into thinking that the inquiry would cost us £6 million. We were wrong; it would cost vastly more than that. Our problem is that we do not have the statutory framework that exists in the United Kingdom and which enables protocols to be laid down by Ministers and costs controlled. They are non-existent in Jersey, we do not have a Tribunals and Inquiries Act. I accept that if the inquiry is brought to a close at this stage, constitutional issues might follow. The Home Secretary in the United Kingdom has not extended the ambit of the English inquiry to Jersey because of the Oldham Inquiry here. She might review that decision if our inquiry is faulty. For my part, I would find it entirely reasonable if lines of inquiry in England, for example in relation to Jimmy Savile, led to inquiries being followed up in Jersey by either the English, indeed or the Scottish or the Irish inquiries. I do not find that constitutionally objectionable. I would say that we should do what we can to help by making available relevant documentation that is not already in the public domain. I have one last point to make: this inquiry cannot continue without plundering for the first time since its establishment in 1986, the Strategic Reserve Fund. In a sense, that makes it too easy. If we had to make a choice between £14 million for a new Quennevais School, for example, and continuing the inquiry, that might make it bit more difficult, but there is no other readily-accessible money and the only option is the Strategic Reserve. The proposition asks the Minister for Treasury and Resources to bring forward a proposition to amend the policy in relation to the Strategic Reserve and to draw down £14 million. As a matter of law, only he can bring forward such a proposition. I do not think that Members should put the Minister for Treasury and Resources in such a position, he knows that once the dam is breached, it is so much easier for money to flow out. Once the £14 million is exhausted, he will have to accede to a request for a further £10 million or £20 million if it is made, and so on. The Minister for Treasury and Resources is a prudent man, he knows that the Strategic Reserve Fund is what gives the Island financial stability and international credibility. We face challenging times in the next 2 to 3 years, we may need our Strategic Reserve Fund because rainy days are upon us. We certainly do need it for the new hospital because if we build on a single site, as the Minister wishes to do, it will be significantly more expensive than the estimate so far made public. It would take courage to reject this proposition but in my view it is the right and responsible thing to do. There would be disappointment for some victims, and I am very sorry about that, but we owe a duty to other vulnerable groups too: the disabled and the mentally ill, to take but 2 examples. Only a week ago there was a headline in the newspaper: “Fears over scale of child sexual exploitation” when the police expressed their serious concerns about the grooming and sexual manipulation of children. What is more important: do we continue to apply our financial resources looking backwards or do we concentrate on the present and the future? We cannot do everything. I think that we should draw a line in the sand.

#### **9.3.4 Deputy E.J. Noel:**

In my 6 and a bit years in this Assembly this debate day is about the most difficult I have experienced. I echo much of the words that my friend, the Deputy of St. Martin, has already said. We all accept that our care systems failed some Islanders over a significant period in our history and, as recent prosecutions show, such evil acts are still present in our community today. We need to learn from our past and we need to also learn from the past of other jurisdictions. We need to put resources into the present and into the future. As we all do, I have canvassed opinion from outside of this Assembly before today’s debate. Without exception, I have heard in the first instance that we must continue with the inquiry but we must cap the costs. When I have explained that it is simply not possible for us to cap the costs because the inquiry is completely independent, I hear 2 strong messages: the first is disbelief; people simply do not understand that we have no control over the costs, that we have, in effect, given a blank cheque. The second message is surely that there must be a better way of trying to achieve what our aims are: what is the purpose of the inquiry? Is there another way to achieve the same shared outcomes? What we should not be doing is giving tens of millions of pounds to U.K. lawyers. We should be looking after the victims, we should be

doing all we can in terms of prevention. My trust in the Committee of Inquiry was shaken and then shattered over the second half of 2014. Shaken when the committee in the summer of last year via the Greffier contacted the Chief Minister to ask for their own remuneration to be increased substantially before they had even heard from a single victim. I attended a meeting in my capacity as Assistant Minister for Treasury and Resources together with the former Minister for Treasury and Resources, former Treasurer, the Greffier and the Chief Minister. We were informed that the committee had asked for a substantial increase because some of the lawyers involved would be earning more than them. What sort of message are we to take from that? I think it is fair to say that we were all disappointed at the stance of the committee and, from memory, I believe they even threatened to resign if we did not increase their fees. Reluctantly, we agreed to do so, we met them somewhere in the middle on the strict condition that the committee gave a firm undertaking to deliver their inquiry within the £6 million budget and to report monthly on their costs.

[15:30]

The committee agreed to those terms but they went on to further state in writing that the £6 million budget was indeed “generous”, not “adequate” or “reasonable”, but generous. So my trust has been shaken; what happened next was for it to be shattered. The committee went on to allow what can only be described as a fee-fest for the U.K. lawyers involved. The committee allowed for hundreds of thousands of pages of written evidence to be read into the inquiry. Let me explain what that means in reality to the Members of this Assembly, to the media and to the public so they can understand why these inquiry costs spiralled out of control and will continue to do so after today if we accept this proposition. To “read in” means exactly what it says: hundreds of thousands of redacted written documents are physically read by a number of lawyers to the committee, recorded by 2 stenographers, backed up by 2 technicians, costing probably in excess of £10,000 per day with the transcripts typed-up and posted on to the inquiry’s website, when simply they could have been taken as read, scanned and loaded up on to the website. I am told that we had some 24 U.K. lawyers staying in hotels on the Island, all at the inquiry’s expense, to redact these documents, many of which, as you have already heard, were not used. The committee had, to their credit, negotiated a reasonable hourly rate from these lawyers but failed to control the number of lawyers that were going to be applied and assigned to what can only be described as this gravy train fee-fest. If the current estimate is to be believed, then the victims would have received under the redress scheme some £1.9 million out of the total cost of £4.6 million, so already the lawyers have had £2.7 million and the victims £1.9 million. The latest estimates of cost of the inquiry is some £20.2 million, so you have lawyers, mostly U.K., getting some £22.9 million versus the £1.9 million for the victims. That is a ratio of some 12 to 1, and it is only going to get worse. I say this because the committee’s estimates have been short-lived before they have been increased, almost on a month-by-month basis. From a “generous” budget - the committee’s words not ours - of £6 million through to £20.2 million. I refer Members to the Chief Minister’s report and to Senator Bailhache’s speech, which sets out how the estimates rose in October to £7.8 million, in November to £8.8 million, by December it was £11.3 million and at the beginning of February it was £13.7 million. Not unsurprisingly, we have not been supplied with an update since this proposition has been lodged, so let us not kid ourselves: this inquiry will cost significantly in excess of £20 million, based on previous projections. Is there a better way to achieve a better outcome? I think there is. I want the victims to receive closure if it is possible for them to receive closure, I want lessons to be learned from the past here in Jersey and from outside of the Island. Our past issues are no different to those of other jurisdictions, we have no different lessons to be learnt. I want those suffering at the present to be protected and given help. We cannot, unfortunately, eradicate such evil in our society completely going forward, but we must do all we can to stop it. What I do not want is to feed the shark frenzy that is happening now, I want to stop the fee-fest that we have been giving in tens of millions of pounds to U.K. lawyers. I want the money spent on the victims

to help them move on, I want the money to be spent on truth and reconciliation to avoid having future victims, rather than on U.K. lawyers. The victims have had their say, and that is right, they should have had their say; surely now we should continue on a different path to the one that we are currently on, on a path that delivers real benefits to those affected by past actions, on a path that allows intervention now, on a path that protects our children going forward. The Council of Ministers met last Thursday to receive an update on the M.T.F.P. 2 income projections. Previously projections, which are in the public domain, indicate that we were looking at savings of circa £80 million to £100 million in order to balance our finances by 2019, together with a cash flow requirement in excess of £250 million to get us there to bridge that possible gap between our expenditure and our income. After that update, I cannot say much more at this time, but those figures have not improved. We are facing substantial budgetary challenges; in addition, capital spending will also be necessary and difficult to fund out of tax revenues. The Committee of Inquiry is a one-off type of capital cost and is it really going to provide the benefit that we want to the victims? We now have the opportunity, to coin a phrase that the Chief Minister uses a lot: “To begin with the end in mind” to do this differently. That one-off spend can be more productive. As difficult as it is for Members, myself included, we have to stop this fee-fest and refocus on what we want to achieve. As things stand, we cannot control the costs of the inquiry. We certainly cannot cap the costs. Our trust in those who can, who should have been, controlling the costs, has been damaged, in my opinion damaged beyond repair. I would have preferred the proposition to have allowed the Minister for Treasury and Resources to determine his own funding source because whatever way you cut it, it is all public money. The Strategic Reserve is not free money. The lawyers’ costs need to be audited prior to payments being made and I urge the Chief Minister to have their fees costed. So may I recap to where I started my speech? In my 6 and a bit years in this Assembly this debate today is without doubt the most difficult I have experienced and I hope that we never experience this debate again. We all accept that our care system has failed some of our Islanders over a substantial period of time in our history and recent prosecutions show us that we cannot eradicate the evil within our society. We do need to learn from our past; we must learn from the past of others. We need to put resources into child protection for the present and in the future, and not into the bank accounts of lawyers.

### **9.3.5 Deputy J.A.N. Le Fondré:**

It is interesting. I agree with Deputy Noel for the financial situation that this Island is facing is not good. But this has been coming for the last 3 years and it is only really during 2014 we spent to the hilt and it is only just now that people are suddenly saying: “Oh, we have got a problem. We did not know about this before.” This has been coming for a long time. Now like I suspect many people, I am also extremely concerned on the level of legal fees and what is the understanding of both Senator Bailhache and Deputy Noel. The fact that we have fully qualified lawyers effectively reading out typed documents to a hearing - that may be the process, but my goodness, that does not sound an appropriate way of dealing with things, it is a feeding frenzy. But that in itself does not recognise responsibility in managing the cost of the inquiry and that is aimed directly at the lawyers - who by the way have said we cannot afford legal aid. So I accept I believe that stage is pretty well finished. But what we do not know is what the next equivalent stage is going forward and what kind of procedures are going to take place there. So looking forward for me, cost control is incredibly important. But, I am afraid, we have also got to recognise that justice is also incredibly important on the area. I am reminded of a discussion or a meeting, I think between the Chief Minister, possibly the Minister for Treasury and Resources, and myself and I think there was a representative - I will think of the name - I think it was Jim Diamond Consulting Limited many years ago. I do not know if the name is quite right, but that particular individual had a reputation and a career in analysing and digesting legal costs and the legal profession did not like him very much because he had some success. All I would suggest, perhaps to the Chief Minister, is perhaps



to get the equivalent of that individual or that company in on a regular basis, (a) to monitor the costs going forward and (b) to look at the historical basis. I would appreciate it if he would comment on that when he concludes because that might give some comfort as to where we are going; and also send out a very clear message. It is this balance between we need to have the justice, in my view, versus we cannot cope with the feeding frenzy that is going forward. The problem is that if one stops now there will be a burning sword. We know I think it is Rotherham and the Savile inquiries in the U.K. just to name the recent ones, and the ramifications of those seem to be carrying on and on and on. I am agreed with the Connétable of St. Martin: what message do we send out? I certainly for one do not want to see the headlines that he quoted; for example, the hypothetical ones of I think it was: "Tax haven runs out of money to fund the children's home inquiry into child abuse." What message does that send? Equally we have had and we will hear no doubt, other people coming up with all sorts of alternative suggestions: this is the way we should go. In other words, do not vote for this proposition; there is a better way. Well, the short answer as I have heard so many times from the relevant quarters during my boringly I think it is 10 years now, or getting close to 10 years in this Assembly: "We should have brought an amendment" because as we have heard in fact earlier today - in fact Deputy Martin might agree with me - in another scenario completely different we heard about promises that were given a year or 2 years ago about potential ways, about potential solutions. I think it was parking spaces for Green Street car park. Now they are not there; they have evaporated in the wind. So it is all very well talking about: "I want to see very well good intentions of different way of doing things," but the choice today if we do not vote for this, this inquiry stops, period. We then have a full delay of finding out whatever that new solution is and that sends a completely wrong message if it ever gets started again. If we stop it, it will be a burning sword. Therefore, yes, it is an incredibly horrible and difficult decision we have. But I think I am prepared to support the proposition as it presently stands being brought by the Chief Minister. As I said, if we stop it, it will look incredibly bad for this Island, and it will be a burning sword. Although you might stop it today it will not go away and I do not think that is a good message to send out and I do not think in the longer term it will be good for the Island. On that basis, almost reluctantly, but I will be supporting the proposition.

### **9.3.6 Deputy S.M. Wickenden of St. Helier:**

I, like the Deputy of St. John, have had many sleepless nights thinking about this proposition. I have looked at it from many different angles and all the hats I wear as a States Member, as a Jersey man, as a member of P.A.C. (Public Accounts Committee). As a Jersey man I think we have got to carry on. We need to give the victims, the witnesses and the alleged abusers their right to give evidence and the right to reply. That has to happen. But as a member of P.A.C. on this proposition when I looked through the figures I looked through the justification for money I do not see it; I do not see that we are having that level of financial management that says that they are spending money in the appropriate manner. How can we have figures forecast the changing on £1 million every month for a number of months? £1 million is a lot of money. I find it hard to quantify how for one year of running this inquiry it can cost £7 million, but it is going to cost a further £14 million for running it for another year.

[15:45]

Where does the escalation in costs come? I think we need to go back and have some proper financial management looked at how we spend the money. As Deputy Le Fondré says, I think maybe we should employ somebody to come and audit these accounts almost to make sure that we are getting the quality and the right bills for the services that have been provided. So in my mind this goes: we do have to carry on with the victims and the alleged abusers need their rights to be able to talk; secondary we need to clear Jersey as somebody that is open and transparent on these things. We need to move forward, and there will be a cost moving forward of how we rectify some of the things that were found out within this inquiry. But does this tell us that the right financial

management happened? It is not about unnecessary financial restriction. I do not want to restrict in that way; not about that. It is about proper accounting; it is about spending public money in the most efficient way. As a member of P.A.C. that is what we are asked to look at all the time - hold people to account. It is going to cost States departments £6 million here on the proposition, but there is no breakdown of where those costs come from. Let us see those costs. I would like the Chief Minister to come back maybe with where that is being spent properly. We need to have that classification. So I am saying: "I am sorry; can we go back and come back with better figures, better controls and then come back", even if this inquiry has to work *pro rata* - they have already had £5 million - just for a short period of time while they give us this reassurance that the money is being spent correctly. So I am not saying stop it; I am saying this is not right. It does not give justification. No bank would give you the money based on the information that you have provided. No business plan would give you the money based on the information required. There is nothing that sets out the strength of character to say that we are spending money appropriately - the people of Jersey's money. So I am sorry, I will not support this, but I would like you to come back with a new proposition where we can have things stated out in place.

### **9.3.7 Senator Z.A. Cameron:**

Inquiries are seen as a way of establishing the truth about what has happened and then inform public organisational policy and practice to improve future outcomes and prevent continuing harm. It is also hoped that they will provide a cathartic role in acknowledging the past, holding people and organisations to account for their actions and to help rebuild public confidence after devastating events. Hillsborough, Leveson, Chilcot and others have left many sceptical about the inquiry process. Indeed, the regulation and performance measures introduced after Harold Shipman and similar medical inquiries have led to the profession being burdened with additional bureaucracy which has probably been counterproductive in terms of future patient safety. Many other professional groups have experienced similar processes, introduced to try and reduce risks that have unintended consequences and reduce the ability to use professional judgment. So much concern has built up regarding the inquiry process that in 2012 the U.K. Government commissioned an inquiry into public inquiries. It is probably worth considering some of their recommendations. A poll of 2,000 people found that only 27 per cent had confidence in the process and 58 per cent felt they were too costly. Survivors of child abuse and whistle-blowers are perhaps even more cynical than most. The Savile Inquiry has taken 10 years to report and cost £200 million. In the meantime police, children's service and mental health budgets have been cut and it seems harder than ever to get the appropriate help and support overcoming the complex psychological trauma that can result from childhood abuse. Several useful recommendations have been made by this inquiry which have informed the U.K. Goddard Inquiry into historic abuse. There was insufficient time to consider whether any of these could usefully influence our inquiry and bring them today unfortunately. I started work for the Children's Service in 2003, just after the Kathy Bull Report and at the time of the Victoria Climbié and Lord Laming's inquiry. Since then there have been many investigation reports, many of which are listed in the proposition. The service has been restructured and moved premises, but still not enough has been done to get in the necessary expertise, do the assessments and give resources that would ensure prompt recognition of childhood abuse and provide appropriate skilled psychological support to reduce its impact. It is little wonder that in this environment conspiracy theories thrive and survivors and front line staff remain fearful about the consequence of speaking out. The adversarial nature of a judicial-based inquiry system unfortunately leads to the expectation that individuals will be named and shamed. That sexually abused children should be called to account and any attempt at cover-up exposed. But this then unfortunately drives the culture of blame and fear where organisations become defensive, fearful of losing their reputation. The reality is that sexual abuse of children is something that most of us find hard to acknowledge. In the past it has been easier to think that it exists in the imagination of sick

individuals. Recent revelations across the U.K. have unfortunately highlighted that it does indeed exist and when you have processes in place to look for it. So it is important that we do not wait for the inquiry to complete its work to put the services that we need in place. The police have made significant progress and I am aware that Health and Social Services are taking psychological trauma into account in their current review of mental health services. It does appear that in Jersey we have managed to set up an inquiry that despite initial scepticism has managed to gain the trust of those concerned. Many survivors have gathered up the courage to give evidence and revisit their traumatic childhoods, albeit at the expense of triggering flashbacks of past pain and terror. Can we say we already have everything in place to protect today's children and support those suffering from the impact of past abuse? Unfortunately not. So under the circumstances I think we have little choice but to grant further funds the inquiry is asking for. Having said that, it is essential that we develop a parallel process to find solutions so that when the inquiry publishes its findings, unlike Oxford, Rotherham and Rochdale, we are able to demonstrate that we have not only exposed the truth but can demonstrate that we have learnt lessons from past experience. Let us hope that by that time care leavers will feel their voice has been properly heard. The community does care about their welfare and we finally have got first class services in place.

### **9.3.8 Deputy K.C. Lewis of St. Saviour:**

Much of what I was going to say has already been said, so I will not go over it again. I would like to make just one point and I know I am being pedantic, but I have heard the care leavers today referred to as inmates. In my book an inmate is somebody who has been committed for some kind of criminality or mental disorder. I am sure no slight was implied but I would be grateful if care leavers were referred to as former residents.

### **9.3.9 The Deputy of Trinity:**

I am very aware how most Members find this proposition very difficult indeed; even more so than the original proposition to set up this carer inquiry many years ago. Now we face many more examples than envisaged. Nearly 5 years ago the then Chief Minister apologised that Jersey had failed some children who were in residential care. The Council of Ministers then realised that this needed to be done and it was one of the first steps of acknowledging that the system had failed the children. Soon after that the redress scheme started and to date 115 claims have been settled. This process was made as smooth as possible, but also importantly acknowledging what the victims who came forward had been through, and for some continuing to go through remembering what terrible and painful acts happened to them, some many decades ago. It is not easy for any community, least of all ours, to comprehend what people have done to our children, but it has happened. The then Council of Ministers and this Assembly acknowledged that fact. I find it, like all Members, very difficult to understand why anybody could treat children in such a way. But we have as an Island acknowledged this and dealt with it in every possible way we can: continued support, counselling, apology, the redress scheme and now the inquiry. We had not shied away from the responsibility we have for those victims. We can never turn that clock back, and of course wish it never happened to them. But nothing we can do can ever replace those dark years for those victims. This brings me on to the funding for the inquiry. It was decided by this Assembly that one should be set up so that victims, Islanders, can understand what happened, why did it happen and hear from those who experienced this terrible thing. I think it is also good to say that some good stories of good care and support have come out in the inquiry too. The panel was appointed: lawyers, officers to hear and read the evidence. This Assembly allocated £6 million and we now know it is not enough. A request by the Chief Minister to approve extra funding, £14 million. There are many people who say quite rightly it could be better invested in today's services. Yes, it can, and I for one want to see excellent children's services. It is a great deal of money and I am not comfortable with that cost, especially the cost of the lawyers. But we need to think carefully. If Members do not support the proposition what message will it send out to everyone? We started the inquiry, but when it was

still going this Assembly decides to stop it. What about those who have been named during the inquiry? We now need to hear their side of what happened. Is that not a sense of justice? The judiciary - we need to understand fully what happened there too. But also think of the message we send out nationally and internationally. We have heard from the witnesses but then decided to stop it for the next phase. There will quite likely be a lot of questions. Has Jersey got anything to hide? Will Jersey be pressurised into the U.K. for being part of the U.K. Committee of Inquiry? If that was the case we certainly would not have any control over the finances then. We would still need to support witnesses from Jersey who may wish to give evidence. But what message does it give to the victims? For some who for the first time told their story; painful memories and hoping to hear what did happen, to be told: "Thank you. That is it. No more." What will it do to them, let down again by this Assembly? Nobody can question it is a great deal of money, but we do need to continue, finish what we started, acknowledge that we are an Assembly that is mature and need to have the answers. No cover-up, however painful it may be. We are not the only jurisdiction that is addressing these real issues, but we need to face it full-on and not run away when it gets tough, especially for those victims. We need to finish this independent inquiry properly so that everyone together can move forward, but especially for those victims. They have a right to have their questions heard and answered and have funding accordingly, and I fully support this proposition.

#### **[Approbation]**

#### **9.3.10 Senator A.K.F. Green:**

Right from the outset I would like to express my strong support for this inquiry. This inquiry is firstly about the victims - the victims to whom I as the new Minister for Health and Social Services apologise to for the wrongs of the past.

[16:00]

It is also about allowing the accused to be heard and learning the lessons from the past to protect our future children and the children of today. I would like to remind Members, as the Constable of St. Martin did, that we unanimously in March 2013 supported the establishment of a Committee of Inquiry and its terms of reference. In that debate former Senator Francis Le Gresley who played such an important role in framing the terms of reference for the inquiry - he was of course the original proposer - stated that, and I quote straight from Hansard: "I believe that we have arrived at a position where victims of abuse, care leavers, bloggers, sceptics and even detractors can be confident that we will have a robust inquiry." For my part, I would suggest that robustness does not come cheap and that such an inquiry if not robust, is not worth undertaking. Indeed, it is the perceived robustness that I would argue has been responsible for its success. I talk about here, success in the terms of gaining the confidence of those who have suffered abuse while in the care of the States, such that they were prepared to come forward and tell us of their harrowing accounts. It would be inconceivable to call a halt to the inquiry now, which is what we would effectively be doing if funding was stopped today. If we were to take such drastic action, the positive message that came out from the setting up of this inquiry, that the Island is facing up to the horrors of the past, would disappear overnight. Others say we should not be afraid of comments, but the reputational damage to this Island, just as to the U.K. is about to embark on its own inquiry into historic child abuse, I believe would be immense. It would appear at best to all at this stage of the inquiry where there is still much work to do, that we would be putting financial considerations before those of the victims. Vote against and I can already hear the calls that others have said, for Jersey to be included in the U.K. investigation, with comments such as: "What are they, Jersey, trying to hide?" Then what are we to do? I am not a lawyer. Can we allow another jurisdiction to investigate any matter that happened in Jersey? If this inquiry, why not others? The constitutional fallout, I suggest, would be immense and the cost phenomenal. I cannot remember the exact figure, but I know that the costs for fighting L.V.C.R. (Low Value Consignment Relief) in the English Court were high and I am sure that constitutional debate would be even higher. Those outside of

Jersey, and for that matter many within Jersey, would ask: “How can this be happening in a prosperous - yes, prosperous despite our current financial challenges - how can this be happening in a prosperous offshore financial centre?” You can see the headlines now, local, national and international. Of course that is not to say that as with any formal inquiry it should not be run as effectively as possible. I believe the measures the Chief Minister has proposed around procedural terms of reference should give some assurance to the Assembly that costs are being monitored and will be contained. However I will come back to the main point. The chair of the inquiry stated in her letter to my colleague, the Minister for Treasury and Resources: “These are extremely serious matters regarding the historical care of children in Jersey. These must be fully explored and addressed if the victims and indeed the whole Island are to move on from what has been a very negative experience over recent years.” Of course, as I said before, we must give those who are working within the service, the opportunity to give their side of the story. We should not forget that one of the final phases of the inquiry is to hear the evidence regarding the recommendations of the future of Jersey’s Children’s Services. As the inquiry chair, again I quote, stated: “We must make a judgment whether the current services for children are fit for purpose and provide protection from the failures of the care in the past.” We can only do that if we are able to complete our inquiry in full. My predecessor, the previous Minister for Health and Social Services said in the debate in 2013: “I do not want the experiences of what happened in previous years to happen again. We need to hear what happened, understand from the past, learn the lessons and put in place any recommendations that improve services for all children in our care at that time for the future.” We have already acted as a Service to make sure what happens to children in our care is not repeated as best we can. Unfortunately you can never, ever guarantee that these cases will not from time to time reoccur. We have rapid improvement plans. I aim to have a Children’s Service Improvement Board in place shortly. We are investing in children’s services, in mental health services and the new hospital which would come alongside the continued funding of this inquiry. The way forward must be to develop services for today’s looked-after children, to develop preventative services to help families so that children get the best start in life and that they are not received into care in the first place. That has to be a way forward. We must never lose sight of the fact that this inquiry is about vulnerable children. In setting up the inquiry we have embarked on a journey. We cannot allow ourselves to be derailed part way by financial concerns that impacted, but ultimately called into question, all that has been done and all that has indeed been spent so far. We owe it to the victims and indeed all Islanders to see this through. In health terms, we must treat the whole condition and not attempt to cover up the symptoms. To some extent the whole debate is about how the question is asked. Do you want to learn from the past? Do you want robust services for our children and other vulnerable people? If you ask the questions in that way, the answer, I would suggest, must be: “Yes”. Of course, we must have sensible financial controls in place, but let us not forget that the core issue is about the abuse of vulnerable children. Who would want to put a once and for all financial price on that? I urge members to do the right thing and support this proposition [**Approbation**].

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

I do not have as much to say, because Deputy Green and a few others have already said some of the points that I wanted to make. The Deputy of Trinity said: “Yes, it was easy to make the decision in the first place, 35 people unanimous vote supported it.” That was because we were told exactly that it would cost a certain amount of money. If anybody had been bothered to go to the Société and listen to Verita’s report on their own report on what the inquiry would say, they said really: “Just have your cheque book at the ready and be aware of this.” But, unfortunately, as usually happens, there was only about 8 or 9 Members who went to listen to what they said that was not written down. So, as you say, we are where we are. But, we hope that the 35 Members who were ho-gung: “We have to have this inquiry” ... and I agreed. I agreed with the victims. The victims,

who are now still the victims, wanted the inquiry because they wanted to be heard. A lot of the people have said today: "Well, it is costing more than the victims got." They were not interested in the money. A lot of these victims have not even gone through the redress scheme. They do not want the money. They want to tell their story. They want to be listened to. They want us to learn from what happened to them. I did laugh when I saw the thing that I could not support with Deputy Tadier to take out, that the inquiry should make full use of all the past reports. It would not hurt if all States Members made use of all the past reports [Approbation] and acted on the main recommendations. This is what must not happen to this inquiry. When it comes in we must act. I agree with Deputy Green. The letter is very telling from the chair of the Care Inquiry. The confidence gaining in a small community like ours, they did not think they would get many people come forward, it was slow and people have come forward. It is coming up nearer the date now. We extended the inquiry into 2014. We have 20 more witnesses. It is going to take what it takes to get this out there. I am not for cutting off this inquiry. I was absolutely, the word is, gob-smacked when I heard Senator Bailhache say: "Well, let them come over from U.K. and maybe look at people like Jimmy Savile." [Approbation] Well, can we now look at people who are not Jersey, it did not happen in Jersey, but they come to our shores and abuse their children? It is madness, absolute madness. I am really sorry that we have learnt today ... well, the first time I have learnt, that fees were going up. I agree with Deputy Wickenden, I think we need at the end of this an inquiry how we manage financial matters and an audit trail. I am not blaming anybody. We gave the blank cheque with the terms of reference, which everybody agreed must be done. Today, if people think ... it is not a hard debate for me. We started something, we have to finish it. The money, as you say: "How would it read?" Jersey, who is nowhere near the U.K., who owe billions of pounds, who really do have a deficit, they are borrowing money, borrowing money from all over the world, in some guise or the other, but this is how it would read: "Jersey cannot afford to finish their inquiry. Cut it off at the knees." I think it is absolutely disgusting, immoral and wrong that if people have been accused and falsely accused that they do not get their chance to go to the inquiry. This still is open for victims. They want to have their say. I am glad the inquiry is being run, not through the lawyers but through the panel, into the fact that they are feeling confident to come forward, confident to speak. As we say, hindsight is a great thing. I cannot let this be cut off now, have a botched report, all the money that has been spent so far you might as well chuck down the drain. But, we do need to learn lessons. We definitely need to learn lessons, how we spend money. As Senator Cameron has said, we do need to learn, but today is not the day for learning. Today is the day to be bold, make the decision and let this inquiry carry on. Hopefully within the £20 million bracket, but we cannot be certain. We started this and we have to see it through to the painful, bitter and expensive end. Thank you.

### **9.3.12 Deputy R.J. Renouf of St. Ouen:**

This causes much anguish and, of course, there are cogent arguments on both sides of the debate. I do not want to repeat many of them, but perhaps I wish to highlight just one group of people who will be affected by any decision we take today. It seems to me there is a fundamental principle that natural justice should allow everybody involved an opportunity to be heard. This Assembly set up an independent inquiry to conduct a full and complete investigation. That inquiry is only part way through. It has heard from many who have told of their experiences while in care. Those people, some of them have named and implicated others in wrongdoing. That evidence has been heard in public and has been reported extensively. It will not ever disappear. It is important, I believe, that we, as a Government, do not abandon the principle of allowing a response to that. Those named in that evidence, whether they be individuals or institutions, must have an opportunity to respond to that evidence. They must have an opportunity to tell us, to tell the public and anybody who wishes to know what happened as they see it. It must be put into the public domain in the same way as the evidence against them has been put in. Thus allow a balanced consideration of all the evidence that

is available. Without that, surely we create an injustice. Yes, it is true that this is not a criminal procedure, so they do not stand convicted. But, what is said against them is out there and will not be retracted. They will not have that opportunity to put a balancing response if they wish to. It seems to me we have a duty to, all of our citizens in the Island, having decided upon holding an inquiry, to allow everybody involved in the scenario to be heard and give their evidence.

[16:15]

We cannot go into reverse. Let us be prepared to conclude what we have begun while strictly applying those procedural and financial controls set out in the proposition. Thank you.

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

I was quite looking forward to today's debate, because I thought that collective responsibility would prevail and that I was going to hear at least 2 Ministers talking against the Chief Minister's proposition. But, the Chief Minister has spoiled that piece of fun. He has taken away collective responsibility, therefore, with it the possibility of 2 resignations from this particular proposition. However, that then, when I discovered that, filled me with the possibility that were this proposition to go down and be defeated anyway that might lead to the Chief Minister going and leaving us, resigning. That was an attractive prospect in the short term. However, we, as responsible statesmen in this Chamber, always look to the long term. What cheap victory today might appear more damaging in the long term. Let us have a look at what has been said today. It has been said quite straightforwardly by Senator Bailhache and Deputy Noel that we cannot afford to continue this inquiry. We have seen some shroud-waving from some Members who have spoken, talking about: "We need this money for the disabled. We need this money for those, young people especially, with mental health problems. We need it for all sorts of things." Perhaps I have some news for Members, we will need money for lots of things this year. Not just this year, we are going to spend most of this year talking about a strategic plan which largely says: "Grow the economy. We are in desperate need of some money and tax revenue." We are going to hear that not just for this year but for the year after and probably the year after that. Let us have a look at this glorious spend of money we are told now we have to stop spend. Who was responsible for setting up the inquiry? Who was responsible for governing or having some fiscal responsibility, some costing responsibility, over that inquiry? Why, it was a set of Ministers who, by and large, were there 6 years ago and are here today. I can see them in front of me. Assistant Ministers then or Ministers then, Ministers now. At least 7 of those Ministers responsible for setting up the Committee of Inquiry and having lax control over its spending. Who is responsible for the fact we have a structural deficit? As Deputy Noel was saying, was £80 to £100 million requiring £250 million of cash flow at some stage. Who is responsible for that? Why, those same Ministers. There, one, 2, 3, 4, 5, 6. Been around for the last 6 years, responsible for the decisions and the fiscal state in which we are in. There they are, all the same Ministers. The same Ministers failed, at election time, to say: "Oh, by the way, we think we are running out of money and it could well be that you are going to need some new taxes or some increases in taxes in the very near future." They did not say that, because they wanted to get elected, on a very cheap platform of no new taxes, no increase in taxes. They effectively misled the voters. That is the reality. Now, we are being told: "Because of the dire straits that we have put you in, we have to pull the plug, we have to stop this particular inquiry." Can you imagine the headline? I can. "Tax Haven Pulls the Plug on Abuse Inquiry." "Tax Haven Sweeps Abuse Under the Carpet." "The Cover-Up Continues." That will be the result if we pull this now. We could not possibly, having started on this, no matter how badly controlled in terms of its finances, it was, stop the funding for this now. It would leave our reputation on the floor. We have to support the continuance of this inquiry to make sure that justice is not just seen to be done, but done and seen to be done. It has been some years now, we cannot at this stage pull the plug. I cannot have my fun of seeing the Chief Minister resign or having any other Ministers resign because I have to support this proposition.

### **9.3.14 Connétable C.H. Taylor of St. John:**

I have never written so many speeches before, only to place them all in the wastepaper basket. Today we are facing a debate of emotion versus common sense. It is a highly emotional topic. That does not mean it is wrong. I have to look at the common sense side of it. I emailed the Chief Minister my concern that the fees were £5.2 million up until the end of 2014 and a proposed future spend of £8.4 million, which in my arithmetic came out at £13.6/£13.7 million. So, why were we being asked to put a total of nearly £20 million? The answer is that £1.8 million has already been spent in States departments, with a future budget of £6.5 million being spent in States departments. I am not going to protect lawyers, because they can do that themselves, but it appears that States departments are charging more than the lawyers. **[Approbation]** I think that a very clear set of accounts needs to be provided to this Assembly as to where that money is going and, more importantly, why. This Assembly, I understand, before I joined it, voted £5 million for departments to get their filing systems in order for the forthcoming Freedom of Information. Prior to that they had another sum of money to get their filing systems in order, so they could find information more readily. I am concerned that the departments cannot get this information out of their own budgets when they are asked to do so, especially when the money has been voted for them in the past. So, I find it very difficult to support the total payment of some £8.3 million to various departments to provide information to this care inquiry. Until I receive some more information on this I am afraid I will have to vote against this inquiry, even though my common sense says we should go ahead with this. My emotion says we should support it. But, I am afraid I cannot when I see £8.3 million being spent on departments providing evidence. Thank you.

### **9.3.15 Deputy S.Y. Mézec:**

We have heard comments coming from the context that we are all aware of, that we are in times of austerity. We know times are tough. We know the government is strapped for cash. This Assembly is going to spend much time over the next few years arguing, sometimes quite ferociously, over the difficult decisions that have to be made. I know, from a personal point of view, I will inevitably spend much of that time on the opposite side of the argument to the Chief Minister. But, this proposition we have in front of us, while I do not necessarily like all of it, while I do not necessarily agree with every clause, which I will inevitably be asked to vote for or against, the central principle behind it, which the Chief Minister is proposing is fundamentally right. Many members have said that this is a difficult debate. I do not think this is a difficult debate. I think this is a very, very simple and easy debate. It is made difficult by some Members contributions, which I find incredibly difficult to understand. This is a no-brainer. This is about whether we continue a committee of inquiry or whether we stop one. We know that Jersey has a very, very sad history in terms of child protection. There have been covers up and we need to get to the bottom of it. A vote against this proposition is a huge obstacle to that. We have heard phrases like “value for money”. Of course, we want value for money. I am not going to stand here and suggest that the Committee of Inquiry should spend money on all sorts of things which are unnecessary and are not conducive to it doing its job. Of course I am going to say that. Who is not? The Care Leavers Association are not saying that either. Like Deputy Noel, I too am disgusted by what I see as the gravy train, I believe is the phrase he used. I agree with it. The gravy train of the lawyers we have seen from this. The vast majority of it, I have to point out, is States of Jersey lawyers. I am aware that the lawyers for the Care Leavers Association have a cap on how many hours a week they are allowed to work, because the funding that they are given has a limit. I think that is utterly absurd, if you ask me. I will point out that on behalf of the Care Leavers Association I was trying to find out details about how much States of Jersey lawyers had cost this inquiry before this proposition was lodged. I thought that the Bailiff was obstructive to me in attempting to do that when I was trying to lodge written questions. I have to make that point. We know that there is an Access to Justice review going on at the moment, because we hear these complaints from some Members about the lawyers



here. Complaints which I have never heard them utter before. I was training to be a lawyer before I became a States Member and I found myself unable to go ahead with it, because I saw what we are seeing the worst of here today. I realise that, as somebody who believed that many of the aspects of our legal services industry are wrong and immoral, I could not, in all good consciousness, work in that industry, keeping my head down in the hope of furthering my career. The only alternative would have been to speak out and inevitably have no career. So, I am very grateful to be in this position where I can make comments like this here instead. Senator Bailhache said that he was not going to vote on this. Well, so what? It makes no difference. He has done the damage by his own speech, which had, I am sure, the intended purpose of slating this inquiry as much as it could, so that he could convince Members to vote against this proposition. In that context his own vote is inconsequential. So, I ask him, if he is going to take part in this debate, do not abstain. He should nail his colours to the mast and vote one way or the other. My personal view is that he should not have taken part in this debate. **[Approbation]** We have had to come up with different arrangements in this debate over who chairs it. It is for those same reasons that Senator Bailhache should have recused himself from this debate. The damage he has caused with his speech, I think, is utterly unconscionable. We have also heard about the people who so far have been accused of abuse. Now, if this inquiry does not go ahead, those people will not have the opportunity that they should have to defend themselves. I completely agree that they should have that opportunity. I find it so strange to hear some Members arguing in support of people like Wilfred Krichefski when that Member himself has also spoken in a previous role about the damage to the reputation of the Island that this has caused.

[16:30]

Well, I just have to wonder where on this list of things that the people feel indignation about are the victims themselves? Surely they are first, second and third in all of our considerations to do with this inquiry. Those are the people that matter. Getting to the end of this, for them it is not about money. It is about justice. It is about reconciling what has happened and, most importantly, making sure that it can never, ever happen again. The Constable of St. Martin spoke about the headlines we will see tomorrow. He is absolutely right. Deputy Southern gave some examples of what those headlines would be. Just imagine not just what that would do to this Island's reputation, because, as I said, that is not the main concern, as far as I am concerned. What is the main concern is: what will it do to those Islanders who suffered horrendous abuse in Jersey, who will then look at what they would have hoped was going to be something that would bring all of this to an end for them, suddenly to realise that it is either over or perhaps a new inquiry, led by the U.K. is going to happen. They will have to pin their hopes all over again. The emotional trauma that that will cause them, frankly, cannot be justified under any circumstances. So much can it not be justified that we should absolutely be giving this inquiry every single penny it needs to get the job done. Members have said we cannot afford to do this. We cannot afford not to do this. I think we bury our heads in the sand at our peril. I really, really, really hope Members will not do the wrong thing and instead will support this proposition. Frankly, if this is not supported I will feel ashamed to be a Member of this Assembly, because this is so black and white. It is about whether we get to the end of this or whether we do not. We must get to the end of it. **[Approbation]**

### **9.3.16 Deputy P.D. McLinton of St. Saviour:**

I made a lot of bad choices. I got through them. I will use parking as an example. I used to abandon my car on yellow lines all the time. Take the risk. I would stay in car parks. Pay the fine. Sure, that money could have gone on something better. But, I made choices, I paid the price. It is correct, we are now paying the price. We must continue to pay the price. We signed up to pay the price. The price went up. It was inevitable that it was going to. You cannot say: "Oh dear, this is costing a lot of money." Deputy Le Fondré is correct. It has been coming a long, long time. Get over it. This Assembly signed up to it. Another way? We would have been doing it another way

already if there were another way. This is the way. If the inquiry, as has been alluded to, is as good as done, then I would suggest that it would be naturally coming to its conclusion right now. But, it is not. We need now to let the inquiry come to its conclusion. Strangely in this environment, I want to talk about happiness. Happiness is not wealth. There has been a lot of banging on about money in here. Quite rightly, recently Senator Cameron alluded or mentioned in an excellent talk on mental health and wellbeing about compensation. If you do not let a person talk out their pain, and let us just say they are violently drunk, as being their mental health problem, then what are they going to do with that money you give them? They are drinking themselves off the face of the planet. They will become another problem somewhere else in society. We must let them talk it out. Happiness is not health. There are plenty of miserable healthy people as well. Happiness, put simply, is peace of mind; top to bottom, side to side, back to front, peace of mind. To be at peace with oneself is the greatest treasure of all, because from that comes everything else. You cannot put a price on peace of mind. It is what we all seek, each and every one of us. Interestingly the victims are not getting that much mention today. It is all about the money. But, we are not really talking about the people who have suffered anywhere near as much I feel this Assembly should be. These victims were robbed. They were robbed of their peace of mind, not just in the moment, but for the whole of their lives since. We must not rob them again. They want, they need, closure, a chance to exorcise the demons of their past. Any less than complete support for this proposition means some victims will not find their peace of mind. Let us not forget that part of the victim's closure is to hear the alleged abuser's side of the story as well. I come to the idea that the only people gaining from this inquiry are the legal profession. These brave people gain from having their voice heard. Financial compensation, while welcome, I am sure, is nothing but society's guilty way of saying: "Sorry, we screwed up." But, all the victims of abuse need far more than that. They need to talk it out. They need to be heard. They finally need to stand up and say: "I am still a lost, lonely, hurt, angry child and the reason is ...". Support the proposition. Let these brave people find complete closure with their pain. Let them know you care. Sure, this is about our reputation as a government. Sure, if we do not see this through it will affect us in the eyes of the watching world. But, I tell you this, that bothers me a great deal less than the idea of abandoning these poor people with their childhoods stolen by the brutal, by the controlling, by the sexually deviant. Yes, there will be people who really want this inquiry to stop because it has cost me a great deal of money. I am going to mention this and I am very pleased that Deputy Le Fondré mentioned already, Jim Diamond, a costs lawyer, who has been described as a pioneer of legal budgeting, who I would suggest may be employed by the Island to go over our legal bill with a fine toothcomb. He may be able to claw-back some of the money for our Island while still enabling the inquiry to do its valuable work. It is our perfect right to get the best value for money and, I believe, on his track record, he may be the very man for the job. I only mention him in this debate because his name keeps coming up off the record and, though it is already on the record, I want to make sure it is really on the record. Then there are people who would like nothing better than this inquiry to halt so their secret shameful past can remain just that. So that they can crawl once again under their stone satisfied that they will remain safe. We cannot and must not allow that to happen. We also want those accused to have their right of reply. We must thoroughly cleanse the Island's past shame because if we do not see this through it will and should for ever be your shame. The Government of this Island's shame that it did not have the guts to finish what it started, to do what it was elected to do, to care for the welfare of its people, to care retrospectively for its own lost children. I urge you to back the granting of any extra funds needed for the inquiry and bring the closure we promised it would. **[Approbation]**

### **9.3.17 Deputy D. Johnson of St. Mary:**

Of various addresses we have heard this afternoon I think they could be loosely put into 2 categories, one is looking back on the mistakes this Assembly made in the past and what we do

now in respect of the proposition before us. As far as the past is concerned, I have some sympathy with the remarks made by Senator Bailhache. I suspect that the terms of reference were far too wide and that is why we are where we are. That said, we are where we are and we can do nothing about it but we can take lessons from it. In the same looking back mode, I support what Deputy Le Fondré has said. The costs we have incurred, according to the schedule I have seen here, are in accordance with what was agreed and in accordance with invoices laid before the States Greffe and provided, if there is a complaint about fees charged to lawyers - and I am not in the business to doubt my profession here - that must be the way the process was worked out in the first place. I suspect that the lawyers have actually earned their crust on this one and if they have done more than they should have done then that is not their fault. Moving on to the actual proposition, I sympathise with the views expressed by the Deputy of St. Ouen, apart from the victims themselves - and I do not discount that at all - allegations have been made against those who are committing offences. They do have the right to be heard, as Deputy Mézec said, and we need to keep the inquiry going to give them that opportunity. The other poignant point made for me was by Deputy Martin. We have heard a lot about the costs here. The victims themselves are not so much concerned about money. The cost is not irrelevant but we are saddled with it, we are saddled with the responsibility of completing the inquiry and I endorse the proposition in that it does bring disciplines to the proceedings and hopefully we will bring a determination to it for the benefit of all concerned.

#### **9.3.18 Deputy M.J. Norton:**

Sometimes public speaking is quite easy for some people, for some of us, and on occasions like this maybe it is a little bit more difficult. I fall into that latter category this afternoon. I have listened to some excellent speeches from all across the floor and some that have made me quite emotional and some that have made me think very, very deeply. I heard one Connétable, I believe, say that it was a fight between the head and the heart. I have to say I disagree because my head and heart are in exactly the same place on where I stand on this. I congratulate Deputy Mézec for saying some excellent points and, while I do not think it is a complete no-brainer, I agree with his sentiment in that we either stop this inquiry right now, and all the costs that bring, or we make sure some justice is done to those who lost their precious childhood, because that is what we are talking about. As far as the money is concerned, of course we are between a rock and a hard place. We do not want to spend money we do not have or money we have to dip into from somewhere else, however, it is important - very important - to all those involved in the historic abuse that we make sure that justice is done and their voices are heard and the inquiry gets to its completion. Think of our children, or our grandchildren, or even of our own childhood, we know how precious childhood is. So when I hear a Deputy saying he was looking forward to having some fun this afternoon ... fun? I do not call this fun. Looking forward to a bit of fun this afternoon, a bit of sport and a bit of point scoring, that comment absolutely sickened me. **[Approbation]** We are not here to have fun this afternoon, we are here to make some very difficult decisions about some very emotive issues. We need to support this proposition in order that it gets to its conclusion. I, like many others, have stood up before and said: "Please let us not spend any more money because we do not have the money to spend" and we will be saying that again in the future, but on this subject we need to spend that money to make sure that justice is done. We started a job and we will finish it. I will be supporting the proposition.

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

It is with, like others, enormous concern that I stand today. There has always been doubt as to what this time-consuming and expensive inquiry will ultimately achieve. This was weighed against the need to disprove any notions of cover-ups and to permit every victim of abuse to have the opportunity to tell their story and in some instances be awarded compensation. The original States decision in 2012 was for a budget of £6 million for an inquiry due to be completed within one year.

It is appreciated that budgeting is not an exact science and we cannot predict the number of witnesses, records and statements that need to be examined. This does not justify, however, basing the structure of the inquiry on a U.K. model which may not be proportionate for a small jurisdiction.

[16:45]

In October 2014 the forecast cost was revised to £7.8 million, followed in November 2014, a month later, with a further revision to £8.8 million due to increasing legal costs to manage the document redaction and review process. In December 2014, a month later, the inquiry advised that it should conclude by July 2016 by which time the costs would be £11.3 million. Last month both costs and timeframe had changed to an estimated £13.7 million for completion in October 2016. While this information is documented in the report and proposition, I felt it important to remind Members and the public of the extremely rapid increase in expenditure over a very short time. Where will it stop? With the final report now expected to be completed by December 2016, there remains 20 months of further cost increases. All departments across the States will have to make savings and cut costs to a previous unparalleled degree over the 4 years of the next Medium-Term Financial Plan. My Department of Social Security has been asked to review and produce options for savings and costs cuts in the order of up to £18 million over the same Medium-Term Financial Plan timeframe. This will necessarily have an enormous impact on many vulnerable people. Income support expenditure is over £75 million per annum. So £18 million represents a very significant cut to the entire weekly income support budget. These are benefits that are supporting the elderly, the disabled and the children that need our help today. This is in addition to the 2 per cent savings every department has to produce, which for Social Security is another £1.5 million per annum. To realise this level of savings is going to be extremely difficult. I cannot reconcile the massive cuts to a Social Security budget with agreeing to an additional £14 million on top of the already agreed and spent £6 million, and the £3 million spent by States departments. Therefore the estimate expenditure so far is some £23 million. The proposition states that if further money is required after this additional £14 million, which in the view of many is very likely, the States will once again be asked to consider voting another lump sum for the inquiry to continue. As mentioned earlier, the final compensation total for the victims was £1.9 million, so the remainder of the growing expenses is mainly the legal fees. I voted for the inquiry to be set up, but I, along with others, had not envisaged that there would be no cap on whatever costs were incurred and with little or no financial controls over these costs. How can we justify what is essentially an open-ended agreement in very difficult economic circumstances? It is perhaps relevant to compare the £1.9 million paid in compensation to victims with the currently estimated £23 million to be paid, mainly to lawyers, to conduct the inquiry so far. I do not believe these additional costs are proportionate to the compensation paid or the likely outcome of the inquiry. I am greatly concerned that costs could continue rise exponentially which will have a disproportionate knock-on effect on funds available for other States responsibilities. I have been involved with a charity that supports vulnerable children for many years. It is right that the States is held accountable for the treatment of children of Jersey in the past. It is right that victims must be heard and helped to rebuild their lives. It is right that we must learn from our mistakes and keep children in our care safe. But I no longer believe that the money being spent on the lawyers in this inquiry is the best way to achieve these aims. I find it difficult to support this proposition without there being proper financial controls in place and a budget proportional to the likely outcomes.

### **9.3.20 Connétable J.M. Refault of St. Peter:**

The burden of this decision today is weighing very, very heavily on my shoulders. I, like other Members, made the decision back in 2012 on P.188/2012, and a large part of the proposition was to agree with whatever inquiry should be requested to complete its work with 12 months of commencing the inquiry. The proposition did not contain any cost parameters but the back-up

proposition did, the financial and manpower implications, and I will just read them out just to remind Members. “The Council of Ministers recognises that this inquiry will be complex and will need administrative support as outlined in the Verita report. The estimated known and quantifiable costs of the inquiry are put at some £2.04 million and are considered in other sections. Andrew Williamson considers these to be a fair reflection of the costs involved. Verita has advised that the legal costs of similar committees of inquiry may account for some 70 per cent of the total overall costs. However, the best estimate of the total costs of a committee of inquiry, including legal costs, is likely to be in the region of some £6 million. Costs will need to be met from year-end carry-forwards and contingency for emerging items.” I supported that proposition under those terms there. That is the inquiry that I supported and still do support that inquiry under those terms. Where the burden lands on my shoulders today is I cannot look at this proposition in isolation. I have to look at this proposition in a number of different ways, but to look at it in my role as Constable and my role as a representative of the people of my Parish. I have to also look at it in my role as a States representative sitting in this Assembly. Furthermore, I have to also look at it in my role as Assistant Minister for Health and Social Services, childcare is part of that service. A number of days ago Dr. Zoe Cameron did a presentation for Members about her experiences on the front line. Within that she pointed out that the numbers are estimated to be - in U.K. and therefore Jersey will be similar to that - the child abuse is one in 6 girls and one in 9 boys. This is not a child in care, these are children today living in our community. If we base Jersey on that same basis, down your road where you live there is a child being abused today. That is a horrible thing to think about. I have also looked at the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) and they did a report in June 2014 looking at the same pattern of abuse for children. Not children in care, children generally across communities. Their figures are somewhat different to Senator Cameron’s, they maintain it could be as little as one in 20 in some areas. There is only one child in 20. Only one child in 20. One child in 20 is one too many. At the bottom of every page of the report it says: “Every childhood is worth fighting for” and that is where the weight is falling heavily on my shoulders today, because I know that there is a high probability that we could have hundreds of children, say, in Jersey that need the protection of this Government, this Assembly. It is our responsibility, our moral responsibility, to care for the children going forward. We know the impact of child abuse and that that does to adults. There is very strong evidence that many who were abused go on to be abusers themselves, and certainly some of the older Members will remember the debate we had on family X, where the mother of the children was abused, she abused her children, unfortunately at that time the Social Services did not realise that she had been abused so they put the children with the grandparents. So the grandparents went on to abuse those same children. That is the type of scenario that we have a responsibility to protect. Members are saying this is not about people. It is about people because if we take funding away from where we need to be dealing with the issues of today then where do we take it from? If we agree today there is £14 million that is going to be paid out, hopefully that will be the end of it. We cannot find other areas. Today we are asking Health and Social Services to find £10 million of savings next year, and if we have to find more money where are we going to make those cuts? We are going to make those cuts in extending orthopaedic surgery times; we are going to make those cuts in general medical facilities; cuts in drugs, or are we going to be looking at the easy ones, cuts in childcare services or cuts to the vulnerable adults? That is where I have a great problem. I entirely agree with the Chief Minister in bringing this proposition and that we need to bring this to closure. What I cannot square is my responsibility to the people in our community today, including children, who we equally have a moral responsibility to protect. That is where I have an extreme difficulty. I came to this Assembly this morning with a firm conclusion, I cannot vote against the proposition but I cannot vote with it. I swayed this morning towards voting against the proposition and I am still very undecided where I am going to end up. But I do not think my moral obligation and my position as a representative of the people of Jersey, would allow me to ignore the ongoing problems

that we have today and potentially make that worse by putting money, vast monies, away that we should be redeploying perhaps into children today. I think just finally, there are a number of issues where I would like to understand - and unfortunately it is not in the proposition - what are the quantum of where we are? Where are we within the process of the inquiry? There was some talk earlier on that all the people that were making submissions have now made them, so we have all been heard, what would be the implication of cutting this short now? Is there a halfway house? Is there a point in between? I did talk to my colleague on my left, the ex-P.P.C. chairman, is there an option here for a reference back to get some more information and to allow us an opportunity to explore: "Is there another way?" without committing ourselves to the vast expense which will be drawing money away from where we really need it today. Thank you very much.

### **9.3.21 Senator A.J.H. Maclean:**

Members have quite understandably been struggling this afternoon with this very difficult, emotive debate. In many respects it is a no-win situation and for that reason it makes it even more difficult. It is not clearly just about money but you would expect me to make some comments, with my role as Minister for Treasury and Resources, about the financial side and I will do that so that Members, hopefully, are at least updated as best as possible with the implications of the decision that is before us today. I would say, before I make those comments, just some lines that I picked up from the very good speeches I have heard from many Members already this afternoon. In summary: what price child protection? What price those victims having the right to be heard and what price our reputation as an Island? These are some key summary points I think we need to reflect on and I am sure many Members are and struggling with, understandably. The proposition itself, of course, asked me, as Minister for Treasury and Resources, to, in effect, pull a rabbit or 2 out of a hat. I suspect that is not an unusual position for a Minister for Treasury and Resources but probably slightly more difficult in today's climate than it has been in recent times. The proposition requests that I look and consider that if there are insufficient funds from existing sources that could be reallocated then to seek to amend the Strategic Reserve by changing the policy and I will come back to that in a moment. Part (b), of course, looked at the Medium-Term Financial Plan and the possibility of varying that in order to find and allocate or reallocate appropriate sums. I will come back to that as well because it may well be that I will be coming back to this Assembly to seek to vary the existing Medium-Term Financial Plan for 2013 to 2015 and I will explain to Members very shortly why I may need to do that as well. The proposition also critically, under (c), seeks to provide some protection or put some measures in place to try and limit the costs of the inquiry but more importantly to ensure proper financial management is applied. I think it is probably worth, if Members have not, to refer to the website of the inquiry team themselves. It is an informative website and it makes some important points on that particular website. It talks about full transparency as Members would expect. It talks about publishing details of expenditure and not all details of expenditure have been published in the way that I would have expected them to have been. It refers to principles. It refers to applying principles of fiscal prudence. Prudence is a word I like and one that Members will get to hear more and more about over the coming months as we tackle some of the challenges that we face. It talks about applying principles of best value when sourcing and managing services and I think it was the Deputy of St. Lawrence, over there, whose name has just sprung out of my mind. **[Laughter]**

[17:00]

How I could do that as chairman of my Scrutiny Panel? I am going to be in a lot of trouble. Who quite rightly pointed out ... what has not sprung out of my mind is Mr. Diamond who, of course, is a cost control lawyer that Members will have heard mention before and I think some of the work he has carried out in the past, or indeed there are other similar individuals in firms, are those that we need to focus attention on in order to ensure that services that are being procured are done so in an efficient and an effective manner. I think at the very heart of the problems that we see before us in

terms of controlling costs have been the fact that quite rightly this has been an independent inquiry set up; independence is obviously critically important. It meant that there has been a reluctance, quite rightly, for anybody to be seen to be interfering for risk of that being misconstrued in a way that would be very negative for the outcome of the inquiry itself. The independence and the interference element has meant, combined with a very wide terms of reference, which I should remind Members and Deputy Southern, although he is not here, I cannot see at the moment, it is not Ministers that were responsible. In fact it was this Assembly that was responsible. We, as a collective, agreed the terms of reference which I think in hindsight were too broad. I understand in many respects why there was such a fight to ensure they were broad, as they were, but that is at the very heart of the cost escalation that we have seen together with some of the processes that have been applied. I think and hope that the controls that the Chief Minister's proposition seeks to bring will have some impact although I have to say I am not certain that that impact will be quite as we would like it to be and I will come back to that in a moment. So for Members source of funding, I just want to, very quickly, give a very rough and overall update on the position. Part of it was contained within the proposition. First of all, the Consolidated Fund, that, of course, Members will be aware is, in effect, our current account. My predecessor made some significant measures at the last budget to ensure that the Consolidated Fund was in balance. Members will be aware that is the Public Finances Law, the Consolidated Fund - our current account - has to balance and those measures were put in place at the last budget. I have to tell Members that we are now, at this particular point, not certain that the measures are going to be enough. That was the point I made a moment ago when I referred to the fact that I may need to come back to this Assembly to vary the Medium-Term Financial Plan 2013 to 2015 in order to address that situation and I will be updating Members shortly about that position but all I can say is that the measures that were put in place may indeed not be sufficient. The situation has moved on. Central contingencies. Members will be aware that there was a forecast of a surplus of £800,000. I can inform you that there are funding pressures above that of £1.5 million. So Central Contingencies is not a source for funding for the inquiry. The Criminal Offences Compensation Fund has a balance, as Members will have noted, of £2 million. That is a contingency and it needs to be contained or retained for exceptional court and case costs. So, again, not an option as far as this inquiry is concerned. There are a number of other funds which were utilised for balancing the Consolidated Fund, as I have just mentioned, and also various other investments of the States including dividends from the likes of J.T. (Jersey Telecom), Jersey New Waterworks and so on. So those sources have also been utilised. There are some unspent capital sums of around about £8 million, just over £8 million, but none of those are particularly easy to stop or to defer without some fairly significant consequences. The Strategic Reserve which, in my view, is going to be resorted to as an absolute last option. I do not wish to be the Minister for Treasury and Resources who finds the key to open the Strategic Reserve and therefore I think that some other measures are going to have to be looked at first before we do that. I say simply because the Strategic Reserve itself is going to be under some pressure, I suspect, over the coming years. I refer in particular for Members to the Fiscal Policy Panel Report recently which talked about the probability of a structural deficit by 2018/2019. What they were meaning by that, just to confirm the position, is that once our economy returns to capacity, which they anticipate will be around that timeframe of 2018/2019, if there is at that point still an imbalance in income and expenditure then that imbalance represents a structural deficit and we will need to prepare, and indeed are now putting in place, measures to be able to deal with that as a potential outcome but of course in the back of all of our minds - all Members' minds - will be that the Strategic Reserve may indeed be an option for dealing with that particular eventuality as will, as has been reported, the balance budget deficit which is estimated at between £50 million and £100 million at draft stage. I can say that in terms of cash flowing that it certainly could be £250 million and the Strategic Reserve again is a particular option for dealing with that cash flow element. We talked about the use ... and my predecessor again made the arrangement with regard to the hospital

and the significant cost of funding a new hospital. At the time the chosen option was 2 sites. There has been much debate and my colleague, the Minister for Health and Social Services, is looking quite rightly at other options including a single site for a hospital. What I can tell Members is that the 2-site option that was originally priced at £297 million and the proposals put in place to use the interest from the Strategic Reserve in order to fund that over a period, that sum of £297 million is looking now like it is significantly lower than would be the case if we maintained the 2-site option. Significantly lower, £50 million or more below what it could possibly be and a single-site option would be even more than that. I mention these figures just to give the context to Members as to what we face as we move forward in preparing for the Medium-Term Financial Plan and some of the very difficult decisions that Members are going to have to take in the coming weeks and coming months. I hope that the Chief Minister's proposition and measures within this proposition are successful at better controlling the costs and without impacting on the independence of the inquiry and I believe that the inquiry team are broadly satisfied that that is the case. Although Members need to be aware that the inquiry team is entirely independent and as such they would have every right to turn around, if they felt that it was impacting on their inquiry, and say: "Well, I am sorry we are going to continue following the terms of reference which have been agreed. Thank you very much for the points you have made but there we have it. We are going to continue as we are." That, of course, would have a very profound effect on the overall costs. The costs are a matter that I feel, in a sense, some Members will feel misled with regard to the advice given originally by Verita, it has been mentioned about, first of all, the terms of reference which they recommended and also the estimated £6 million. I know, as I think Deputy Martin pointed out, but sadly not all Members, or very few Members, turned up to the briefing by Verita. It is disappointing though that the report did not make it absolutely clear, I think, to those Members that were not there, that £6 million which they indicated as a reasonable price, despite what they may have said off record to Members who attended that briefing. It was also interesting that the panel chair of the inquiry at the outset felt that £6 million was generous and it is not just the views of the Members sitting here in this Assembly but you can imagine how members of public of the Island will feel when they thought they were understanding an inquiry to have a cost of around about £6 million and it has gone to the level that it has at this stage. The current estimated costs, by the way, and I think Members are aware of this figure, are £20.2 million. That is not a figure that I am pulling from thin air. That is the figure primarily that the inquiry team themselves have had input into and I think, therefore, it is not an unreasonable starting point. I say "starting point" because clearly the terms of reference of this review inquiry allow for many further sources to be investigated and of course £10 million or £20 million more than that would not be impossible. So, as I have said, sadly this proposition, although perhaps helpful, is not likely to control costs in the way that perhaps we would like them to be controlled although I think it is a step in the right direction. I leave Members to reflect on all the elements of this debate. I do not wish to cover again many of the good points raised by Members about some of the more emotive elements of this and it is a very difficult area. I will, of course, if this report and proposition is approved, return to the Assembly with proposals to raise the necessary funds to ensure that the £14 million initially, additional, is available and I will do that and inform Members what that will look like but make no mistake whatsoever that this will not be without consequences and it is consequences that I believe all Islanders in our whole community will have to face. So with that I am going to sit and I will just for Members' information in advance, say that I am going to support the Chief Minister reluctantly. I find this extraordinarily difficult, particularly with the position of responsibility I hold, because as Minister for Treasury and Resources I should not be supporting this. It is not the prudent thing to do from a purely financial point of view and, as I have said, there are going to be some significant consequences, I suspect, over the coming years as a result of the costs that we are incurring through and for this inquiry to be completed.

### **9.3.22 Deputy S.M. Bree of St. Clement:**



I would urge all Members to support this proposition. To those Members who may be thinking about opposing the proposition, this should not be about money. This should not be about politics, nor your opinion of lawyers. We have a duty of care, a duty of care to past, current and future children in care and to society in general. We have a responsibility to the public of this Island to maintain the Island's reputation on a global basis. If we do not allow this inquiry to continue by granting it further funding, we will damage our global reputation. That is a certainty. Remember the Island and its reputation is in our hands. It is our duty to resolve this situation and allow the inquiry to continue. But I would say to any Members who are considering abstaining on this proposition shame on you. **[Approbation]** This is not what you were elected for. By abstaining, you will be letting down the very people who elected you to this Assembly. Once again, I would urge all Members to vote in favour of this proposition.

### **9.3.23 Senator P.F. Routier:**

We can be in no doubt that there are Members who feel that the costs of the inquiry have now got to a level which is unacceptable and that the level of funds which are now being suggested would be far better spent on services which could support vulnerable people today, and I fully understand that view.

[17:15]

There are, no doubt, Members who consider that the inquiry is not even trying to control the costs and that lawyers have arranged the processes used to conduct the inquiry in a way which maximises their fees that they can earn. That may well be a very valid concern. What I believe we need is to strengthen the accounting processes that can happen within the inquiry. The consultation that has taken place with the chairman of the panel has taken place and the proposition before us today has been basically worked with the chairman of the inquiry and has come forward with their support, so I do not think we can ... if there are any Members who are thinking that what is being proposed today is going to restrict the inquiry in what they want to do, I think they can put that to one side. We do have a responsibility not only to the victims but also to the accused, but also we have a responsibility to the community who are paying for the inquiry. It has been suggested that in private lives we would not do it. Well, in my private life I certainly would do it. It would mean that I would want to get justice for whoever may have been affected and even if it did cost a lot of money I would want to achieve that justice, even to the extent of perhaps borrowing or even getting into debt. This may worry the Minister for Treasury and Resources but we do not have debt and we do not have borrowings. We do have reserves. There has been some reference to the economies of scale of the U.K. costs compared to the equivalent costs to individuals in both communities. I am not sure that that comparison really helps the debate. The U.K. has debt and borrowings and we have reserves. For some, this debate is predominantly about money. I do not necessarily share that view. I think it is obviously more about the people who are involved. I would ask Members to consider what the cost will be to our Island if we vote against this proposition. There could well be different costs and even costs which outstrip those we are talking about here today. What if we have to face the costs of being dragged into an inquiry from outside the Island? Those costs could well outstrip the costs that we are discussing. How much would it cost to get our reputation back? How much would it cost if we lost some business because of the reputation we had lost? So there are balances to be had. It is not just straightforward outgoing costs. There could be avoided costs of losing business. Some Members want to concentrate on the future resources, the need to focus on services now rather than perhaps spend this money. We need to do both. We have a responsibility to those who are in services now and those who are going to be there in the future. I know that the Minister for Health and Social Services and the Council of Ministers want to ensure that we do have appropriate services for those who are in care, and there is a lot of work going on about that. Tomorrow, there is a conference being held promoting the values of safeguarding and I will be there. I want to be able to attend in the knowledge that this Assembly takes our corporate

responsibility seriously and I hope that the debate today will give me that confidence to go to that debate tomorrow with my head held up high. There is no doubt in my mind that we have a duty to support our community by ensuring that the inquiry can complete its work. When Members are voting, I would ask them to focus on the words of Deputy McLinton, which highlighted the effects on individuals in our community, and I would ask them to support the proposition.

**9.3.24 Deputy C.F. Labey of Grouville:**

I picked up that some of the Members that are defending their perfect right to have the stance that they should stop the inquiry are looking to the future. They are saying we could do so much more in the future. The point is if we do not deal with child abuse in the right and proper way now, we will never move on. We will never get to the future because the perpetrators will know that they will get away with it and the youth victims will yet again be let down and they know that it will be pointless speaking out. We need to support them. We need to breed a culture where the vulnerable are supported and the perpetrators are brought to justice. Our culture will remain the same if we do not see this inquiry through. We have to do it. We have no choice. The States - this States - has to face up to its responsibility where it has desperately failed in the protection of children in the past. What we are grappling with here is nothing more than administration, which we have to address. It is very serious in the recession that we are in. There are a million more things that we have to spend our money on, but this is where we have failed in the past. We have the responsibility to those that we have failed. I would like to know, because nobody has said to me ... I have seen some Members nodding their heads when figures are spoken about, but a lot of States Members have not been given the right information. Well, not the right information, not enough information about scrutiny on the costs. Who is scrutinising the cost? Who is auditing the fees? Was there a tender process? Is there a percentage being provided on a *pro bono* basis? How are the costs going to be controlled into the future? Is revising the terms of reference something that we are considering when it decides to put ... these are things I would like the Chief Minister to address when he is summing up because I think these are things that we must resolve. But what we must not do is let it impinge in any way on the inquiry. That would be such a bad message to send out to victims of child abuse, people that this Island has failed. So, to my mind, it is simple. The issue is that we have a public duty to bring perpetrators to justice and ensure that children in our care know that they will be cared for, the vulnerable are cared for in our community. That to my mind is, as I said, our public duty and something that we have to do as a western civilised society.

**Deputy M. Tadier:**

If I just give notice that it is coming up to 5.30 p.m., I will speak as long as I need to, so if Members are happy I can either do that now or I can suggest we reconvene tomorrow morning, being mindful that the Chief Minister also needs to sum up.

**Senator P.F. Routier:**

I propose we continue until this debate is over.

**The Connétable of St. Clement (in the Chair):**

That would seem the logical thing. However, I do have to say that we will need to vacate this room at 6.00 p.m. because there is another engagement here. The States Building will be available again tomorrow morning. It is a matter for Members, but we will need to leave here at 6.00 p.m.

**Deputy J.A.N. Le Fondré:**

Can we have an indication of how many people are left to speak?

**The Connétable of St. Clement (in the Chair):**

I have Deputy Tadier and no others have indicated so far. Deputy Maçon has now indicated. Yes, there are quite a number. I have seen 2 others now, so it is a matter ...

**Senator L.J. Farnham:**

Can I test the waters here and propose the adjournment?

**The Connétable of St. Clement (in the Chair):**

The adjournment is proposed. Is that seconded? **[Seconded]** All those in favour, please show? All those in favour please show by standing? Those against? It is a bit too close to call. We will have the appel. Those in favour of adjourning ... sorry. Right, call the roll, please.

**Deputy M. Tadier:**

Chair, sorry to interrupt but I suggest we have a show of hands, which works well at Parish Assemblies and will be much quicker that they be counted.

**The Connétable of St. Clement (in the Chair):**

Could you call the appel, please, Greffier?

<b>POUR: 24</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Senator P.F. Routier		
Connétable of St. Mary		Senator A.J.H. Maclean		
Connétable of St. Martin		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		
Connétable of Grouville		Senator P.M. Bailhache		
Connétable of Trinity		Senator A.K.F. Green		
Deputy G.P. Southern (H)		Senator Z.A. Cameron		
Deputy J.A. Hilton (H)		Connétable of St. Peter		
Deputy K.C. Lewis (S)		Connétable of St. Ouen		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy E.J. Noel (L)		Deputy J.A. Martin (H)		
Deputy of St. John		Deputy of Grouville		
Deputy J.M. Maçon (S)		Deputy J.A.N. Le Fondré (L)		
Deputy R.G. Bryans (H)		Deputy of Trinity		
Deputy R.J. Rondel (H)		Deputy S.J. Pinel (C)		
Deputy S.Y. Mézec (H)		Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		Deputy of St. Ouen		
Deputy R. Labey (H)		Deputy S.M. Wickenden (H)		
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P. McLinton (S)				

**The Connétable of St. Clement (in the Chair):**

Just before we adjourn, could I re-emphasise and say thank you once again to the Constable of St. Helier and his staff **[Approbation]**, to all in the States Greffe and, of course, the Department of Electronics for making this afternoon’s session possible, workable, and I think it has worked really well. We stand now adjourned until 9.30 a.m. tomorrow morning in the States Chamber.

**ADJOURNMENT**

[17:28]