

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 10th DECEMBER 2019**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

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

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

#### **1.2 Filming in Chamber**

To inform Members, who were not told as they were coming in, there had been some filming going on. It has now come to an end. The purpose of that was simply to obtain library footage, because the current media's library footage was somewhat out of date. But now that has come to an end.

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING RECRUITMENT OF THE CHAIR OF THE JERSEY COMPETITION REGULATORY AUTHORITY: (WQ.535/2019)**

##### **Question**

Further to the presentation of 'Jersey Competition Regulatory Authority: short-term appointment of Chair' (R.144/2019), in which it is stated that the "Department recognises the importance of diversity in the recruitment of a permanent Chair", will the Chief Minister –

- (a) confirm that the recruitment process for the J.C.R.A. Chair will follow standards of best practice in relation to diversity and therefore include short-listing of candidates across the age range and that balances gender representation; and
- (b) state which members of the Authority, if any, are remunerated from the £300,000 Annual Grant given by the States, and how much of the total of said grant is used to contribute to this remuneration?

##### **Answer question (a)**

The recruitment of a new JCRA Chair, to take up the role in 2020, is overseen by the Jersey Appointments Commission (**JAC**). The JAC guidelines (**JAC Guidelines**) that apply in relation to the recruitment of States' appointees, and hence apply to the appointment of the new JCRA Chair, outline the standards against which this appointment shall be made. Amongst others, these standards are:

- Appointment on merit must be the overriding principle governing the appointments process. Applicants must be considered equally on merit at each stage of the selection process;
- The principles of equal opportunity and diversity must be inherent within the process;
- Each role will be advertised in such a way to encourage applicants from all sectors and groups, especially those who are under-represented at senior levels within public service;

- Every prospective applicant must be given equal and reasonable access to adequate information about the job and its requirements and about the selection process;
- Selection techniques must be reliable, consistent and guard against bias and be in line with discrimination legislation;
- Selection must be based on robust objective criteria applied consistently to all candidates;
- The application of the appointment process must be transparent. All stages of the process should be documented, and the information be readily available for audit.

The JAC Guidelines provide four reasons for the application of the above standards to appointments such as that of the JCRA Chair:

- To appoint the most appropriate person for the job on the basis of individual merit regardless of race, gender, age or any other personal factor;
- To put all appointments above suspicion of patronage or prejudice;
- To ensure that recruitment procedures uphold the political impartiality of the public service; and
- To maintain public confidence in the method of recruitment to senior appointments.

An executive search firm is being selected to undertake the search and advertising assignment for the role of JCRA Chair. The JAC Commissioner, appointed to oversee the recruitment of a new JCRA Chair, shall have oversight of the choice of search consultant and has been consulted in order to answer this question. The Commissioner shall also oversee the shortlisting of the applicants.

One of the factors for selecting the search partner is that it has a credible approach to creating a diverse list of candidates. As agreed with the JAC Commissioner, whilst everything is done to ensure as diverse a range of candidates as possible, the most appropriate person for the job, on the basis of individual merit regardless of race, gender, age or any other personal factor, will be appointed.

#### **Answer question (b)**

The JCRA receives an annual grant given by the States of £300,000 for Competition Law activities. The JCRA also receives income under the control of the mergers and acquisitions regime (application fees) and from licence fees from the regulated sectors (telecommunications, postal and ports).

The JCRA has advised that Board members' costs are allocated against the annual Competition Law grant according to the level and area of activity. Therefore, the amount of Board Members costs attributable to the grant will vary from year to year according to the level of Competition Law activity.

A provisional estimate for 2019 has been provided by the JCRA, which suggests that the Authority will spend around £25,000 of its grant on the remuneration of Board members. However, the JCRA has advised that a deeper analysis of its accounts would be needed to verify that. We are happy to ask the JCRA for that information if the Deputy would like more detail.

#### Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

The estimate of the cost of researching and producing this answer is £93.

Competition Policy Advisor x: 90 minutes

Director x 30 minutes

Head of Resourcing x 15 minutes

## **2.2 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REPAYMENT OF OVERPAYMENTS MADE BY THE MINISTER'S DEPARTMENT: (WQ.536/2019)**

### **Question**

Will the Minister state –

- (a) how much money was recovered monthly over the last year from Social Security or Income Support claimants through the repayment of overpayments made by the Minister's department; and
- (b) how many individual households are currently paying repayments for overpayment of such benefits?

### **Answer**

#### **Part (a)**

The income support scheme provides payments in advance to low income families. This ensures that vulnerable households are not left without funds to support their basic needs immediately following a drop in income. A system that makes payments in advance will always require adjustments where household income has increased after a payment has been made.

The table indicates the monthly totals for each month of 2019 in respect of adjustments from current Income Support claims and instalment payments received, in respect of the repayment of income support overpayments.

Some of this data has been extracted manually from operational records and the figures should be treated as estimates. As far as possible non- Income Support payments have been excluded from the analysis.

<b>Month 2019</b>	<b>Total amount received</b>
Jan	£190,000
Feb	£178,000
Mar	£240,000
Apr	£202,000
May	£296,000
Jun	£196,000
Jul	£360,000
Aug	£237,000

Sep	£194,000
Oct	£208,000
Nov	£246,000

(b) 1,172 IS household claims are currently being adjusted for overpayments.

**2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE IMPLEMENTATION OF THE JERSEY CARE MODEL: (WQ.537/2019)**

**Question**

Will the Minister advise on what date the Jersey Care Model will be implemented and, in particular, when Islanders are likely to see any change to G.P. fees or access to their G.P. surgery; and will he further explain what changes they will see to their access to primary care and how the Health Insurance Fund will be used to fund the Model?

**Answer**

As previously stated, together with my Department, I am fully committed to an ambitious programme to fully develop and implement the new Jersey Care Model and this work will continue throughout the rest of this year and the whole of 2020. This includes the Government Plan commitment to address the development of a model, which supports access to primary care for financially vulnerable individuals during 2020. GPs will play an important role in the new model and where patient costs remain in the new system, measures will be included to reduce or to remove those costs for financially vulnerable patients.

As highlighted in the Government Plan debate on this subject last week, the Jersey Care Model has made significant progress over the last 6 months. The HCS team involved has engaged with clinicians, partners (internal and external to Government), allied health professionals and support staff in the development of the model. They are now in active discussions with the public about the Model to make sure it works for Islanders. In parallel with this, the model is entering into a validation phase to provide external assurance that it is robust and sustainable. This assurance process will run up to June 2020.

Once the analysis of the healthcare system has been undertaken, we can work to agree a sustainable approach to overall healthcare funding, which has been long outstanding.

Early work indicated that significant costs could be reduced via transferring settings of care out of the hospital and re-invested. During the transformation phase, there will be a need to fund transformation – pump-priming services to get them started – which the Health Insurance Fund may provide.

**2.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING EXPENDITURE ON BUS SHELTERS: (WQ.538/2019)**

**Question**

How much has the Minister’s department spent in total on fitting bus shelters during the course of the last Medium Term Financial Plan; and will the Minister provide a breakdown of the location and individual cost of these bus shelters?

**Answer**

Since the Medium Term Financial Plan commenced in 2016, the total amount invested in waiting shelters for bus stops by my Department has been £391,831.81. This expenditure has delivered shelters at 23 locations across four batches, with a twenty-fourth structure in storage awaiting installation.

The shelters have been constructed in the following locations:-

Croix au Lion Southbound	Avalon Park Westbound
Beach Road Westbound	Grande Charriere Westbound
St Catherine Terminus	Longueville Manor Westbound
Grasett Park Eastbound	Rozel (Apple Cottage)
Don Farm Northbound	Springfield Stadium Northbound
Belle Vue Northbound	Cleveland Road Westbound
The Mermaid Northbound	Grouville School Westbound
Red Houses Shops Northbound	Clos des Sables Eastbound
St Brelades Bay Eastbound	Samares Avenue Westbound
L'Horizon Hotel Eastbound	Trinity Gardens Southbound
St Clements School Westbound	Bel Royal Gardens Eastbound
Marett Road Westbound	

A breakdown of cost per shelter is not straightforward to produce, principally because many of these costs are shared across each batch, such as engineering design fees which vary depending on the challenges associated with each site but are not necessarily disaggregated within invoices. However, as an example of a modest shelter facility in an urban location where some kerb realignment was required to enable installation while retaining adequate footway width, a Freedom of Information request from 2018 relating to the shelter installed at the Cleveland Road bus stop identified a total cost of £14,560.

**2.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE COMPLETION OF THE EASTERN CYCLE NETWORK: (WQ.539/2019)**

**Question**

Will the Minister –

- (a) state his target date for completion of the Eastern Cycle Network;
- (b) provide a timeline for subsequent stages to this project; and
- (c) state what funds are set aside for this project?

**Answer**

a) Without a reliable funding stream it is impossible to set a target date for completion.

The forthcoming Sustainable Transport Policy provides a policy framework to move us forward from the incremental underfunded approach typified by the Eastern Cycle Network.

If adopted by the States Assembly the released sustainable transport funding from the Carbon Emergency Fund, would go some way to addressing this issue and allow work on the next section to be accelerated.

We will only see the sustainable transport improvements we want when we have more money to invest on a recurrent basis, which provides for consistency to be able to employ the necessary resources and permits realisable long-term plans to be developed.

b) The lack of an established corridor, such as exists from the West, means a different approach is needed for the East, one that optimises existing infrastructure by allocating space to cyclists and pedestrians. The work focuses upon connecting the highest concentrations of households possible with key locations, to cost effectively provide the maximum potential for use and community benefit.

Sections of cycle network / safer routes to school that have been built as follows:

- Gorey to Grouville School (States decision funded separately by a rise in parking charges)
- Le Hocq to Le Rocquier School
- Le Rocquier School to LeSquez

While not strictly eastern a link has also been created from Havre des Pas via La Collette and onwards to the St Aubin's promenade to providing better linkage to support development of the eastern cycle network.

While individual schemes are policy under development and have sensitivities due to land ownership or transport implications for neighbourhoods, the planned phasing of the work is:

- Phase 1: Southeast routes
- Phase 2: St Saviour's schools
- Phase 3: Eastern links to outlying populations

Proposals are also under development for a town network. It should be noted that town network and the phases above are all closely interlinked.

c) There has not been specific Government budget for the Eastern Cycle Network, rather the 2011 Island Plan provides for "Planning Obligation Agreements" (POAs) to be made;

*“8.57 Within the defined corridor Eastern Cycle Route network area applications for new developments, such as housing or employment-related uses will be assessed to determine their potential to contribute towards the further development of the Eastern Cycle Route network: this will apply to residential developments of five or more homes and employment-related uses of 250sqm and above. In appropriate circumstances the sponsors of such applications will be required to contribute directly to the development of the Eastern Cycle Route network through the provision of a section of cycle path, in accord with adopted standards and guidelines, or to enter into an agreement to make an appropriate financial contribution to the development or enhancement of the network”.*

8.59 *The States of Jersey will, in partnership with others, also seek to develop sections of cycle network within the Eastern Cycle Route network area, subject to the availability of funding.”[Emphasis added]*

As POAs are realised and when enough funding is accumulated a section of the eastern cycleway is taken forward, supplemented by the Department’s internal funding for sustainable transport improvements. Due to this irregular funding mechanism and the challenges of acquiring land, the eastern cycle network has necessarily developed incrementally.

The funding currently available through the POA mechanism to support the next phase is £114,224.

It is hoped that funding included in the forthcoming Sustainable Transport Policy will supplement this.

An obvious way to raise this money is through more accurately recognising the social and environmental costs of private vehicles and introducing new economic instruments to transfer money away from invisible subsidies to motorists and into new public infrastructure and improvements.

## **2.6 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF ADMINISTERING THE INCOME SUPPORT SYSTEM: (WQ.540/2019)**

### **Question**

Will the Minister provide an estimate of the cost of administering the current Income Support system; has she undertaken any assessment of the potential cost of implementing a universal basic level of income and, of so, will she state the potential cost; and, if not, will she commit to undertaking such an assessment?

### **Answer**

The costs of administering Income Support for 2018 are £2,072,000. This includes all staff costs, overtime, social security contributions and employer pension contributions. In addition, there are administration costs that are shared with Customer and Local Services as whole, for example premises, utility and IT costs.

Universal Basic Income (UBI) is a model for providing all citizens with a given regular sum of money, regardless of their income, assets or employment status. There has been no assessment of the cost of implementing a UBI scheme in Jersey and this project is not included in the current ministerial work plan.

**2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PERFORMANCE MEASURES AND STANDARDS IN PLACE AT ORCHARD HOUSE: (WQ.541/2019)**

**Question**

Will the Minister advise what performance measures and standards are currently used for the functions undertaken at Orchard House?

**Answer**

1. Total acute admissions in period
2. Total acute discharges in period
3. Adult acute beds per 100,000 registered population
4. Adult acute bed occupancy excluding leave
5. Adult acute bed occupancy including leave
6. Adult acute admissions per 100,000 registered population
7. Adult acute admissions per bed
  - Adult acute admissions – male
  - Adult acute admissions – female
8. Adult acute admissions – patients aged under 18 years
9. Adult acute admissions – patients not previously known to services admitted (as a % of all patients admitted)
10. Adult acute admissions – patients of no fixed abode admitted (as a % of all patients admitted)
11. Adult acute length of stay excluding leave
12. Adult acute length of stay including leave (mean)
13. Adult acute length of stay including leave (median)
14. Proportion of patients discharged with LOS<sup>1</sup> 0-3 days
15. Proportion of patients discharged with LOS 4-13 days
16. Proportion of patients discharged with LOS 14-59 days
17. Proportion of patients discharged with LOS 60 days plus
18. Adult acute admissions under the Mental Health Law (MHL)
19. Adult acute admissions under the Mental Health Law per 100,000 registered population

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<sup>1</sup> Length of Stay



20. Adult acute mean length of stay for MHL detentions
21. Adult acute delayed transfers of care
22. Adult acute emergency readmissions (<30 days)
23. Staffing: actual vs planned hours for registered and unregistered staff split by days/nights
24. Staffing: % of agency & bank of actual hours for registered /unregistered staff split by days/nights
25. Incident data e.g. medication errors, use of restraint, violence and aggression, falls etc
26. Jersey Nursing Assessment and Accreditation System (JNAAS)
27. Delayed transfers of care – length and reason for delay

JNAAS (Jersey Nursing Assessment and Accreditation System) is a vehicle for assessing, monitoring and providing assurance around patient care in clinical areas. It involves the collection of data in the workplace and promotes four aspects of safety:

- open communication about patient safety
- local accountability for outcomes and improvement
- multidisciplinary teamwork focused on improvement
- visible leadership committed to safety and quality.

This process provides assurance and evidence that the service is working towards achieving and maintaining the required patient standards.

**2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE IMPROVEMENTS MADE TO ORCHARD HOUSE FOLLOWING THE MOST RECENT HEALTH AND SAFETY REPORT: (WQ.542/2019)**

**Question**

Will the Minister update the Assembly on any improvements that have been made to Orchard House in 2019 as a result of the most recent health and safety report and, furthermore, on any changes made in terms of the therapy provided there?

**Answer**

**Health and safety improvements to Orchard House**

There is extensive and detailed work planning in place in relation to improvements to Orchard House. I will provide an overview of the main areas covered, but my department can provide any extra detail that is required.

- **Flooring, decoration and internal renovation:** this is broadly on track to be complete this year. Some slippage has been caused by managing extreme pressure on the ward in November.

- **Personal alarms:** the new personal alarm system for staff has been introduced and is being reviewed for effectiveness.
- **MAYBO training:** All staff at Orchard House are now MAYBO trained. This is training which aims to reduce the risk of behaviours of concern and workplace violence through the provision of engaging, outcome-focused training programmes.
- **Additional management of violence and aggression:** the policy for managing violence and aggression is in place. We are in the process of completing a standard operations procedure for this policy to ensure that it translates into effective working on the ward.
- **External:** scoping works for the installation of external CCTV have now been completed. A planning application has been submitted.
- **Infection control and Legionella:** all necessary items from the risk assessment have been addressed.

### Changes in therapy provision

The service is working towards more formalised activity planning and provision. An activities co-ordinator role, dedicated to the ward, is to be advertised shortly. At the moment, the qualified Occupational Therapist on the ward engages patients on a 1:1 basis to complete assessments of need. Currently there is input from a clinical psychologist on two half-days each week. The offer includes:

- Psychology assessments and formulation to inform care plans and treatment plans
- Staff supervision groups
- Staff training.

Therapeutic activities are offered in the form of green activities (exercise and walking). Ward staff and community social workers have also begun some activity groups such as baking and meditation sessions. There is one full-time social worker based on the ward to support discharge and the provision of therapeutic interventions. In addition, there is now a psychology assistant based at Orchard House who is engaging people on a 1:1 basis four days per week focusing on psycho social education. We are now offering [Decider skills](#) groups on three days each week. [Teaching the skills to enable people to understand and manage their own emotions and mental health.] We are also working to develop bibliotherapy resources on the ward.

We will be asking the nursing and therapy team to document what activity is offered to people and whether or not it is being accepted. Using a recovery-based co-produced approach to care, everyone is offered the opportunity to work through the 'My Journey' resource with staff support.

There is also an increasing amount of work with outside agencies. An individual who works with MIND recently came onto the ward to talk about their own mental health journey. Going forward, we hope that MIND can provide a regular part of the offer to inpatients. Jersey Recovery College is visiting the ward and doing sessions with both patients and staff to ensure that both groups are aware of the services it provides.



# My Journey

<b>Name:</b>	
<b>Your named nurse:</b>	
<b>Your consultant or responsible clinician:</b>	

**Staff can help you complete this book**



**The aim of this 'My Journey' workbook is to help you develop an understanding of the difficulties which have brought you into hospital, your strengths, and significant life experiences. This is to help you plan your journey towards recovery.**

**This book belongs to you. You can use it to express your ideas, thoughts and feelings about your life and what has brought you to hospital.**

**Include things which are important to you such as:**

- **Your life story**
- **What support you want**
- **Things you find difficult**
- **Things you want us to do**

Only write what you are comfortable with. While you can keep this private if you wish, sharing this book with your clinicians will help them to get a better understanding of who you are and how they can support you.

You can keep the workbook with you during your admission and then take it home when you are discharged. It includes details of things you need to do once you get home.

You might find it helpful to share this book with your family and community care teams.

A member of staff can help you complete this book.

**The feelings, thoughts and behaviours that brought me to hospital** *(presenting factors)*

<b>My understanding of why I have come into hospital</b>
<b>What do I do or say when I am distressed, angry, frustrated or overwhelmed?</b>
<b>How my care team can help/support with these problems?</b>

## **My important early life experiences** *(predisposing factors)*

**Important things from my childhood and teenage years including family, friends, school, employment and relationships**

**Things that have upset me recently** (*precipitating factors*)

<b>Thoughts and feelings that have upset me recently</b>
<b>Things that have happened recently that have upset me</b>
<b>Things I've done recently that have upset me</b>

**Things that get in the way of my journey towards recovery**  
*(perpetuating factors)*

**My biggest difficulty is**

**I notice I feel worse when**

**When I feel distressed, angry, frustrated or overwhelmed I tend to think**



**Things that get in the way of my journey towards recovery**  
*(perpetuating factors)*

**I try to make myself feel better by**

**Other people try and help me by**

## **My strengths and support** *(protective factors)*

**My strengths and achievements**

**How I like to spend my time, what do I like to do**

**Things I do to keep me well**

## **My strengths and support** *(protective factors)*

**People, animals, activities and other things which help me cope**

**Groups, agencies and services which help me cope**

## Plan for my journey towards discharge and recovery

**What are my goals? What do I want out of life?**

**Things I would like to do or learn while I am in hospital**

## Plan for my journey towards discharge and recovery

**What support I need to be ready to leave hospital, including specific tasks**

**My journey to recovery will continue when I leave hospital**

## Going home information

<b>On-going health problem or clinic appointment</b>	<b>Action needed (e.g. contact GP)</b>	<b>Date</b>	<b>Location</b>

<b>Medication</b>	<b>Action needed (e.g. repeat prescription)</b>	<b>Review date and who by</b>

# My Safety Plan (can be completed with the support of staff)

## Patient TRAK Label

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## What is the risk?

--

## Step 1: Identify the early signs or indicators that a risk may arise

1.	
2.	
3.	
4.	

## Step 2: Do what has helped me manage these successfully on my own in the past.

1.	
2.	
3.	
4.	

**Step 3: Spend time with people and be socially involved/connected with others**

1.	
2.	
3.	
4.	

**Step 4: People who I can ask for help about my thoughts/feelings/problems**

1.	<b>Name:</b>	<b>Contact details:</b>
2.	<b>Name:</b>	<b>Contact details:</b>
3.	<b>Name:</b>	<b>Contact details:</b>
4.	<b>Name:</b>	<b>Contact details:</b>

**Step 5: Contact professionals or other agencies**

1.	<b>Named Clinician:</b>	<b>Contact details:</b>
2.	<b>Other Clinician:</b>	<b>Contact details:</b>
3.	<b>Samaritans:</b>	<b>Contact details:</b>



**Ensuring you make your environment safe**

<b>1.</b>	
<b>2.</b>	
<b>3.</b>	
<b>4.</b>	
<b>5.</b>	

<b>Completed by:</b>	
<b>Date:</b>	

<b>Agreed by:</b>	
<b>Date:</b>	

## Useful Contact Numbers

Orchard House  
(01534) 443360

Mind Jersey  
0800 7359404  
Email: [help@mindjersey.org](mailto:help@mindjersey.org)

Independent Patient Advocate Services  
07797716447  
Email: [p.winchester@mindjersey.org](mailto:p.winchester@mindjersey.org)

Samaritans  
08457 909 090  
Website: [www.samaritans.org](http://www.samaritans.org)

Relate  
(01534) 734980  
Email: [relatejersey@jerseymail.co.uk](mailto:relatejersey@jerseymail.co.uk)

Community Bereavement Service  
(01534) 876555/285144  
Email: [bereavement@jerseyhospicecare.com](mailto:bereavement@jerseyhospicecare.com)

Alcohol & Drug Service  
(01534) 445000  
Email: [a&dservice@health.gov.je](mailto:a&dservice@health.gov.je)

Alcoholics Anonymous  
(01534) 726681  
Email: [info@aajersey.org](mailto:info@aajersey.org)

Narcotics Anonymous  
0800 735 7810  
Website: [www.ukna.org](http://www.ukna.org)

Victim Support  
(01534) 440496  
Website: [www.victimsupportjersey.co.uk](http://www.victimsupportjersey.co.uk)

Citizens Advice Bureau  
(01534) 724942/617508  
Email: [advice@cab.org.je](mailto:advice@cab.org.je)

## Useful Contact Numbers (continued)

### Social Security

(01534) 445505

Email: [socialsecurity@gov.je](mailto:socialsecurity@gov.je)

### Andium Homes

(01534) 500700

Email: [enquiries@andiumhomes.je](mailto:enquiries@andiumhomes.je)

### Shelter Trust Jersey

(All age homeless projects)

Homeless Helpline: (01534) 730235

### Women's Refuge

0800 735 6836

Email: [info@jerseywomensrefuge.org.je](mailto:info@jerseywomensrefuge.org.je)

### YES (Youth Enquiry Service)

(01534) 280530

[yes@youthservice.yc.je](mailto:yes@youthservice.yc.je)

### Independent Domestic Abuse Service

07797818324 / 07797818327

### Victim Support

(01534) 440496

Website: [www.victimsupportjersey.co.uk](http://www.victimsupportjersey.co.uk)

### Sanctuary House (men's shelter)

(01534) 743732

### Silkworth Lodge (Addiction Specialist Centre)

(01534) 729060

Email: [info@silkworthlodge.co.uk](mailto:info@silkworthlodge.co.uk)

### TOPS (Triumph over Phobia)

(01534) 608008



**2.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PLANNING APPLICATION FOR THE WORK TO BE UNDERTAKEN ON CLINIQUE PINEL AND THE SURROUNDING AREA: (WQ.543/2019)**

**Question**

Will the Minister update the Assembly on the planning application on behalf of Health and Community Services for the work to be undertaken on Clinique Pinel and the surrounding area, incorporating the provision of a place of safety and the transfer of functions from Orchard House?

**Answer**

In my answer to the Assembly on 22 October 2019, I advised members that this was a complex project, bringing together three separate projects. Work has started on site for the first of these projects with some essential upgrade and refurbishment that is required to Orchard House. This should be complete by the end of the year.

I also stated that I hoped to be submitting planning applications the following week for the other two projects and indeed a planning application to relocate Orchard House to Clinique Pinel was submitted on 25.10.2019.

The new facility will provide 26 en-suite bedrooms, incorporating a 2 bedded Low Security Facility and a Place of Safety. Associated with this planning application is the need to relocate Beech Ward from Clinique Pinel to Rosewood House. This application was also submitted on the 25.10.2019.

Presently the Bye-Law Application and Detailed Design for both projects is progressing and additional staff have been allocated to expedite the approval and works.

The next milestones will be the submission of the Bye-Law Application by the end of the year and then to tender at the earliest opportunity followed by tender award and start on site in 2020.

The contract period will be determined by the successful contractor; however, the Design Team envisage the contract will take circa 15 months, which will realise a completion date in 2021 to be confirmed.

The agreed (essential) upgrade works to the existing Orchard House in order to bridge the gap until completion of Clinique Pinel are progressing well and most will be complete by the end of the year. Some items have required more detailed investigation / design, in particular, the improved heating / cooling and replacement sanitaryware and these works will be undertaken separately in the new year.

The importance of this project is recognised and in order to move it along with urgency, normal project protocols will be adapted where possible. It must, however, be noted that the sensitive nature of the clients in Clinique Pinel place a natural limit on how quickly the project can be expedited.

**2.10 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE FUTURE JERSEY VISION: (WQ.544/2019)**

**Question**

Will the Chief Minister outline how, if at all, Future Jersey relates to the new Target Operating Models, the One Gov programme and the Common Strategic Policy; and will he state whether there will be any update on, or follow-up to, the Future Jersey vision?

**Answer**

Future Jersey, our first shared long-term community vision, was published in 2017 following extensive public consultation. Future Jersey looks ahead 20 years and describes our ambitions as a community. Future Jersey has been fundamental in guiding the Council of Ministers in identifying the priorities for the Common Strategic Policy (CSP) 2018-2022. As a result, the priorities set out in the CSP link closely to Future Jersey outcomes.

Delivering better outcomes for Islanders requires a modern, innovative, efficient and effective public sector, as reflected in section five of the CSP. The One Gov initiatives and the Target Operating Model include significant process and capability improvements to improve public services and enhance outcomes for Islanders. Future Jersey is embedded in the new strategic planning and performance framework, ensuring that we work towards the longer-term outcomes set out in Future Jersey.

Future Jersey introduced a selected number of outcome metrics, providing measurable information on progress made against the vision. The current selection of metrics was a good start and helped us to understand how Jersey is doing, however, we recognised the need to bring together more information to support Islanders and government understand what progress is being made. A more comprehensive approach to measuring sustainable wellbeing has therefore been developed and will be published as Jersey's performance framework in January 2020.

It is anticipated that the Future Jersey vision will be tested and updated with our community once every 10 years to ensure that future opportunities and risks are being taken into account. The next Future Jersey update is therefore expected around 2027.

Cost of Producing Answer

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

The estimate of the cost of researching and producing this answer is £64.

Director x 30 minutes: £33

Business Manager x 15 minutes: £23

Director General x 15 minutes: £8

**2.11 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROVISION OF CANTEEN SERVICES AT THE ISLAND'S SCHOOLS: (WQ.545/2019)**

**Question**

Will the Minister provide a breakdown of all providers of canteen / food services at Island schools, indicating what the point-of-sale costs pupils pay for those services are and showing where any price rises have occurred in the last two years?

## Answer

School	Provider
Jersey College for Girls, Jersey College Preparatory and Le Rocquier	In house provision
Grainville, Haute Vallée, Hautlieu, Les Quennevais, Victoria College and Victoria College Preparatory	Capsicum Contract Catering
Janvrin and Samarès	Caring Cooks

The point-of-sale costs pupils pay per site for those services are detailed below showing price rises in the past two years where applicable:

### 1. Jersey College for Girls and Jersey College Preparatory, in-house provision, no price rises in the last two years.

<b>Sandwiches, Rolls and Wraps</b>	
Basic sandwiches and rolls	£1.70 - £2.20
Multi filling sandwiches, rolls and wraps	£2.00 - £2.70
<b>Salad and Pasta Bowls</b>	
Medium 250ml	£1.20 - £2.70
Large 500ml	£1.50 - £2.70
<b>Hot Meals</b>	
Main meal	£3.00
Additional cheese topping	£0.30
Baked potato plain	£2.00
Baked potato with fillings ( beans, cheese, tuna)	£2.50
Chips - Fridays only	£2.00
Chips with 1 topping (beans, tuna, cheese) - Fridays only	£2.50
Chips with 2 toppings (beans, tuna, cheese) - Fridays only	£3.00
Bacon/Sausage small roll	£1.50
Cheese/Tuna small roll	£1.50
Salad bar items	£0.70
Homemade soup	£1.40
Homemade soup and roll	£1.70
Assorted panini	£2.50
Plain roll	£0.50
<b>Breakfast and Break items</b>	
Cereal box	£0.60
Pain aux choc/pain au raisin/croissant	£1.00
Jersey Luxury Yoghurt	£1.00
<b>Fresh Fruit and Vegetables</b>	
Fruit - Apple, Banana, Orange, Pears	£0.40
Grapes medium pot	£1.00
Fruit salad (medium) mix from melon, pineapple, kiwi, peach, grapes and strawberries	£1.40
Melon pots	£0.80

Pineapple or melon boats	£0.80
Water melon pot	£0.80
Carrot small Pot	£0.70
Baby tomatoes small pot	£0.70
Cucumber stick small pot	£0.70
Salad bar items	£0.70
<b>Drinks</b>	
Selection	£0.40 - £1.00
<b>Snacks</b>	
Selection	£0.60 - £1.50

**2. Le Rocquier, in-house provision, has been in place for the past twenty-two years. There were no price increase in 2017/2018. The last price increase was in January 2019 when drinks and snacks increased by 5% and cooked meals increased by 10%.**

#### **Current**

½ sausage baguette	£1.10
½ bacon baguette	£1.10
½ bacon and sausage baguette	£1.70
French bread pizza	£1.45
Pain au chocolat	£1.00
Sausage roll	£1.25
Chicken curry and rice	£2.50
Pasta with tomato sauce	£2.00
Jacket potatoes from	£1.70
Cheese paninini	£1.35
Cheese and bacon	£1.70
Monterey chicken	£2.50
Chicken fried rice	£2.20
Lasagne and salad	£2.50
Fajitas	£1.45
Chicken roast potatoes and gravy	£2.70
Chicken kebabs	£1.45
Chips	£1.20
Chips and cheese	£1.65
Chips and beans	£1.50
Sausage beans and chips	£2.50
Sausage and chips	£2.20

**3. Grainville, Haute Vallée, Hautlieu, Les Quennevais, Victoria College and Victoria College Preparatory, Capsicum Contract Catering, price lists below for January 2018 and September 2019:**

#### **Capsicum January 2018 Price List**

##### **Good Morning -**

Fruit yoghurt pot	1.00
Granola yoghurt pot	£1.00

Piece of fruit	65p
Butter croissant	85p
Danish	£1.05
Bacon & egg roll	£1.85
Double bacon roll	£1.85

**Lunch -**

Home-made Soup	£1.80
Home-made Soup, bread roll & Jersey butter	£2.10
Home-made Sandwiches	£1.80- £2.30
Home-made Baguettes & wraps	From £2.25
Pizza slice	£1.85
Panini's	£2.40
Baked potato with filling (extra filling £0.75)	£2.20
Hot meal - First Option	£2.75
Hot meal - Second Option	£2.80
Hot meal & pudding deal	£3.25
Pasta pots / salad pots	From £2.10
Pudding	From £1.00
Pot of melon	£1.15
Pot of grapes	£1.15
Home-made Muffins	£1.05
Cookies	£0.80
Home-made bakes	From £0.80

**Drinks -**

Tea	£0.65
Coffee	£0.80
Hot chocolate	£1.05
Fruit Froozie (Small)	£0.80
Fruit Froozie (Large)	£1.35
Radnor Hills Fizz	£0.85
Still water	£0.85
HYD8 Flavoured water	£0.95
Sparkling water	£0.95
Britvic Orange juice can	£1.00
Radnor fruits	£0.95



## Capsicum September 2019 Price List

### Grab & Go – Available for Breakfast

Croissant or Pain au chocolat £1.20

### Grab & Go – Available all day

Ham cheese croissant	£2.00
Mixed melon & pineapple	£1.40
Fruit salad	£1.75
Fruit mandarin jelly	£0.65
Bircher muesli	£1.20
Strawberry yogurt granola	£1.35
Banana light cheesecake pot	£1.30
Strawberry light cheesecake pot	£1.30
Banana yogurt	£1.30
Fruit piece	£0.70
Sandwiches	From £1.90
Brown baguettes	£2.50
Tortilla wraps	£2.50
Sticky honey chicken & vegetable egg noodle box	£2.55
Falafel & Quinoa Box	£2.85
Chicken, Pea & Sweetcorn Pasta pot	£2.50

### Morning Break

Bacon & egg	£2.10
Bacon roll	£2.10
Hot turkey roll	£2.10
Egg & cheese roll	£2.10
Egg, ham & cheese roll	£2.10
Panini	£2.75

### Lunch

Hot Meal of the day	£3.30
Soup of the day	£2.15
Soup of the day, bread roll & Jersey butter	£2.45
Burrito, filled wholemeal tortilla wraps	£2.85
Baked brown baguette slice	£2.10
Baked potato with filling (extra filling £0.75)	£2.50

Reasons for the recent increases include:

- Introduction of an hourly rate equivalent to the Jersey Living Wage for all Capsicum Catering staff in June 2018 which resulted in an overnight wage roll increase of approximately 25%;
- Subsequent incremental increases to the Living Wage;
- Unusually high food inflation and price volatility over the two-year period caused by macroeconomic factors including Brexit uncertainty;

#### 4. Janvrin and Samarès, Caring Cooks (pilot programme started September 2019), no price rise:

Hot meal of the day and dessert £2.50 (free for Jersey Premium students)

**2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ACCESSIBILITY OF PRIMARY CARE BY THOSE PEOPLE IN MOST NEED OF SUPPORT: (WQ.546/2019)**

**Question**

Notwithstanding the Assembly's rejection of the Amendment to the Government Plan 2020–2023, P.71/2019 Amd., will the Minister –

- (a) inform members of his assessment of which vulnerable people constitute 'those in the most need of support' and who would therefore benefit most from a reduction in the level of co-payment for G.P. patients;
- (b) commit to removing the barriers to accessing G.P. services for patients who are financially, clinically or socially vulnerable, as defined within the Jersey Care Model, by the end of 2020 and state what sums he will allocate to reducing G.P. consultation fees from the £12.7 million allocated to improve wellbeing (as shown in Table 57 of the Government Plan); and
- (c) state, in particular, what additional funding (and from which source it will come) he has under consideration for any increased provision of primary care, as indicated on Page 18 of the Jersey Care Model?

**Answer**

- a) The Jersey Care Model defines the following groups to be vulnerable:
  - A. Financially vulnerable (those who are unable to afford the required GP consultations, either in the short or long term)
  - B. Clinically vulnerable (dental care for children, long-term conditions, mental health conditions)
  - C. Socially vulnerable (0-5yrs, all children, teenagers, elderly, vulnerable adults)

Not all of those categories require GP appointments. In the new Jersey Care Model, and reflective of modern primary care practice, not all patients need to see a GP. Different primary care resources, e.g. nurses, pharmacists, health care assistants can and should be used to provide safe, affordable and high-quality care.

- b) As stated in the recent Government Plan debate, a 2020 commitment is already in place in the Government Plan to develop a model to address access for vulnerable groups, with delivery targeted for 2021. We have engaged health planning professionals to help us develop and cost the model for services, which will improve access to primary care – not just GP services. This is a priority for us and has not changed in the week since the debate.

With regards to the £12.7 million in 2020 allocated to improve wellbeing, it is not envisaged that this will be used for reducing GP consultation fees as there are specific schemes allocated to this funding. We envisage that overall changes in the Care Model will release funding to support investment in other areas, such as improving access. This is being modelled by a 3<sup>rd</sup> party to validate our assumptions. It is right and proper that we should await the outcome of that report before deciding on the best way to improve access.

- c) We cannot commit at this point to a source of funding as the model is being worked up and options evaluated. However, it is envisaged that changes in the overall Care Model and transfer of activity from secondary care to primary and community services will significantly reduce Health and Community Services overheads and allow money to follow activity into primary care. During this transition period, funding is likely to be sought from the Health Insurance Fund to pump-prime this activity.

## **2.13 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE MANAGEMENT OF TREE NUMBERS IN JERSEY: (WQ.547/2019)**

### **Question**

Will the Minister advise –

- (a) what controls, if any, there are in law or policy to manage and maintain tree numbers in the Island; and
- (b) whether his department will undertake a tree survey in the Island?

### **Answer**

- a) Control in law is set out in the Planning and Building (Jersey) Law 2002 at Part 2 – Protection of trees, which enables the Chief Officer, as defined by that law, to protect trees which, in the interest of the amenity of Jersey, should not be cut down, lopped, or otherwise altered or harmed without the Chief Officer’s permission (see Article 58).

Article 19(4)(b) enables planning permission to be granted, subject to conditions which must be specified in the grant of permission: such conditions can be used to protect trees.

It is also relevant to note that the meaning of ‘develop’, in respect of land, as defined in the law (at Article 5(2)) includes, at (d), ‘to remove a hedgerow or banquette or other physical feature defining a boundary of the land or of any part of it’. The regulation of this activity may also, therefore, serve to protect trees.

The Revised 2011 Island Plan, approved by the States in July 2014, provides the policy regime for the protection of trees at Policy NE4: Trees, woodland and boundary features

### **Policy NE 4**

#### **Trees, woodland and boundary features**

Trees, woodlands and boundary features - walls, fosses, banquettes and hedgerows - which are of landscape, townscape, amenity, biodiversity or historical value, will be protected by:

1. refusing development proposals which will result in their loss or damage; and
2. requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and

3. adding individual trees and groups of trees which make an important contribution to the landscape, townscape or local amenity value of a site or area to the List of Protected Trees.

Development proposals which do not adequately make provision for the appropriate landscaping of a site - including the retention of existing trees and hedgerows, as appropriate, and the provision of new planting with species which will be of benefit to the Island's biodiversity - will not be approved.

Where new landscaping is not or cannot be provided as an integral element of a development scheme, or where existing trees or hedgerows are to be lost as a result of development and not adequately replaced, the Minister may require landscaping schemes to be carried out in connection with unrelated land or require financial contributions to the Ecology Trust Fund or Countryside Renewal Scheme, through the use of planning obligations.

Applications for proposals affecting trees, hedgerows and woodlands which do not provide sufficient information to enable the likely impact of proposals to be considered, understood and evaluated will not be permitted.

This policy is a material consideration where planning applications affect trees.

- b) Work, under the auspices of the previous Council of Ministers' Strategic Priority to regenerate St Helier, has been carried out by Jersey Trees for Life in partnership with Government of Jersey departments to survey trees in the public domain (streets, squares, parks and other land in public ownership) within the St Helier Ring Road.

I proposed that early in the new year we amend the Planning and Building Law to explicitly include trees within the definition of development. If this is approved, then it will open to the Minister to provide appropriate exemption in a General Development Order.

The Government Plan includes additional resources to ensure better protection of trees, particularly those in the urban area where they provide important wildlife reserves as well as contributing to the quality of the built area.

This will include tree survey work.

### **3. Oral Questions**

#### **3.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the identification of patients as financially, clinically or socially vulnerable: (OQ.310/2019)**

Will the Minister inform Members which groups of patients he considers to fall into the 3 categories of financial, clinical and social vulnerability, outlined in the Jersey Care Model and for which he will "consider all opportunities for expanding access" to primary care services; and will he state how many people are in each such group?

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

A major theme of the Jersey Care Model is to provide services further upstream than we do at the moment. Currently, our services tend to respond to crisis and that means we provide them at a higher cost than if we were to move services upstream into preventative and primary care. We recognise that the cost of visiting a G.P. (general practitioner) is prohibitive for some groups of

patients and we will address that by reinvestment in primary care as we move services away from the expense of secondary care provision. Much activity, that is currently undertaken in the hospital, could be commissioned out to primary care and the intention is that this will be free at the point of access. With regard to numbers, we are about to undertake a needs assessment across the whole care system by the health planner recently appointed to validate figures for each of the target groups. The report of the health planner will be ready early next year.

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

Will the Minister inform Members, then, how much is the likely cost of making access to primary care free at the point of contact?

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

Yes, that cost will be worked up by the health planner and health economist that we are engaging with and when their work is done, that information will certainly be made available to States Members and to the wider partners in the health service.

### **3.1.2 Deputy R.J. Ward of St. Helier:**

I may have missed it in the Minister's answer, but does he have a timescale for when the first implications of this will be seen by the most vulnerable groups, as are categorised by the Minister?

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

As I have been saying, many times over the previous weeks, it is planned that the health economist and health planner will finish their work by March and then we will be in a better position to put forward proposals to address the financially vulnerable.

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

Sorry, the question was not when the financial planners would have their work done, but when vulnerable members of our community would see some sort of change.

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

The Government Plan contains a commitment, by the whole of Government, to have a provision in place during the next year. We are actively working on it. It is a major theme of my departmental work.

### **3.1.3 Deputy M. Tadier of St. Brelade:**

Could the Minister confirm which disciplines of professional would be included in this free point of access? Does that include G.P.s?

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

I fully anticipate that it would need to include G.P.s, but not just G.P.s, but all primary care practitioners, I hope. But that detail is a matter to be worked out, or to be advised upon by the health planner and health economist. I am sure it would include G.P.s.

### **3.1.4 Deputy M. Tadier:**

Does the Minister agree that if he is to give free access, at the point of contact, to certain groups for G.P.s, for example, there are only really 2 ways of doing that? One is to either subsidise fully the cost of the G.P. visit, or the other is to employ G.P.s directly by the States, in order to deliver that. Are those the 2 main options, or are there other options, which the Minister is considering?

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

I do not think I need be prescriptive and say there are only 2 options. There are probably many more ways of making this provision and that is the reason why we are engaging with the health

planner and health economist, to understand the different ways that we can provide for the financially vulnerable.

### **3.1.5 Deputy K.G. Pamplin of St. Saviour:**

It is a good moment to remind Members that we have launched, as a Scrutiny Panel, a review of the future Care Model and I encourage all Members to come talk to us with their concerns. I would like to just expand on the second part of the Deputy's original question about considering all opportunities for expanding access. If I could just push the Minister a bit further on his answer to that part of the question.

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

I am not quite sure what the question was from the Deputy. Yes, we want to consider the needs of the financially vulnerable, so that they can access primary care services in a timely way, without being hindered by their circumstances. Because we know that, at the end of the day, that just adds to costs, which usually end up in the secondary care service.

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

It is all very vague and up in the air at the moment. Will the Minister inform Members what terms of reference he has given for the body of health economists he has tasked with devising this particular scheme?

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

I will undertake to circulate those terms of reference.

## **3.2 Senator K.L. Moore of the Minister for Education regarding the delivery of efficiencies in her portfolio: (OQ.300/2019)**

How does the Minister propose to deliver the efficiencies set for her portfolio?

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

Within the published efficiencies plan, £2.274 million has been set for my portfolio and £1.302 million for the Minister for Children and Housing. Specific to my portfolio, are 3 schemes totalling £806,329; the remainder of the scheme shared with the Minister for Children and Housing. The exact level delivered may be different to what is set, as schemes are further progressed. I have reserved my position on £1.781 million of efficiencies; £671,000 relate exclusively to my portfolio; the remainder being cross-departmental and cross-portfolio. I have agreed to the delivery of 7 efficiency schemes, which total £1.795 million.

[9:45]

£135,000 is within my portfolio and the remainder is cross-portfolio with the Minister for Children and Housing. The exact split between the ministries is unknown at this time, but will become clearer as the plans progress. It is for officers to carry out sufficient work, so that I can be assured that any efficiencies, within my portfolio, do not have any negative impact on a provision of education and supporting services and that all schemes are accurately costed and deliverable.

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

It is understood that, as the Minister has reserved her position on the £1.78 million of the efficiencies, that is because she has concerns as to the negative impact, or potential negative impact, upon children and education. So, could the Minister please explain what her concerns are and how she proposes to overcome this *impasse*?

### **Senator T.A. Vallois:**

Of the £1.781 million, the costs recovery scheme for Highlands College courses totalling £571,000; the analysis and the options being proposed, I do not believe are, at this point in time, appropriately sufficient and there is work being supported by an independent U.K. (United Kingdom) expert, which I am expecting an update later this week. In terms of the commercial operations costs recovery scheme of £100,000, this is also being worked up with further analysis and proposals for fee uplifts and income generating opportunities, to be presented to me before Christmas. The modern and efficient workforce efficiency, totalling £110,000, is reviewing all fixed term contracts within the Department, to see which ones can be ended this year, in 2020, in 2021 and onwards. Early indications are that it may be difficult to achieve that whole £110,000 in 2020, but the analysis is yet not complete. The largest proportion is, of course, the organisational structures with regards to the business support review, totalling £1 million, which is subject to intensive and detailed analysis to identify options and will be progressed throughout the first quarter of 2020. However, following a Council of Ministers meeting last week, I have had it absolutely confirmed to me that £1 million will not include school budgets.

### **3.2.2 Deputy I. Gardiner of St. Helier:**

Yesterday, during a public hearing at P.A.C. (Public Accounts Committee) with the Chief Executive, it has been indicated that the delay in implementation of target operating models is due to the political involvement. I would like to ask the Minister if the efficiencies situation will cause further delay in implementation of the target operating model in her Department?

### **Senator T.A. Vallois:**

It is highly likely that it may cause further delay and the reason why I say that is because the appropriate work has not been completed. My concern, with that £1 million, was that school budgets were included. Like I have stated, at the Council of Ministers last week, following that, it has been absolutely confirmed to me that school budgets will not be involved in that £1 million and, therefore, I am uncertain as to whether that is actually deliverable in 2020.

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

Just to confirm, because there is a lot of language being used there on the baseline ... classroom, in schools that would just not be the normal language they use. Can you confirm that, in schools, there will be no loss of teachers, teaching assistants and that kind, office staff, all of the support workers that, within a school environment, work together to provide that service for students?

### **Senator T.A. Vallois:**

As I stated, it was only following the Council of Ministers meeting last week and this is why I have been going backwards and forwards on the £1.781 million, because I wanted to be absolutely assured, while the school funding review is being carried out, it seems absolutely absurd to be suggesting any cuts from business support within schools, until we have had a proper analysis about our funding for schools and ensuring we have the appropriate funding and resources to support the delivery of education in Jersey. I can give an assurance to Deputy Ward and the Assembly that, at this moment in time, school budgets are not included in that business support review of £1 million.

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

If school budgets are not to be included in that £1.7 million, where does she anticipate any cuts can come from? Would it be from the further education budget, would it be from the higher education budget, would it be elsewhere within her Department? Where does she imagine £1.7 million of cuts can come from?

### **Senator T.A. Vallois:**

That is the million dollar question and that is why I have challenged the £1.781 million, because I do not believe thorough analysis and appropriate costs have been carried out, to ensure there will not be

a negative impact on education. I will continue to hold my officers' feet to the fire. I do not believe that £1 million is deliverable so far as the information I have received. The £571,000, for Highlands College, is of particular concern to me, after being a member on the anti-inflation strategy group with Senator Farnham about how we ensure increases of costs to the public are kept at 2.5, or below. The uncertainty around this £1.781 million is real and until I can have the appropriate analysis and costed and deliverables, I am unable to support them.

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

Is the Minister suggesting then that we are talking about additional costs, or prices being charged for courses at Highlands College? Is that a possibility?

### **Senator T.A. Vallois:**

That was the suggestion that was laid out in the efficiencies plan. It specifically referred to Highlands College, a £571,000 increase to particular course fees. That analysis is being carried out further, to identify, actually, whether that is capable of happening. My particular view is that a large amount of those courses support not just children who are within - or young people, who are in - the vocational sphere, but apprenticeships, as well and therefore will affect small business costs. The reality of that will be the possibility of them not taking up those courses and, therefore, those courses becoming unviable.

### **3.2.6 Deputy L.M.C. Doublet of St. Saviour:**

The Minister mentioned that she was being asked to look at fixed term contracts and whether she could cancel some of those staff going forward. Can the Minister inform the Assembly what types of posts tend to be covered with these fixed-term contracts? Is it within the Department, or is it posts like teaching assistants and teachers?

### **Senator T.A. Vallois:**

I cannot give the Deputy any further information about the fixed term contracts, as I do not have that. But I can assure her it will not be teaching assistants and teachers, at this point. I have been assured that it will not involve school budgets. That is what I have been advised. I can certainly get that information in terms of the ... there are 33, as I understand it, within this fixed term. It might be across myself and the Minister for Children and Housing, with regards to those particular positions, but the analysis that has been carried out so far, the reality is that it is unrealistic that it is going to happen in 2020.

### **3.2.7 Deputy M. Tadier:**

Could the Minister state whether one of the efficiencies she could use - I will try and put my teeth back in - would be the teaching of tongue twisters to school children? Seriously, would she consider the removal of the requirement, in Article 19 of the Education Law, for a pupil to attend an act of worship at least one day a week in schools, thereby freeing up time and resources for other more important issues?

### **Senator T.A. Vallois:**

The Deputy knows that we are carrying out a huge consultation with the Island, at the moment, about education. That will lead into a review and a change of the Education Law, that will come before this Assembly in 2021. Article 19, there is already an ability for parents to withdraw their children from acts of worships within schools. It is for this Assembly to decide as to whether they wish to withdraw that, when I bring forward the new legislation in terms of education.

### **3.2.8 Deputy M. Tadier:**



Although parents can, obviously, withdraw their children from that, it is still a resource requirement for schools to be able to provide that act of worship for schools which, in terms of state schools, are notionally secular. So, would she look to removing this as an efficiency, as a matter of urgency?

**Senator T.A. Vallois:**

The Deputy will recall the Deputy of St. John's Proposition about ensuring this Assembly changes legislation before savings, or efficiencies, are made. That legislation would have to come before the Assembly before I could go forward with that efficiency, if it was deemed appropriate to do so.

**3.2.9 Senator K.L. Moore:**

I would be grateful if the Minister could tell us when the analysis will be delivered to her. If she is not content with the analysis, when it is provided, what will the Minister then ask the Council of Ministers to do?

**Senator T.A. Vallois:**

There are different timings for different parts of the £1.781 million. The first part I am getting an update, later this week, with regards to the Highlands College courses. With regards to the business support review, the detailed analysis is due to be progressed throughout the first quarter of 2020. I do not expect to see anything substantial until, probably, the end of the first quarter next year. In terms of what I am doing in how we then progress this, I am having regular meetings with officers and I will be due to have a meeting with the Chief Minister, later this week, to discuss what has gone forward to the Council of Ministers, whether it is viable, whether it is deliverable and ensuring that any savings, that are put forward, are properly analysed, so that we ensure there is no negative impact on education going forward.

**3.3 Deputy M. Tadier of the Minister for Infrastructure regarding the future use of the current Les Quennevais School site: (OQ.309/2019)**

Further to his answer to Written Question 502/2019, regarding the consultation on the future use of the current Les Quennevais School, in which the Minister stated that the consultation "will take place once the options have been developed and are available", will the Minister explain why the consultation cannot take place now, as a means of developing the options to be shortlisted?

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

Regarding the consultation on the future use of the current Les Quennevais School, while there will, obviously, be a strong local feeling about what is required, the site clearly has a strategic value to the whole of the Island and careful consideration of all the options will be required. A form of consultation is currently underway. There is a call for sites public consultation, for the Island Plan, currently underway, which is asking members of the public to propose areas for development, or protection. I am aware that the Minister for the Environment is keen to encourage as many Islanders, as possible, to participate in this consultation and so I would, therefore, encourage all residents and the wider community to use this opportunity to now put forward their ideas for this strategically important site. With the healthcare provision in development, discussion around the future housing requirement and investigation into well-being and the provision of local services, we want to ensure that well thought-out options are presented for consideration both locally, but also for the Island as a whole. This site will be part of this wider discussion and debate. The Deputy and this Assembly will also be aware of the significant piece of work that is currently underway to review the Island Plan. I look forward to reading the public's views over the next few months.

**3.3.1 Deputy M. Tadier:**

With respect, I do not think that answer washes and I do not think it is satisfactory that the future of the current Les Quennevais School site be lost in what will be an expansive consultation on the future of the whole of the Island. Does the Minister agree that he needs to start consulting now, both with the residents of the area - who are already very keen for this to start and have been contacting local representatives on that issue - in order to develop options which can be put both to local residents, but also to the wider population to make sure that this is not, when it is presented, a *fait accompli*.

**Deputy K.C. Lewis:**

Not really. Islanders can now register areas of land in Jersey, which they think should be considered for development, or protection from development. In the next Island Plan, the call for sites is open until 14th February and is open to anyone, whether they are the owner, agent, or simply someone interested in the area. I would urge residents of the area to participate in this.

**3.3.2 Deputy S.M. Wickenden of St. Helier:**

I have to agree with Deputy Tadier that these answers are not washing. This site, where the school currently is, is in the built-up area anyway and I cannot see anywhere in the Island Plan where this would be changed.

**The Bailiff:**

Can I remind anyone asking questions, there has to be a question? I mean, it is question time.

**Deputy S.M. Wickenden:**

I want to ask the Minister, the plans that are being drawn up, are they going through a planning process now, to see how options could be fitting on the site?

[10:00]

Or are they going to be handed over to Andium Homes and ask them to look at building the plans for the site?

**Deputy K.C. Lewis:**

To the best of my knowledge, there are no plans for the area, at the moment. That is why we are asking for public participation to write in, or call in, and register their views with the Environment Department and Planning, to what should happen to the site in the future. I do not think we need 3 or 4 different lists going at the same time. This is open to everyone on the Island and I would urge residents in the area to participate.

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

Would the Minister confirm that the right way in which this should be processed is through the Regeneration Steering Group? Would he agree that my approaches to date, obviously with similar concerns of Deputy Tadier, that the site may lay unattended for years, if we listen to the Minister, would he agree that an approach to the Chief Minister's Regeneration Steering Group might be best? If that were to be the case, would he be able to give a timescale in that approach please?

**Deputy K.C. Lewis:**

I do not have a timescale, but I agree, it is a very valuable site, that needs to be made the most of. As I say, I would encourage all people to participate in this research, but I do not see any value of having 4 or 5 different schemes running at the same time. If everybody focused on this particular one, put their views in, they can register the site, what they would like to see there. If it needs preserving, preserve it, if they want it to be demolished, it can be a medical centre, a community centre, housing, whatever. That is not my decision. But everyone should participate in this scheme to register their views.

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

Could the Minister agree that the Regeneration Steering Group is the right body to be dealing with it?

**Deputy K.C. Lewis:**

I am more than happy for the Regeneration Steering Group to take this up. But, as I say, the Minister for the Environment is encouraging people to register their views on all sites in the Island, to see what they would like to do with this particular site.

**3.3.5 Deputy G.P. Southern:**

If I have got your attention. What role ... the routine is, I ask the question and you try and answer it.

**The Bailiff:**

Deputy, we are going to run out of ... I think those sorts of messages probably best come through the Chair, so if you ask me to say that then I might be prepared to say that. But similarly let us ...

**Deputy G.P. Southern:**

Thank you for that consideration, Sir.

**The Bailiff:**

Let us push on.

**Deputy G.P. Southern:**

What role does a replacement library play in his consideration and if none, why not? Will he consider taking on that consideration?

**Deputy K.C. Lewis:**

Absolutely. More than happy to talk that over with the Minister for Education and others.

**3.3.6 Deputy M. Tadier:**

Can I just confirm, with the Minister, that the consultation he is asking all Islanders to feed into, whether about the old Les Quennevais school, the current Les Quennevais school site, or any other site, is whether it should be developed, or whether it should not be developed? Is that the binary choice that is available to Islanders?

**Deputy K.C. Lewis:**

The call for sites, as I say, is open to 14th February. It is for members of the public to express their views whether they would like it developed into something else, whether they would like it demolished, whether they would like a healthcare centre, a library, or whatever; that is what we are inviting people to participate in.

**3.4 Connétable K. Shenton-Stone of St. Martin of the Minister for External Relations regarding Jersey's external relations with regions or jurisdictions where there might be significant Human Rights concerns: (OQ.298/2019)**

In light of the ongoing protests in Hong Kong and the release of the China cables, showing the mass internment of Muslim minorities in China, will the Minister explain how U.K. foreign policy informs the Island's external relations with areas where there are significant human rights concerns and whether the Government has considered any policy changes with respect to those external relations?

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

We co-ordinate our approach on human rights with the United Kingdom, which exercises the ultimate international responsibility in this area. Jersey is aligned with the United Kingdom, the United States of America and European Union member states in believing that promoting progress on human rights in countries, with a poor human rights record, is best perceived through a process of constructive engagement, both at political and business level. Officials are in regular contact with counterparts at British Embassies and High Commissions in priority countries and with counterparts on the Foreign and Commonwealth Office desk in London. We welcome the U.K.'s use of its diplomatic channels to deliver private messages, on the basis that this offers the best chance of delivering meaningful change on issues that are often viewed as sensitive by the Governments concerned.

#### **3.4.1 Deputy M. Tadier:**

Does his Department have a contingency for a situation where the U.K.'s foreign policy, for example in human rights areas, may be divergent to that which the Island would wish to pursue?

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

The Deputy surely knows the constitutional relationship. We are not a sovereign state. As a matter of fact, the United Kingdom is responsible for our foreign relations, as a matter of international law and, therefore, I do not quite accept the premise of his question.

#### **3.4.2 Deputy M. Tadier:**

The Chief Minister will be aware that this Assembly has expressed its views in regard to foreign policy in the past. One example being when Deputy Southern brought a Proposition for the Assembly to, I think in other words, condemn the invasion of Iraq. That was a difference of the States Assembly showing that it had an opinion, which was not the official policy of the U.K. Foreign Ministry. Does the Minister accept that not only is it constitutionally possible that it has happened and that, should it happen, Jersey has a right to express its own identity, which may be different to that of the U.K.'s?

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

I think the Deputy is, with respect, confusing matters. This Assembly, of course, can - providing it is in line with Standing Orders, as adjudicated by yourself, Sir - bring forward any proposals to this Assembly, but it cannot act extraterritorially, nor can it act outside of the settled constitutional position. Therefore, I am not sure quite what the Deputy is endeavouring to ask me. If he is asking whether we can act outside of those 2 positions, then, of course, the answer is yes ... if he is asking if we can act outside then the answer is no. If he is asking if we can act within those 2 positions, then the answer is yes.

#### **3.4.3 Deputy S.M. Ahier of St. Helier:**

In China, we have seen the repression of the Muslims, the Tibetan Buddhists, the Christian minorities and the imprisonment of those who criticise the Government. The Chief Minister stated last week that there could be financial benefits from trading with China. Has Jersey lost its moral compass?

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

I do not believe that we have lost our moral compass. I was not at the Scrutiny hearing and, if the Deputy wishes to question the Chief Minister, he can lay a question and ask it of the Chief Minister. For my part, I am satisfied with the constitutional arrangement. I am satisfied with the facts of the international law. I remind Members of this Assembly that, in July of this year, United Nations ambassadors from 22 nations, that included the United Kingdom, signed a letter condemning China's mass detention of minority groups and urging the Chinese Government to close the camps and allow U.N. (United Nations) experts access to the area. That is not losing one's moral compass. I

believe that every Member of this Assembly would stand behind that letter and find it to be exactly the right approach and one to which we could be aligned.

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

Given the possibility of a Brexit, that leads to a desperate need for new trade deals, does the pursuing of trade deals - if you excuse the phrase - trump the pursual of human rights?

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

Firstly, let me reiterate - and I have been questioned at Scrutiny on a number of occasions about these matters - the Government of Jersey's policy is to engage and in that engagement there are difficult questions that arise and there are difficult questions, to which there are sometimes difficult answers. The Deputy is right to say that the current Government of the United Kingdom's - who knows what that Government will be at the end of this week - desire is to quickly have a future relationship with the E.U. (European Union) ironed out, if I might put it like that and then seek trade deals around the globe. But there is no indication, nor has there been any indication, nor would I expect there to be any diminution of the United Kingdom's view of the promotion of fairness, equality and human rights around the globe. They are not mutually exclusive. I think they can go hand in hand. In fact, I would even argue for trade leading to, in many cases, better outcomes. In the developing world, we see trade leading to the increase in the standard of living and better outcomes. These are issues that will be, of course, considered as these negotiations are undertaken and we will play our appropriate part in thinking about those trade deals and understanding and deciding whether we wish to be a party to them, or not.

#### **3.4.5 The Connétable of St. Martin:**

I thank the Minister for his answers and most of my supplementary questions have already been answered. It is my personal belief the Beijing stance is becoming increasingly difficult to defend and I was just seeking reassurance from the Minister that Jersey will not turn a blind eye to the suffering of millions of Muslims and minorities in China.

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

We do not turn a blind eye to the sufferings of those around the globe. We know that there are many parts of the world and this, I am pleased to see, is coming up the political agenda, where those of faith are persecuted and lose their lives. We stand against that. We believe that, in the freedom of religious expression and it should be supported and it should be encouraged and we support the approach of the United Kingdom, we are aligned with that approach, which seeks to see those freedoms enhanced and human rights upheld, rather than diminished, as the Constable is rightly suggesting is happening in some countries around the world.

### **3.5 Deputy L.M.C. Doublet of the Minister for Health and Social Services regarding the funding levels for the Jersey Women's Refuge: (OQ.297/2019)**

Given the latest Jersey Opinions and Lifestyle Survey showed that 82 per cent of Islanders think it is important for Government to provide support for those suffering from domestic abuse, will the Minister agree to review the funding levels for the Jersey Women's Refuge

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

I thank the Deputy for her question in relation to the vital services that the Jersey Women's Refuge provides and I am conscious of the continual challenges faced by the Refuge, in terms of potential gaps in funding, attracting staff and a challenging charitable sector environment. I can confirm that, as part of the development of the Jersey Care Model, we are working with all of our partners - and that includes the Jersey Women's Refuge - reviewing current and future provision, to ensure

alignment to the Jersey Care Model and, in this case, also to the domestic abuse strategy, which was launched in April this year. Indeed, prior to the development of the Care Model, a review of the Jersey Women's Refuge was undertaken and this will inform future decisions and address key concerns, such as the sustainability of the Refuge.

[10:15]

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

The review that the Minister mentioned, which was published in February, one of the findings was that: "The current funding, provided by the States of Jersey, only covers 45 per cent of the running costs and that this is not sustainable." I am quoting directly from the report: "Although there will always be an element of charitable funding, it is a difficult subject matter for many to embrace, which means that the Women's Refuge does not generate the amount of funds other organisations do. The States of Jersey are signatories to the United Nations Convention on the Elimination of All Forms of Discrimination and [and I am still quoting] Article 4 says: 'The States should include in Government budgets adequate resources for their activities related to the elimination of violence against women' and there was a recommendation that followed this and it was to recommend an increase of the funding to £400,000 *per annum* for the next 3 years." Why was this recommendation, within a report that was commissioned by the States of Jersey, not taken forward for 2020's funding?

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

My Department has recently extended the current contract with the Jersey Women's Refuge for 12 months and there is a potential for an extension for a further 24 months, all subject to the development of the Care Model. The 12-month agreement has provided a financial increase for 2020 and my Department and the Refuge have signed a partnership of purpose, to continue to work under the current funding, but I would stress that the Refuge is the final point at which domestic abuse victims find themselves. We really want to address the question of preventing this occurring in the first place and, so, the domestic abuse strategy is about much more than providing a refuge. It is about working with troubled families, treating the persons who might be prone to deliver the abuse, treating the people who suffer the abuse and that includes children in the household, treating, by all sorts of therapies and educational provisions, to prevent this occurring and, if it does occur, to prevent its reoccurrence and to stabilise that family. This strategy does not only sit in Health, it spans other departments, including, principally, the police service and much work is going on and will continue to do so. Within my Department, we will continue working with the Refuge and the police to do so.

### **3.5.2 Deputy C.S. Alves of St. Helier:**

Does the Minister recognise that services like these need stability to provide their services and, therefore, need advance notice of funding and guarantees, in order to plan for the future? Being told in November that you have funding for the following year in January is just not acceptable.

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

There has been good engagement with the Refuge and, indeed, all the charitable organisations the Department works with. I have been informed by so many of those charities that they have appreciated the better engagement the Department has been giving over the last year. I am unaware of precisely when the contract was signed; if the Deputy says it was November, then that is the case. But we are working closely with the Refuge, to determine their need for the future and how their work will enmesh with the Care Model and then, when the Care Model is fully rolled out, we will know exactly what the position is, including funding requirements.

### **3.5.3 Deputy I. Gardiner:**

Following the indication that the funding has been increased, can the Minister please advise what percentage of the funding it is now? Because, it was 40 per cent previously, following the increase what will the percentage of funding be for the Refuge this year?

**The Deputy of St. Ouen:**

The increase has been an R.P.I. (Retail Price Index) increase, so the increase in the grant has been from £209,000 to £215,000 for 2020. During 2020, we will discuss the further figures and any enhancement to that grant.

**3.5.4 Deputy I. Gardiner:**

So, basically, we are still at the funding of 40 per cent. Would the Minister agree that the staff at the Refuge are better off to support the women, the people in the Refuge, than to run fund-raising campaigns to raise the extra 60 per cent of the funding required to run the Refuge?

**The Deputy of St. Ouen:**

I think that the Department currently funds more than 40 per cent, so I am advised that the Women's Refuge has a total budget of £400,000. My Department's grant is £215,000, so that is a little over 50 per cent. The Deputy raises a point: so many of the charities that work in the Island provide essential, vital services to the Island. If Government was to fund every single service, such that the charitable sector was not needed, that could be done. But then just what sort of increase would we need to apply to tax rates to fund those services? So the charitable sector has, I believe, a vital role to play and it wants to play that role. There is much social engagement and a sense of community and contribution in the volunteers that work in these charities and I would hope that charitable sector would continue to thrive. I absolutely acknowledge that a charity, like the Jersey Women's Refuge would find it difficult to raise funds, because it is not that cosy, warm ... it is not the charity that gives someone a good feeling when you put some money in the collecting box generally and it requires some dedicated supporters. Many other charities are in that position, that they find it hard ...

**The Bailiff:**

Minister, I must ask you to bring your answer to a halt, I am afraid.

**The Deputy of St. Ouen:**

I think I will leave it there.

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

Further to Deputy Alves's question, while acknowledging the work the Health Department are doing to move to a preventative situation, rather than caring after the fact, it is a sad reality that the Refuge services are needed now and will continue to be needed. Does the Minister think it is appropriate, given that we know the Refuge's services will be needed, to only deliver funding for 12 or 20 months, rather than giving them the security of knowing that they have funding for the next 5 years?

**The Deputy of St. Ouen:**

I have said previously that I do not like grant funding a year at a time and I want to move to a situation where we provide long-term funding, which I think should be at least 3 years, for periods of at least 3 years, perhaps more. But, just at the moment, when we are trying to remodel how we deliver care in the community and to place a greater emphasis on prevention and our primary care services, it would not be responsible to increase this grant to the full amount of the budget for the charity. So, we have had discussions with the charity, to agree that for this coming year, 2020, they will continue to work with the little-over-50 per cent that the Department provides and that charity has agreed to that. We have an agreement to provide their services for 2020 and an agreement to look at what they are providing during next year, with a view to improving the situation in 2021.

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

With that in mind, will the Minister confirm to this Assembly that he will give more than one or 2 months' notice this year, at the end of 2020, to the charity, in order that they may make provision for the following year?

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

I think we are in very regular discussions with the charity, because we are asking them to engage in the development of the Jersey Care Model. Those discussions will be continuing, so it is not just a case of approaching them at the end of next year and saying: "This is a *fait accompli*."

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

For clarification, is that a 'no' then?

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

The questioner was asking what period of notice would I give. I am saying that we are in continual discussion with the charity. The agreement we have, the ones I have seen - I am not sure if I have seen the specific agreement with the Refuge - does not usually provide for a strict period of notice.

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

Can the Minister inform Members whether his budget for grants to charitable bodies has been subject to an efficiency saving, either in 2020, or the years beyond that?

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

It is not. In general, all the funding to the charitable associations, funded by H.C.S. (Health and Community Services) has increased by that R.P.I. figure this year of 2.8 per cent.

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

I wanted to ask the Minister again Deputy Morel's question, because I do not believe that was answered. Can the Minister give a commitment, I think 6 months is reasonable, not to be having conversations, but to have, on paper, a commitment as to what the funding will be for the following year? Can the Minister agree that 6 months before the end of 2020, that the Refuge will have, on paper, an agreement as to what funding they will have? I would also like to ask the Minister to reconsider the funding levels, given the report that was commissioned by this Government and could he possibly look at under-spends and see if there are any funds, that could be diverted to this essential service? Although we have many important charities, this one is often a life, or death, last-chance facility for many families.

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

I fully support what the Deputy is trying to do, to secure the good work of the Refuge, but I do not think she and I can get involved in contractual negotiations and agree that in June, next year, a period of notice will be given, or a certain piece of information will be to hand. As I said, I commit to continual engagement with the Refuge. We have a good agreement for next year and ... sorry, I am just trying to think of the further questions. Yes, the charity has agreed the funding for next year. We are working well together, we are engaging with the charity and I would wish to engage with the Deputy, throughout the next year and update her, but I cannot commit to a contractual term, on my own, without those discussions with the charity going forward.

### **3.6 Deputy K.F. Morel of the Chief Minister regarding the appointment of a permanent Chair of the Jersey Competition Regulatory Authority: (OQ.296/2019)**



Given the end of the term of office of the current Chair of the Jersey Competition Regulatory Authority has been known since June, as expressed in R.76/2019, will the Chief Minister explain why a permanent Chair has not since been sought and appointed, resulting in the Government having to appoint an interim Chair, at short notice?

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

Yes, preparations for the end of the current Chair's term in July 2019 were underway as early as March. The Jersey and Guernsey Competition Regulatory Authorities work together, under the C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) brand and share a board, but the Government of Guernsey has its own governance arrangements, which it must apply to the replacement of the G.C.R.A. (Guernsey Competition Regulatory Authority) Chair. A Channel Islands' process, overseen by the Jersey Appointments Commission, was underway, that was expected to lead to an appointment well before the year end; however, a change of circumstances, in early October, led to a decision, taken by both Islands, under the supervision of the Jersey Appointments Commission, to operate a wider search. This is underway and a search partner is about to be selected to operate a long-listing process in the first quarter of next year.

**3.6.1 Deputy K.F. Morel:**

Given that, in R.76, the Chief Minister has stated that the current Chair has proven to be an efficient and effective Chair, would the Chief Minister explain the reasons ... whether it was their decision, or the Government's decision to replace the Chair?

**Senator J.A.N. Le Fondré:**

I will just caveat some of my comments with the fact that we are obviously in a relatively live recruitment process at the moment. As some Members may appreciate, it is not always appropriate to comment during the middle of a live process, but, essentially, the current J.C.R.A. (Jersey Competition Regulatory Authority) Chair took a decision, in approximately October, to step down and withdraw his application for a further term.

[10:30]

That is unfortunate and to answer the question, because as far as the Government is concerned, we are very satisfied with his leadership of the J.C.R.A. We do not believe that decision to stand down upon expiry of his current term, which is obviously at the end of this year, was influenced by any factors relating to governmental policies and/or actions and so, other than that, it is very much a matter for the Chair and the Board.

**3.6.2 Deputy D. Johnson of St. Mary:**

First of all, I thank the Chief Minister for his helpful reply to Oral Question 1, raised by Deputy Perchard. In his statement, just issued, he does make reference to the Guernsey Competition Regulatory Authority and that their own accounts do refer to the degree of co-operation they need to appoint a joint Chair. Could he please elaborate on what is happening in Guernsey and the degree of co-operation as between Guernsey and Jersey, at the moment; particularly, does he ever envisage Jersey going its own way on its own appointment, without the consent of Guernsey?

**Senator J.A.N. Le Fondré:**

To answer the latter question: no, there is a joint process; we are working together. The recruitment process, from our point of view, is being done under the auspices of the Jersey Appointments Commission, but Guernsey and Jersey are working together on this.

**3.6.3 Senator K.L. Moore:**

Could the Chief Minister tell the Assembly how many applications there have been, since the recruitment process opened?

**Senator J.A.N. Le Fondré:**

The present process is about selecting someone to run the long listing, so we are not at that stage.

**Senator K.L. Moore:**

Sorry, I mean since the recruitment process opened in March.

**Senator J.A.N. Le Fondré:**

I think the recruitment process started after the short-term extension from July onwards. There was a limited number of candidates and I do not really want to comment too much further, bearing in mind my comments around commenting during a live application process, but the decision has been made to make it wider.

**3.6.4 Senator K.L. Moore:**

I am sorry to press the point, but the Chief Minister did say, initially, that the process began in March and I think it is a very simple question that can be answered; it is a number.

**The Bailiff:**

I will treat this as the supplementary. because the second time you spoke was to clarify what your question was but ...

**Senator J.A.N. Le Fondré:**

Just to also clarify, I said “preparations commenced as early as March” or “were underway as early as March”, I did not say the recruitment process started in March.

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

Some have suggested that the usefulness of the J.C.R.A. has perhaps disappeared and it has run its time, would the Chief Minister agree with that statement?

**Senator J.A.N. Le Fondré:**

I have no great views on C.I.C.R.A., one way or the other, from the point of view I support their role. I think they do have a role to play in the Island. I know at times it is not always welcomed but, no, I believe they do have a good role to play. So, I do not envisage any change in the status of C.I.C.R.A., or any change in their future operations from that perspective. If the Connétable has some alternative views, I would be happy to discuss them with him.

**3.6.6 Deputy J.M. Maçon:**

Looking at the process, does the Chief Minister think that, in attracting people to these positions, that the Government is proactive enough and, certainly, when it comes to diversity, is the Government proactive enough?

**Senator J.A.N. Le Fondré:**

In terms of diversity, I think there is always more that should be done, but I do emphasise we have been making quite a lot of representations, both internal to the organisation and obviously working with the Jersey Appointments Commission. Obviously, a lot of these appointments are done through the Jersey Appointments Commission process and they are fully aware of the requirements, under a modern society, from the diversity perspective. I have forgotten the first part of the question.

**Deputy J.M. Maçon:**

In general, are we proactive enough in attracting candidates to go for these positions?

**Senator J.A.N. Le Fondré:**

Ordinarily, yes, there are times in the process one does get the odd bump on the road and occasionally, as I said, in this particular instance, the present Chairman withdrew his application in October, which is why we have also decided to widen the process.

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

Would the Chief Minister confirm that the ultimate appointee, whoever they are, will be someone with regulatory experience, as opposed to being, for want of a better phrase, a general-purpose Chair, who has no specific regulatory experience?

### **Senator J.A.N. Le Fondré:**

My understanding is that it will be someone who has to have the expertise in the areas that are relevant to C.I.C.R.A. and are, obviously, appropriate for both Jersey and Guernsey.

### **3.7 Deputy C.S. Alves of the Chairman of the Comité des Connétables regarding the cost of licences issued by the Parishes: (OQ.304/2019)**

Will the Chair explain the reasons for doubling the price of a dog licence; and will she advise whether the cost of any other licences, issued by the Parishes, for example, gun licences, are also due to increase and, if so, by how much?

### **Connétable D.W. Mezbourian of St. Lawrence (Chairman, Comité des Connétables):**

I thank the Deputy for her question. The policy of the Comité is to keep the costs of various permits and licences under review, rather than to make annual increases. They are, therefore, amended only from time to time, allowing parishioners to benefit from them remaining unchanged for several years. In this case, there has been no change for 15 years. Our policy also reduces demands on the Law Draftsmen and the States Greffe, as well as allowing application forms to remain the same from year to year. In 2005, the licence was raised to £5 per dog from £2 in 1980 and, in March 2020, it will increase to £10 per dog, which the Comité believes is a reasonable amount. The only other licence that is due for review is the places of refreshment permit, which is currently £15 and has not changed since 1985. The Deputy referred to gun licences, there was an increase for that in 2017.

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

Can the Chair advise what the funds raised by dog licences is used for, or towards?

### **The Connétable of St. Lawrence:**

Yes, of course I can. The costs are applied to the general accounts of the Parish, relating to the administration costs of licensing and they are also put towards the stray dog costs. We pay a retainer to the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) who collect and hold stray dogs on behalf of the Parishes.

### **3.7.2 Deputy M. Tadier:**

Could the Chair of the Comité state how many dog licences were issued in 2019 or, if she does not have that, in 2018?

### **The Connétable of St. Lawrence:**

I certainly can advise the Deputy. In 2019: 8,754 licences were issued; in 2018: 8,457; in 2017: 8,462. I can even go back as far as 2016, when there were 8,269.

### **3.7.3 Deputy M. Tadier:**

So, there seems to be a relatively consistent number there. Is the Chair aware of a Scrutiny Report, which was produced in 2011, which, among other things, made recommendations about the policing of beaches and including dogs and had a recommendation that a dog warden should be employed,

following consultation with the Minister for Home Affairs and the Parishes? Would she support that as an idea?

**The Connétable of St. Lawrence:**

I remember the Scrutiny Report being prepared. I think it was Deputy Maçon, who sat on the panel at that time. What I do not remember is the response of the Minister for Home Affairs to that recommendation. What I would say, it was recommending a dog warden, or dog wardens, be appointed, so that the public could refer to them when an incident happened. What I do know is the public refer to the Honorary Police when an incident happens relating to dogs. I believe that probably may be a reason why a dog warden has not been appointed, because every Parish has their Honorary Police who deal with this. A dog warden would need to be paid, I imagine, whereas the Honorary Police are not paid by Parishes.

**3.7.4 Deputy R. Labey of St. Helier:**

Instead of having to trot to the Parish Hall every year, to pay £5, or £10, have the Comité given consideration to the option for a one-off payment, when the dog is first registered and licensed, say 10 years' worth? So that would mean - that is the average life of a dog - if your little doggy dies before 10 years, then you do lose out. If it goes on for longer, well, you are quids in.

**The Connétable of St. Lawrence:**

Always good to be quids in. Yes, we have given consideration to that. I must admit that the question put to us by the Deputy has prompted us to consider it again, although I cannot say the outcome of that deliberation.

**3.7.5 Senator S.C. Ferguson:**

I understand that, at one stage, the number of dogs registered with the Parish Halls did not equal the number of dogs registered with vets. Has the situation been regularised?

**The Connétable of St. Lawrence:**

I have no idea whether it has been, or not. The point is, everyone under the law, who owns a dog over the age of 6 months - if that dog is not registered for a deaf, or blind, person - it must be licensed. So the Parishes, of course, are dependent upon the public being honest and coming forward to license their dogs. In cases where we are aware that someone has not licensed their dog, we deal with it accordingly.

**3.7.6 Senator S.C. Ferguson:**

Well, would it not be an idea for the Comité des Connétables to look at the whole position on an Island-wide basis, with the Island-wide veterinary practices and just start reconciling the numbers?

**The Connétable of St. Lawrence:**

That is certainly a good suggestion from the Senator.

**3.7.7 Deputy C.S. Alves:**

Have there been any complaints, by members of public, about owners who do not have dog licences in place, or is there anything done to chase that up, in any way?

**The Connétable of St. Lawrence:**

I am certainly not aware of any complaints in my Parish from parishioners who know about others who do not have dog licences, but, as I said in my previous answer, when and if such a situation is brought to the attention of the Constable, then we refer it to our Honorary Police to deal with it. We do not let people get away with not having a dog licence, if we become aware of them.

### **3.8 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the taxation of part-time and seasonal workers: (OQ.307/2019)**

Given that new taxpayers pay on a current year basis, what is being done to ensure that part-time and seasonal workers (particularly young people at school, college or university), who earn well below tax thresholds are not being charged at an effective emergency rate; and, when this happens, what action is being taken to return monies to the individuals involved?

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

Anyone that is moving to Jersey, or who is already living in Jersey and is registering for tax, is required to complete a personal income tax registration form. This comprehensive form captures all of the information, needed by Revenue Jersey, to determine the individual's potential liability to tax, based on their personal circumstances and their estimated income. For the avoidance of doubt, the form requires details of job status, such as seasonal work and/or full-time, or part-time employment. An effective rate will be issued to the individual, based on the projected liability, avoiding the need for an emergency effective rate to be applied by their employer. I can assure the Assembly that new registrations are prioritised by Revenue Jersey and that effective rate notices are issued within a matter of days from receipt of the registration form. Finally, I can confirm that if an emergency rate is applied by the employer, where perhaps it should not have been, Revenue Jersey will redress the situation by repaying the excess tax.

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

I asked the question, because I have come across situations where young people have been told that they will get their money back in the new year which, to be quite frank, is no good to them, because they are working in order to pay for Christmas presents at Christmas.

[10:45]

So, can I ask the Minister, if I do come across cases, can I bring them to her and she can encourage those to be rectified, as soon as possible?

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

Yes, I can assure the Deputy that any situations of difficulty, or hardship, will be looked at, with priority, from the Taxes Office.

#### **3.8.2 Deputy M. Tadier:**

There was a recent report that, roughly, 100 Kenyan professionals have been hired, or will be hired, to work in Jersey hospitality and so, obviously, while we welcome the social and economic contribution that they will be making to the Island, which is very important, will they be liable for tax, if they fall under the tax threshold? Will they still be taxed upfront and what steps are being taken, in this case, to make sure they are not taxed unduly?

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

Yes, the Deputy is correct in that is the way forward, at the moment, with Kenyan seasonal workers. The relevant tax threshold, tax reliefs and allowances due to be applied to the individual, are time apportioned, in accordance with the number of weeks that the person is in the Island.

#### **The Bailiff:**

A final supplementary, Deputy Ward.

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

No, I got the answer I wanted. Thank you.

### **3.9 Deputy K.G. Pamplin of the Minister for Education regarding the provision of canteen food in the Island's schools: (OQ.302/2019)**

Further to the answer to my written question, WQ.545/2019, what measures are either being taken, or are proposed, to ensure that canteen food, across the Island's schools, is not only healthy, but also affordable for all students?

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

All contracted and in-house services have to meet the schools' food standards, which are intended to help children develop healthy eating habits and ensure that they get the energy and nutrition they need across the whole school day. The standards are linked to the Government's Food and Nutrition Strategy and are being reviewed, as part of the retendering process, to ensure the schools' food model is fit for purpose. This is planned for the first quarter of next year. Affordability is always a consideration, as there is no nutritional value in food that is not eaten.

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

I thank the Minister for her answer and also her written answer to my question, where I note that one of the providers has given the recent increases this year, the reason being the introduction of an hourly rate equivalent to the Jersey living wage on staff, that is why they have put up their costs this year. This, as she knows, came from some students, who contacted me on Facebook, about their concerns. Will the Minister agree to meet with me and some of the concerned students, from various schools and listen to their concerns about the increase in costings in their school?

#### **Senator T.A. Vallois:**

Yes, I would be more than happy to do so.

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

Is one of the obstacles to any of this work, in terms of healthy food, or whatever you provide, the fact that in some schools they have as little as 30 minutes to serve hundreds of children in a canteen and that is whittled down to about 25 minutes by the time they all go back to class and unless we prioritise a lunch hour, where the children have the opportunity to sit down and eat in a civilised manner, any effect will be lost?

#### **Senator T.A. Vallois:**

Yes, following Deputy Ward's question from the last States Assembly, we recognised, I believe it was 2 schools that had a 30-minute lunch allocated. That is, of course, as Deputy Ward will understand, a determination made by the head teacher of the relevant schools. Of course, as an Education Department, as the Minister for Education, we need to ensure we hold those head teachers to account. I can certainly look into that further and identify whether there is an ability for us to appropriately allocate an hour for those children, at those particular schools.

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

I thank the Minister for that; that would be very constructive. But, also, I would like to point out that in some schools, particularly some secondary schools, the drive to drive down costs of food is leading to lower and lower quality food and goes diametrically opposed to what we are trying to do in terms of health and diet. I would urge the Minister really to look at that, as well.

#### **Senator T.A. Vallois:**

Yes, in answer to the question from Deputy Pamplin, I did state that we were looking at the schools' food model and this is planned for the first quarter of next year to model against our food and nutrition strategy that we uphold at the present time.

#### **3.9.4 Deputy M. Tadier:**

While looking at this important area, would the Minister also consider whether students could be encouraged to cook their own food at school, prepare it if they have extra time in which to do it? It always tastes better, when you have made it yourself.

**Senator T.A. Vallois:**

In some primary schools, we work closely with the charity, Caring Cooks, who put a Get Cooking programme on, that helps children to learn how to make wholesome, nutritional meals themselves. That is in line against the Flourish Initiative in terms of the school pilot that we have on for school hot meals at present day. But, of course, this has to be looked at in the round and I think there are opportunities, considering some of the things that are going on across the States, at present, in terms of how we can properly provide nutritious meals across all of our schools, equally and fairly.

**3.9.5 Deputy K.G. Pamplin:**

Again, I thank the Minister for her answer to this question and I just go further to the written question, where we are seeing the reasons for increases: incremental increases to living wage; unusually high food inflation price volatility, because of Brexit. Will the Minister agree with me, as part of the review, we need to look at the contracts? If companies are making a loss at providing nutritional food for our students in our schools, something is wrong, does she agree?

**Senator T.A. Vallois:**

The current contract will end in July 2020 and a new contract will be awarded from September 2020. Therefore, during that process, as with any contract, I would expect appropriate challenge and appropriate negotiation about how we can fulfil appropriate nutritional meals for our school students, going forward.

**3.10 Senator S.Y. Mézec of the Chairman of the Privileges and Procedures Committee regarding the recommendations of the Commonwealth Parliamentary Association's Election Observers' Mission: (OQ.306/2019)**

Will the Chair give an update on the work being undertaken by his Committee to implement the recommendations of the election observers' report; and advise when the Assembly can expect to debate legislation to implement these changes?

**Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

Yes, of course. Recommendations 1 and 3 are both covered by the old P.46, on electoral reform and the composition of the States, which form the basis for widespread surveying and research and consultation over this year and will be lodged imminently, before Christmas I hope, for debate in the new year. On recommendation 2, together with Deputy Maçon's adopted Proposition P.88, the Sub-Committee agrees we should properly prorogue from nomination night to election day, with the Chief Minister solely retaining the authority to sign Ministerial Decisions and only on an emergency basis. Amendments to Standing Orders have been drafted to also extend the purdah period to before nomination night and the lodging arrangements of Propositions during this period. Recommendation 9: that the legal status of a political party should be clearly defined in law. This will require small legislative Amendments. These are in train, to come forward for debate in the new year. Recommendation 10: that the procedure for candidate nominations should be reviewed. It has been. We have some more satisfactory, exciting even, proposals; law drafting instructions are being prepared. Recommendation 4: the creation of a permanent election administration body; Recommendation 8: on eliminating the conflict of interests, associated with the function of the Connétables as election administrators. This is live and under review. We were going to park this for a while, but after Deputy Alves and I attended an election observers' mission training session, in Westminster, we realised the importance of it and we are bringing that further forward and prioritising

it. Recommendations 5: on automatic voter registration and 6: on outreach, both vital, as encouraging noises from digital. We now need to work out the legislative changes to enact that. Recommendation 7: the disqualification criteria for candidacy. Still to be determined and discussed. I have run out of time on this answer, I am sure, but I will do the rest of the recommendations, if prompted to do so by the Senator.

**3.10.1 Senator S.Y. Mézec:**

Can I prompt the Chair to talk about the rest of the recommendations, please?

**Deputy R. Labey:**

Recommendation 11: introduction of a code of conduct for the campaign. The Sub-Committee believe that we can do this and also that we must have a system, where complaints can be properly investigated. Recommendation 12: the official start of the campaign, an equal opportunity to politically-eligible States employees. The Sub-Committee considers that this can be made explicit in changes to Standing Orders and the Public Elections Law; drafting instructions are being prepared. Recommendation 13: a systematic scrutiny of all financial declarations. This, we are going out to consultation with States Members, former candidates, interested parties, the public, very early in the new year. Recommendation 14: consideration should be given to introduce media regulations to ensure equal access. I am writing to the editors of all our media to get them together to consult on this. Recommendation 15: candidates and parties are granted the right to observe pre-poll voting. Yes, the Sub-Committee discussed this with Senator Mézec and we have law drafting instructions being prepared at the moment. Recommendation 16: on the behaviour and protocol at polling stations; again, law drafting instructions are being prepared. Recommendation 17: training provided to returning officers; law drafting instructions will be prepared, following some discussions we are yet to have. Recommendation 18: continuous efforts should be undertaken by all the stakeholders to ensure active participation of all segments of the population. This is ongoing and we have exciting plans for that.

**3.10.2 Deputy R.J. Ward:**

May I ask the Chairman of P.P.C. (Privileges and Procedures Committee) to look into some of the wording? For example, the use of the phrase “expenses” gives the impression that we claim that money back from the States. We would not want any misconceptions, I do not know, for example, Deputy Huelin using it to fund his duck house, for example, because that is simply not the case. **[Laughter]** But perhaps a better word may be election “spending”.

**Deputy R. Labey:**

Deputy Huelin has been much maligned there, but the Deputy is absolutely right. In fact, the qualitative research that we did over the summer, the focus groups, people’s worries and fears chimed with such a lot of what is in the E.O.M. (Election Observers’ Mission) recommendations. This came up time and time again, people are under the impression that we get our election expenses back from Government and so we have got to make that clear. We have got to also, especially if we are going to have a referendum, tell the public of this Island what exactly we do when we are not sitting in here. Because, the bulk of the work is not done in here and we have got to find ways - and I think I am on to something - of explaining to people what we do and they are hungry for that knowledge, I am sure.

**3.10.3 Deputy R.J. Ward:**

Would the Chair of P.P.C. consider the word “costs”, I think is the word I was looking for, or “spending” as a better and more appropriate term?

**Deputy R. Labey:**

Yes.



**3.10.4 Deputy M. Tadier:**

Are there any plans to establish a Boundary Commission?

**Deputy R. Labey:**

A good point from the Deputy. Yes, there are. That recommendation is part of the Proposition that will come before the States, the first one, on electoral reform and the composition of the States. The establishment of a Boundaries Commission is part of that Proposition.

**3.10.5 Deputy M. Tadier:**

Does the Chair agree that a Boundary Commission is necessary, irrespective of what changes, in fact, even more so, if changes are not forthcoming, to make sure that the inequalities in representation, particularly in urban areas, are known and addressed as a matter of urgency?

**Deputy R. Labey:**

Yes, I do and it should have complete autonomy and independence.

**3.10.6 Deputy K.F. Morel:**

Given the importance of financial transparency to the successful implementation of the observers' recommendations, will the Chair of P.P.C. confirm whether, or not, he will be supporting the Constable of St. Martin's Proposition about funding of political parties and elections?

**Deputy R. Labey:**

We are very happy, once the States has made a decision on the Constable of St. Martin's Proposition, if it is approved, we will feed it into the whole discussions and consultations that we are having and are going to have, on the whole election expenses, costs mechanism. That is one where it will be interesting to see if the Assembly does want to go to a system where we have one category of States Member, so that we can do the final detail on all that, knowing that we have got just one category of States Member and everybody's expenses will be same, rather than the 3 categories we have at present.

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

I too attended the election observers' mission training at C.P.A. (Commonwealth Parliamentary Association) in London and I do not recall any mention of the Connétables and management of the election processes. My understanding was - and maybe the Chairman would agree - that the election observers look at a lot of different situations, with lots of different individual effects and influences. Would he agree that Jersey should be following its own particular individual style of election processes, provided it falls within proper accepted international rules?

[11:00]

**Deputy R. Labey:**

With reference to the potential perception of a conflict of interest of the Connétables is a recommendation explicit in the E.O.M. final report. But we must remember, that the report is very complimentary of the way that our elections are run and our whole procedure was deemed fair and independent and good. The thing we have in Jersey is that there are several bodies responsible for the administration of elections: the States Greffe, the Judicial Greffe, the Parishes, the courts, the Law Officers, the Jurats. We do not want to throw the baby out with the bathwater with what is working and we want to retain that and all the good stuff and all the experience and all that the Parishes do; it absolutely would be folly to try and scrap that and start again. There is no need for it, but what we do need to do for a candidate, for a member of the public, for a member of the press, where do they go when they have a question about our elections? To which of those 5 bodies do they go? I think it is important to have an independent election administration body, as is the case

nearly everywhere else in the world, so that there is a one-stop shop, there is a point of call and you can be, perhaps, referred to one of the other bodies.

**3.10.8 Senator S.Y. Mézec:**

I am almost lost to add anything extra with the final supplementary, because of how comprehensive the Deputy's answers were initially. So, therefore, could I simply ask him if he would be able to provide some consolidated version of that answer, not just to States Members, but perhaps publish to the public, as well, so we can be aware of what timelines are being worked to, to see these recommendations implemented with which we can hold him to account, in future, if that timeline slips?

**Deputy R. Labey:**

Yes, I will take that point on board from the Senator. I would rather wait until after Christmas to do that, when there will be a clearer picture. The whole Government Plan process has sucked a lot of energy out of all our processes, other than in the Government Plan. But, of course, the Government Plan does contain, from the States Greffe and P.P.C., the biggest investment in Members of this Assembly and resources, than has been seen for decades.

**The Bailiff:**

You have your light on, Connétable of St. Martin?

**The Connétable of St. Martin:**

Yes, I just wanted to ask for a point of clarification from the Deputy.

**The Bailiff:**

No, I am sorry, Connétable, points of clarification are capable during the course of speeches.

**The Connétable of St. Martin:**

Right, so I did not put my light on before, yes.

**The Bailiff:**

Yes. In answers to questions, no, otherwise that would extend question time beyond its reasonable tolerances, I am afraid.

**3.11 Deputy R.J. Ward of the Minister for Children and Housing regarding the increase in Andium Homes' rents: (OQ.308/2019)**

Will the Minister explain what the justification is for annual increases in Andium Homes' rents at a time when the States has recognised income inequality as a major issue for the Island; and will he state how much this year's increase in rents will raise and where these monies will go?

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

The question asks for what "the" justification is, not what "my" justification is and those would be 2 very different questions. So, the justification is that, in 2013, the States of Jersey adopted P.33, which was the Reform of Social Housing, which set a new rents policy for social housing in the Island, which aims to bring rents up to 90 per cent of the market rate. This would not be done in one go, but would be done either on a tenancy being renewed, or to be raised by R.P.I. plus 0.75 per cent, until it got to 90 per cent and that is what is due to happen next year, in line with that decision that was made in 2013. The increase is expected to generate approximately £1.8 million, which will fund inflationary increases in things such as maintenance and the annual return that Andium provides back to the Government.

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

Is it not the fact that the setup of Andium, as an arm's-length organisation, the arm nature of it is getting longer and longer? This demonstrates a lack of control of our housing stock and really constitutes a loss of social housing as a principle.

### **Senator S.Y. Mézec:**

I was not in the Assembly in 2013, but in 2014, when I joined it, I voted against the enabling Regulations to introduce this particular rents policy, because I think that it is flawed. I find it incredibly frustrating that we cannot simply take unilateral action to change it. That is why I have asked for a review on the 90 per cent market rate rule to be conducted, that will be done, across departments, to work out what viable alternatives there may be. They will be reporting back to me by the end of this year on what some of those alternatives may look like.

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

Would the Minister please confirm the amount of the annual return last year to the States of Jersey from Andium Homes and would he confirm whether he believes that this money, rather than passing it back to the States, would be better spent in reducing the rent levels for tenants?

### **Senator S.Y. Mézec:**

The return this year is due to be £30 million; last year it was £28.7 million. I am not sure what he is shaking his head at, but that is the fact, that is what it is. He has asked would I not prefer that money to be reinvested back into housing. Yes, I absolutely would. I do not like the current setup; I voted against it, when I was able to, in 2014. But, whatever replaces that system, has to be a viable system that enables Andium to continue building new homes, so we can meet the demand that there is and that there will be a bottom line somewhere and that has got to be met. I do not like the fact that that bottom line is currently met by tenants, who are of the lowest incomes in the Island; I think that is a bad system.

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

Sorry, I was not saying no at the fact, I was just aghast at the amount. Given that £30 million is being returned to the Treasury, does the Minister believe that this ridiculous situation perpetuates a kind of benefit dependency, because that is then recycled back to tenants, who cannot afford to pay their rent through benefits?

### **Senator S.Y. Mézec:**

I think that is the case. Two-thirds of tenants, in Andium Homes, receive their income from income support and we know that the income support budget is supplemented from tax money, so it is money that is swirling around the system. I do not, necessarily, think that that is a healthy thing and I would like to see a system where rents are not set so close to the market rate that I think there is a chance that they are acting as a benchmark for the market, influencing it that way, rather than being influenced the other way around, so I think there is a lot of sense in what the Deputy is saying.

### **3.11.4 Deputy R. Labey:**

The Minister, as I understand it, has capped any annual rent increase at 4 per cent; does he know, over the last 5 years, how often has the rent increase gone above 4 per cent?

### **Senator S.Y. Mézec:**

That is a good question and the honest answer is that I do not know. Andium Homes has, of course, only existed since 2014, so I am sure it would be easy to get that information. That is probably accessible. If you look at Statistics Jersey's website, you can find the R.P.I. figures there and simply add 0.75 per cent. That was avoided last year, because we were set, because of the rate of R.P.I.,

for a particularly big rent increase, that simply was not justifiable. We were able to avoid that, but that was only able to be done because of discussions with the Minister for Treasury and Resources and the Minister for Social Security that meant we had to deviate from what we anticipated the return would be. That is, essentially, a sticking plaster on an open wound, though and more has got to be done and that is work that will have to take place in the new year.

### **3.11.5 Deputy M. Tadier:**

With the 90 per cent market rate, social housing tenants, or what were once social housing tenants, in my view, are now finding a scenario where their costs are effectively the same as they would be in a private sector property. When they move into the property, they find there are no carpets there, because Andium has a policy of providing a blank concrete, or wooden, floor, which they can ill-afford to put a carpet in. Have we lost our way when it comes to social housing and do we need some kind of urgent reforms? If so, what does he envisage they might be?

### **Senator S.Y. Mézec:**

He asks if we have lost our way. Well, to be honest, even before we adopted these systems, there were serious problems with social housing, where investment was not being made in social housing stock, where we were well behind on decent home standards. So, the benefit of where we are now is that, at least, we are now at decent home standards, but I think the cost that has been paid to get to that point must now be looked at again. Even if you were somebody who supported P.33, when that was first adopted in 2013 - and I know Deputy Tadier was one of those who did not support it - surely it makes sense 6 years later, now that we are at 100 per cent decent home standards, now that so much of the housing bond has been spent on improving homes and building new homes, it is the natural point for a review anyway to say: "How can we improve the system?"

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

The Minister stated that the increase, as per the 2013 decision, is R.P.I. plus 0.75 per cent. Can the Minister clarify whether that is June, or September's, R.P.I. and whether that would be applied universally to all tenants, as there have been some concerns raised with me recently, following the decision to increase rents in January?

### **Senator S.Y. Mézec:**

I will have to double-check which version of R.P.I. it is, but I am also aware of tenants looking at their rent increase and, by their own maths, looking as if it is not necessarily what it is meant to be. In those instances, I ask them, in the first instance, to get in touch with Andium and query this, but, if not, to then get in touch with me. It is a case that R.P.I. plus 0.75 per cent is meant to get tenancies up to 90 per cent and, if they are already at 90 per cent, then they should not be paying the plus 0.75 per cent on top of that, because they should be capped. So, there is a view that, sometimes, it is unclear whether that is the case and that is something we have to improve procedures on to deal with.

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

Where can we find the market values that Andium are working towards?

### **Senator S.Y. Mézec:**

I do not think you can and that is part of the difficulty. They have their procedure for working out what market rate rent is. Supposedly, they have their professionals, who they work with to try and establish what it is. That is not a process, which the Minister for Children and Housing, nor the Government of Jersey, is particularly heavily involved in. There was talk, initially, that there ought to be a social housing regulator, that could play an active role in ensuring that those procedures were working properly and that what they were coming up with was accurate. The previous Assembly voted not to introduce that social housing regulation. But now that substantial improvements have and are being made in private sector rent regulation, I think that it is worth revisiting how that would

apply in the social housing sector, to make sure that procedures, that are adopted to meet whatever our rents policy is, are working, because, right now, Government is not involved in that process.

**3.11.8 Senator S.C. Ferguson:**

A previous Minister for Housing decided to set rents at 90 per cent of market. Since Andium is effectively the market leader setter and, hence, sets the standard and level of rent, is the Minister going to re-evaluate this sort of circular setting of rents and start looking at it realistically?

**Senator S.Y. Mézec:**

Yes, I think that is what my answers to previous questions indicated.

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

Lots have been answered already. Would the Minister accept that the world has moved on and we now are effectively in a housing crisis on this Island? The contract of Andium and the bond that was being repaid has become dysfunctional for our housing and social housing situation; therefore, will he, dare I say, pledge to do something about that, as urgently as possible, so that we can restore genuine social housing to this Island?

**Senator S.Y. Mézec:**

He asked if we had moved on: I reiterate, I never supported the policy in the first instance, so I have not had to move on. I disagreed with this being implemented from the outset. Yes, there quite clearly is a housing crisis. The Income Distribution Survey, produced a few years ago, showed that the cost of housing was the single biggest contributing factor to people living in relative low income. Look at all of the R.P.I. figures that have come out since then, we can only anticipate that that may well have gotten worse. So, it is a crisis; for many people it is an economic crisis, because of the effect it is having on their personal finances.

[11:15]

There is no easy implementable solution to that. The Housing Policy Development Board is doing work, which is looking at the overall housing market. That is going to be reporting back, with its final report, in April next year and I will want to present it to the Assembly as soon as possible after that, certainly for an in-Committee debate, to establish Members' views on how we can move forward on those recommendations. But, in the passing of the Government Plan last week, the Assembly has given me funding to get on with some things that I can move forward on: improving tenants' rights in the private sector and on establishing a rent tribunal, as well. But, we also have the landlord licensing scheme coming to the Assembly early next year, which I hope we do adopt, because that will enable us to make interventions in the private sector, when people's lives are not at the standard they ought to be, because of the quality of their homes.

**3.12 Deputy K.G. Pamplin of the Chief Minister regarding the funding of the new Hospital: (OQ.303/2019)**

Will the Chief Minister clarify how the new hospital will be funded and explain whether any assessment is to be undertaken of the likely effect on the cost of the hospital, if there are any delays in announcing the final site selection, or the timing of the planning application?

**The Chief Minister:**

Senator Farnham is taking this question, Sir.

**Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

We are at the early stages of this project and are not yet in a position to bring forward the expected funding envelope. This will be established in 2020, through a robust appraisal process, in line with

H.M. (Her Majesty) Treasury Green Book best practice and covering the business case, of course, will cover strategic, economic, commercial, financial and management dimensions. The business case will, of course, be discussed with Scrutiny and with the Council of Ministers. The project has not slipped and is running to a tight and ambitious timeline, as set out in the Chief Minister's report, delivered in May of this year. In relation to the Deputy's question about the impacts of delay, well, of course, funding will always be subject to the impacts of global markets, for example, borrowing rates and credit ratings, *et cetera*, all of which, of course, will be taken into account at the time of the final decision, so that the best decision of value is delivered for taxpayers. I know the Treasury team and the Minister for Treasury and Resources will be very mindful of that when they bring the Proposition, in due course. I can remind Members of previous decisions, where the previous States Assembly took 2 steps in relation to the financing of the hospital project and they agreed a strategy designed around using a bond, plus funding from the Strategic Reserve. I have no reason to suspect that the new funding envelope will be vastly different from that approach.

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

I thank the Senator for his answer and he stumbled into what my follow-up question was going to be, so that is always good, but can the Senator go a little bit further to say that we will not be borrowing, outside of what he just described of the previous setup? Are all avenues of how we will fund this hospital, will it include looking at borrowing to fund the Future Hospital, outside of what the original region was which was, as you described, a bond and dipping into the reserves? I hope that makes sense.

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

I think that is unlikely, but, of course, it is going to be a decision for the States Assembly and I can assure Members and Scrutiny there will be ample communication with States Members throughout the building of that process.

### **3.13 Deputy K.F. Morel of the Minister for Education regarding expenditure on adult education: (OQ.305/2019)**

What percentage of the Education budget is spent on adult education and what assessment has been made of how this compares with O.E.C.D. (Organisation for Economic Co-operation and Development) member states?

### **Deputy J.M. Maçon (Assistant Minister for Education - *rapporteur*):**

The O.E.C.D. adult education level is defined by the highest level of education completed by the 25 to 64 year-old population. In Jersey, adult education encapsulates skill development, post-secondary school education, continual professional development and lifelong learning. Therefore, to answer the question of the Deputy, as far as the education skills sections are concerned, it represents 3.41 per cent. As a representation of the C.Y.P.E.S. (Children, Young People, Education and Skills) Department, it is 2.64 per cent. Members will, of course, be aware that other departments provide and fund aspects of adult education such as in health, nurse and other professional training, social security, via the Back to Work scheme, which provides courses and training for adults and there are other departments that do so. So, the figures given do not represent overall Government spend on adult education. As for how Jersey compares with the O.E.C.D. states, the O.E.C.D. compares overall government spend on adult education and not by one department alone, as in the question. Also, they use the country's G.D.P. (Gross Domestic Product) and due to the nature of our main industry, Jersey measures things in G.V.A. (Gross Value Added). Therefore, the comparison and subsequent assessment that the Deputy is asking for, in the parameters outlined in the Deputy's questions, have not been made, as it would not be comparing like with like. Members will, of course, recall the Jersey innovation review in September 2015, done by Tera Allas,

which is on page 26: the Government expenditure on education, as a proportion of G.D.P. is 2.5 per cent, but that is overall education spend and not specifically adult education.

**3.13.1 Deputy K.F. Morel:**

The O.E.C.D. itself says: “The world of work is changing. Digitalisation, globalisation and population are having a profound impact on the type and quality of jobs that are available. The extent to which individuals, firms and economies can reap these benefits will depend critically on the readiness of adult learning systems to help people develop and maintain relevant skills over their careers.” So, will the Assistant Minister confirm to the Assembly whether he is satisfied that Jersey is, indeed, preparing its adult learners for the continually changing workplace and whether he believes that more investment needs to be made?

**Deputy J.M. Maçon:**

Am I satisfied? No, of course we can always do more, which is outlined in our post-16 skills report, which has demonstrated the avenues that the Government plans to pursue, in order to address exactly the issues the Deputy is quite rightly raising. In addition to this, as Members know, what I am also very keen on is that we finally tackle the retraining strategy, to get that up and going, as well, as part of our work streams but, of course, with the Minister for Education we have other work streams such as, for the early years, the school funding review, which needs to be completed first, in order to move on to these other priority areas. So, within the lifetime of this Government, we do want to see movement in this area and I thank the Deputy for raising these matters.

**3.13.2 Deputy M. Tadier:**

Does the Deputy agree that lifelong learning and a decision as to whether an individual can access that should not just be based on economic benefit?

**Deputy J.M. Maçon:**

There are multiple pedagogical models that we might consider whether learning as a therapy is also useful. We know that we have, in previous terms, lost that budget, due to a previous round of cuts, so that has gone out, so we know that there are various benefits to education. Should it just be on economic advantage? That is why we need to do the work, in order to consult and understand where the priority areas are, but that does not mean just economic. That might include health and well-being aspects, as we have now incorporated into our Public Finances Law.

**3.13.3 Deputy M. Tadier:**

So, where somebody is long-term unemployed, who wants to work, but perhaps there is not any work for them, or they want to retrain from a low paid job, should it be the decision of the Government to decide what courses we will allow them to do, on a funded basis, or should they have a more broad scope, to pursue their intellectual fulfilment?

**Deputy J.M. Maçon:**

There were 2 aspects there. They are kind of 2 different groups and can I just say that the Back to Work team at Social Security do a huge amount of work in helping and supporting people in order to retrain and get into jobs. Whether it is the first modules that they work with with employers, they will support people in getting the first modules and then work with employers, in order to get them back on track and into work. Skills Jersey does a huge amount of work. That is one section. The other section, of course, which is more to do with my Social Security hat is, of course, the approved list that we have in Social Security. As the Deputy already knows, I want to see that changed. I think we need to move it from not only an essential skills list, but also a desirable skills list that can broaden the offering, so we have a middle stage where, instead of an all, or nothing situation, we do have more flexibility in the system.

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

We adopted, in this Assembly, the Classification of Functions of Government system of our spend. It will help the Assistant Minister to compare with other O.E.C.D. countries and so, therefore, would the Minister encourage the Treasury to get on with that system?

#### **Deputy J.M. Maçon:**

That is a matter for the Minister for Treasury and Resources. I would not say to hold it back. Though, what I would say again is, if you want to do comparisons, G.D.P. is not the only aspect to look at. G.V.A. is more reasonable for a jurisdiction like Jersey, though, of course, what is important is the future of Jersey and other aspects and to look at all the other measurements that, of course, compare communities. If I have misunderstood the Deputy, I am sure he will come back.

#### **3.13.5 Senator S.C. Ferguson:**

Surely, the basis of lifelong learning is instilled into pupils at schools. What support and encouragement will be given to youngsters and teachers, so that students are encouraged to get their intellectual curiosity embedded at an early stage, so that it stays with them lifelong?

#### **Deputy J.M. Maçon:**

That type of work is, in a sense, being undertaken. We do have more projects going on, working with industry, in order to stimulate that kind of inquisitive mind. We had the Zest festival earlier on this year. We have just had the festival where we have had the engineering forces, which has gone on, as well, but what is important, I think, is tackling this issue under the review that the Minister for Education is looking at it. So, for example, do we need to acquire less G.C.S.E.s (General Certificate of Secondary Education) in order to make room in the curriculum, in order to support these other aspects, such as critical thinking, such as creative skills, such things that employers want more nowadays, instead of being so stuck with the tests, which some G.C.S.E.s do?

#### **3.13.6 Senator S.C. Ferguson:**

Surely, it is not a question of how many G.C.S.E.s. It is how much paperwork, regulation and red tape we are hanging around the necks of the teachers.

#### **Deputy J.M. Maçon:**

I would not say that it is that alone, but the Senator is right and that is why the Department is constantly reviewing and trying to remove the amount of bureaucracy that teachers deal with. We have just issued a new framework, which is looking to remove duplications, so that teachers can do what they want to do, which is teach, rather than fill in forms. Again, if any Members do have any suggestions on this matter, please, we have an open door. Come and speak to us about that, because we would love to hear it.

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

I hear the Minister commit himself to reviewing his critical skills policy in the near future. Can he put a timescale on that and when will he be coming back to this House with a reviewed critical skills policy, in time for delivery, come September, at Highlands?

#### **Deputy J.M. Maçon:**

No, it is in the lifetime of this Government. I would imagine, as we did not get support for it in 2020, then it is a priority I want to pursue in 2021 and that is looking at the relationship between Education, Social Security and the economy, because the retraining strategy is broader than just helping people on income support. It is also helping people move sideways between careers, as well as those who need just that extra support, in order to move into different areas. So, for example, we know we have healthcare assistants, who want to become nurses, but they do not necessarily have



any living support, in order to bridge them over that time, in order to move from one to the other and that is something which needs to be mopped up in the retraining strategy, but that is quite a significant piece of work, which I do not have any budget for yet, which needs to be done and, at the moment, our plan for that is 2021.

**3.13.8 Deputy G.P. Southern:**

So, the commitment to reviewing critical skills is merely hot air, is it?

**Deputy J.M. Maçon:**

As I say, it is a priority in both Education and the Social Security Ministries but, again, that needs to be provided for in the next Government Plan, in order to provide the working officers, in order to do it for 2021.

[11:30]

**3.13.9 Deputy K.F. Morel:**

Given the businesses that I speak to, who constantly say that the lack of skilled people is one of the greatest constraints on their performance, will the Assistant Minister confirm whether he liaises directly with businesses throughout the Island to make sure he understands the skills that they need and is, therefore, able to prioritise the lifelong learning that will help deliver those skills?

**Deputy J.M. Maçon:**

Absolutely not, do I do it personally? No. We have a brilliant team at Skills Jersey and they do that work. They are the face of the Government and they work with employers, they develop things with the Jersey Hospitality Association, they have developed things now with the Care Association, as well as providing more bespoke models, in order to work with employers. They do a fantastic job in providing that interface between Government and the employers. So, it is not me personally, but it is our wonderful team at Skills Jersey that do that work.

**3.14 Senator K.L. Moore of the Minister for Infrastructure regarding the identification of savings within his portfolio: (OQ.301/2019)**

Following the Assembly's decision to adopt the Amendment to the Government Plan, relating to an increase in parking charges, how, if at all, does the Minister propose to make an equivalent saving within his portfolio?

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

As no adjustment was made to the cash limit of the Growth, Housing and Environment Department, following the adoption of Amendment 2 to the Government Plan, there is currently an unplanned saving of £700,000 in the Department's budget. No decision on how this will be found has yet been made and this will be going to the Council of Ministers in the next few weeks.

**3.14.1 Senator K.L. Moore:**

Given that no decision has yet been made, how does the Deputy propose to continue with his budget into 2020, given that we are fast approaching 1st January? The later any decision is made, the heavier the impact that will be on the Department's budget during that period.

**Deputy K.C. Lewis:**

Indeed. As I say, the decision will be made in the next few weeks, but I am determined there will be no cuts to public services.

**3.14.2 Senator K.L. Moore:**

Would the Minister perhaps give us an area that he is considering? He must have some inkling as to where he is going to find these savings.

**Deputy K.C. Lewis:**

As I said, that decision will be made within the next few weeks and I am determined that public services will not be cut.

**3.15 Deputy G.P. Southern of the Minister for Health and Social Services regarding the access to primary care by vulnerable groups: (OQ.311/2019)**

This has largely been superseded, but if I could just ask the Minister whether he could confirm the timescale he has for any measures he has under consideration to improve access to primary care for vulnerable groups.

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

Well, I could really answer this question by saying I refer the Deputy to the many other questions I have answered on the subject. I am grateful to him and I would always want him to hold our feet to the fire, but I will repeat that, as I have stated in the Government Plan debate, the Government is committed, in the Government Plan, to develop a model next year to address access for vulnerable groups and that delivery is targeted at 2021. We have engaged health planning professionals to help us develop and cost the model for services, which will improve access to primary care, but that is the whole of primary care and not just G.P. services. It will include pharmacists, practice nurses and, I hope, dentists, also. This is a priority for Government and it has not changed in the week since we concluded the debate on the Government Plan. The analysis that is going to be undertaken, as I have said before, will be available early next year.

**3.15.1 Deputy G.P. Southern:**

Briefly, can the Minister, at this stage, state how many patients in his proposals this may cover? I proposed some schemes on my Amendment to the Government Plan, which talked about a maximum of one-third of our population, who might be eligible for enhanced access to primary care. At this stage, are his plans considering a similar sized cohort?

**The Deputy of St. Ouen:**

I do hope the Deputy will understand that I cannot give a number, because that would be prejudging, entirely, the work that is to be done by the health planner and health economists. I do not hold any such skills. We are waiting for the work to be undertaken by those people.

**3.16 The Connétable of St. Martin of the Minister for Treasury and Resources regarding the implementation of independent taxation: (OQ.299/2019)**

Will the Minister please state when, in 2020, she plans to lodge a further Proposition to authorise preparations for the subsequent stages of the move towards phased independent taxation, as outlined in personal tax reforms and when does she estimate that couples who marry, or enter civil partnerships, will automatically be able to enter the independent tax regime.

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

A Proposition, regarding the longer-term future of the personal tax regime, will be lodged by the end of 2020.

**The Bailiff:**

I am sorry, Minister. We are inquorate. Could we ask Members to return please? Yes, we are now quorate again. Thank you, Minister. I will allow 30 seconds of injury time.

**Deputy S.J. Pinel:**

As I indicated in the report to my Proposition, regarding joint and several liability for married couples, a number of important issues still require further consideration and I will be receiving advice from officers during the course of 2020. I have also asked officers to consider the need for further consultation, now we have more data regarding the impacts of moving towards a system of independent taxation. The Connétable kindly attended a personal briefing on this matter. Officers will also be looking at the interaction between the personal tax system and the benefit system and the position of allowances relating to children in the tax system. For these reasons, I do not believe it is sensible to set firm targets at this stage. I am very pleased that we can finally deal with the most archaic aspects of the existing married tax regime.

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

**The Bailiff:**

Very well. Well, that brings us to an end of the time allocated for this question period. We now move to questions without notice and the first period of questions without notice is directed to the Minister for External Relations. Does anyone have any questions for the Minister for External Relations? Very well. The second question period to Ministers without notice is directed to the Minister for Social Security, who gets the benefit of the full 30 minutes. Does anyone have any questions for the Minister for Social Security?

**5. Questions to Ministers without notice - The Minister for Social Security**

**5.1 Deputy M. Tadier:**

Since the passing of the Government Plan, has the Minister had any feedback, either in a ministerial capacity, or in a constituency capacity, about the ongoing inherent unfairness of the social security cap and the cap on the long-term care charge?

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

Not on that end of it, no. A couple of political colleagues have said to me they have been approached by very high earning businessmen, who did not realise how much the cut from £176,000 to £250,000 and the ½ per cent would hit them and it has. We passed it and it is all for a good cause with it coming back for parental leave.

**5.1.1 Deputy M. Tadier:**

Does the Minister agree that even though she has got complaints, she says, from people above the £176,000 bracket, they are quite capable of sucking it up, in other words - although those are mine and not her direct words - and that she should consider extending the privilege to those who own above the £250,000 cap, so they can also contribute proportionally with the rest of members of society.

**Deputy J.A. Martin:**

Sometimes, myself and the Deputy have different political views. We put out there, in July, that we wanted to move the cap from £176,000. It was not standing still. It moved from £176,000 to £250,000. I am not saying that is the end of the moving, but you take it as you can. You put the warnings out there and, at the same time, we are going to put it up by one per cent. It is nothing about people sucking it up. It is about what people realistically want to be able to and can pay. It

starts at above the £53,000 and goes up the one per cent and then the cap goes from the £176,000 to the £250,000. We did have a very long debate on caps. I think 3 in total last week.

**5.2 Deputy R.J. Ward:**

Given the answers to Written Question 536/2019 today, can I ask the Minister: does she feel that the fact that 1,172 households, on income support, are currently having adjustments for overpayments does she not feel that that is way too high a number and seriously affecting those on the lowest incomes in our society?

**Deputy J.A. Martin:**

Again, this question comes around again and again. Income support is paid weekly, sometimes monthly, in advance. People are working and it is just a fact of life that your boss may ask you to do a few extra hours, or there is a rush job on and you do 20 hours that week. With the best will in the world, you can tell us straightway. We have already paid you for not working those 20 hours, so then you have to pay us back. The only other way we could do it - and I am really not wanting to go this way - is to pay, like the universal credit in the U.K., in arrears and I do not want to do that.

**5.2.1 Deputy R.J. Ward:**

The issue is, if you look at the answer, there is, in some months £250,000 being received back, so it is not a simple situation of people who are a week, or so, out. There are people whose mistakes by the Income Support Department are putting them into thousands of pounds worth of debt, which they can never repay. Does the Minister not feel that we need to come to a situation where, if these debts are more than 3 years, or 2 years, or one year-old, we need to be sensible about the effect on people's lives when it is often something where the Department - probably due to understaffing - have made the mistake?

**Deputy J.A. Martin:**

We deal with approximately 6,000 households now on income support. The budget is over £70 million in income support. The payback rate, from the day income support came in in 2008 and it can be more, is £3 a day. That has never been looked at - I am not hinting that I am going to look at it - while all the rates and everything has gone up since 2008. It is the bottom line. The Deputy always asks: "If a debt is more than 2 years old, or 3-years old ..." and it could be £20,000, because of different reasons. It is about the information given to the Department. Do I write that debt off? I feel I cannot write that debt off, because it is not my money. It is taxpayers' money.

**The Bailiff:**

Well, I think, as matters are, there is 30 minutes. You are bound to be able to ask further questions down the line.

**Deputy J.A. Martin:**

No, I have not.

**The Bailiff:**

Yes, I am afraid you have 30 minutes of questions.

**Deputy J.A. Martin:**

It is only the Chief Minister. I do not get his minutes, as well.

**The Bailiff:**

Standing Orders provide, I am afraid, that anything not exhausted by the first Minister, goes on to the next Minister.

**Deputy J.A. Martin:**

Could you give me a moment?

**The Bailiff:**

Well, if you would like to take a point of order, we will consult Standing Orders.

**Deputy J.A. Martin:**

Yes, I will just check that. I was asked that question yesterday and I was told: “No, it is the Chief Minister only.”

**Deputy G.P. Southern:**

Sir, has the clock been stopped?

**The Bailiff:**

Yes, the clock is stopped while I consider this point. “Standing Order 66 provides the answer, Minister. The second question period shall be the balance of the 30 minutes remaining at the conclusion of the first question period or, if shorter, the time needed for all Members of the States, wishing to ask a question to have spoken and for those questions to have been answered.” It is not limited to the Chief Minister. It applies to anyone who is answering questions in the second period.

**Deputy J.A. Martin:**

Thank you, Sir.

**The Bailiff:**

No, not at all. Very well, I shall allow an additional one minute of injury time, I think. Deputy Southern, you had asked a question

**Deputy G.P. Southern:**

I was about to ask a question, Sir.

**The Bailiff:**

You were about to. I had ticked you off so, yes, please.

[11:45]

**5.3 Deputy G.P. Southern:**

Whether in Fergie time, or not. Will the Minister explain to Members what she sees as the role for the Health Insurance Fund in the delivery of the Jersey Care Model, going forward?

**Deputy J.A. Martin:**

Well, the Deputy knows that we are working very closely with the Health and Social Services team and when they have finished their job, the health experts, who are literally drilling down. The Health Insurance Fund is there for a reason now. It does do what it says. It has grown. We are hoping that we can do some double running, with the Minister for Health and Social Services, to get some of these excellent schemes started and ongoing. That begs the question: “What will the Health Insurance Fund need to do after this?” Obviously, all this will come to the Assembly; we need the Assembly’s decision, to say this is funding here, do we want a bit of funding here, or we are going to have a health fund. Now, it may not look like the Health Insurance Fund. So, we are in talks on this and as soon as we know what it looks like, the Assembly will know what it looks like and there will be votes on it.

**5.3.1 Deputy G.P. Southern:**

Is it not a straightforward procedure, as happened in the years 2013, 2014 and 2015, to divert some of the Health Insurance Fund funding, to primary care being delivered in the hospital, or elsewhere in the system?

**Deputy J.A. Martin:**

It could be done as easy as that. I was the Assistant Minister for Health and Social Services then and now you look back and the money went and what did the money do? There was not even a good enough business plan. It all looked good, the hospital was doing primary care and the case was made. It went through the Assembly, but there were some really tough arguments to get the money through the Assembly, so this time, as I say, everybody across the board needs to make sure that this is where the funding is coming, this is the prime start money, it is the double running money, but we can only do it to a certain point; when the fund itself does not have enough money and has to do what it has got to do if that is how we carry on doing it. That is not what I hear and see that we will be doing.

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

What consultation has the Minister had with the Minister for Treasury and Resources in relation to the collection of the 0.5 per cent for the long-term care - to which the Minister for Social Security has responsibility - in light of the fact that the tax system does not allow any percentage less than 1 per cent?

**Deputy J.A. Martin:**

Well, I did ask this. Initially, we had ½ per cent and apparently for long-term care it does and I have had no discussions, because now it is being collected, it will be collected on 1st January the same way it is being collected; it will just be 0.5 per cent more. I am sorry if I am misleading, but I have asked, we can collect and we have collected ½ per cent for long-term care when it first came in as ½ per cent. I even checked my own tax bill, to make sure I was not being done.

**5.5 The Connétable of St. Lawrence:**

I think I heard the Minister respond to Deputy Ward earlier, by saying that she did not want to introduce income support payments in arrears. But she did not elaborate on that, so I would like to ask her to explain to us why she will not adopt that policy.

**Deputy J.A. Martin:**

Well, the only bad stories I heard is about universal base credit in the U.K., which they are literally going from all different ... as we did, housing benefits to different benefits, to one income support, but calling it universal credit. The majority of people waiting to be assessed wait a month before they get anything and that is a lot of time when you have just lost your job and you have got children. They may get a child benefit in between, but it is at £5 a day to feed the children and not the adults. So I am very dubious about going down that route and as our route is payment in advance, it is all ... with people who have got a set income, mainly people who are not working, got young children, do not have to work, their weekly does not change. Pensioners, who are now retired, not working, they do not change, because it is the work element that changes, because people are asked - as I said - to work more hours, or want to work more hours, or they get a rise and it might be a nice decent rise and we have paid them for the money we thought they were earning and that is how it works out. It can be up to £138, £150 a week, but it is not everybody. I have got the amount of people; it is 1,100 who are paying repayments at the moment out of the 6,000 households. I think we are at about 10,000 people, 1,100.

**5.6 Deputy C.S. Alves:**

Given that we were told earlier by the Minister for Children and Housing that Andium pays £30 million back to Treasury, can the Minister for Social Security say how much is paid out in the rental component in income support back to Andium and the private sector, as well?

**Deputy J.A. Martin:**

Well from memory - and this was a written question - it is a nice round figure, it is £30 million. From memory, it was a written question earlier this year, it is about £20 million, £21 million to Andium and the rest is to all other private landlords. Or the £21 million may include some of the housing trusts, but I would have to check that. But the figure is £30 million.

**5.7 Deputy M. Tadier:**

There was a recent exhibition in the Berni Gallery at the Arts Centre called Invisible Hands, which spoke of the lives of seasonal workers in Jersey. Part of the narrative, whether it is around seasonal workers in agriculture, or in hospitality, is the fact that if they are here for a 6-month contract, or less, they will pay the full whack of social security contributions and, of course, the employer will do the same, but they cannot get access to any of the benefits in those 6 months. So, does the Minister have an alternative provision, especially given the fact that we are recruiting more hospitality workers from Kenya this time and others will be affected?

**Deputy J.A. Martin:**

This was one of the very first questions - I am on the Migration Policy Board- to look at and the officers are absolutely up for looking at, because we want to make short-term contracts, ask people to come here and then charge them for something that ... until 54 months that they have paid into it, then that will give them a part pension, but it also gives us a problem, because we have got to wait all those years, we have got to know, we have got all these people who could come out of the woodwork in many years' time. So, yes, Deputy, we are looking at it, we are speaking about it. It will have to be fit for purpose. If you are only here permanently, you may need some sort of insurance, you need to see a doctor; it will have to go hand in hand with the migration policy on the amount of time people are coming to Jersey on short-term contracts.

**5.8 Deputy M. Tadier:**

Does the Minister agree that if they are not getting any tangible benefit from the contributions and the employer is not either, should the social security contributions simply not be waived?

**Deputy J.A. Martin:**

As I say, it is under discussion and it could do that way. At the moment, what does it give for health? If you are sick, it does not cover, because it is the last 3 quarters, 3 times ago that you needed to have your contribution. Completely waive it; we are talking about some sort of insurance, so people can have a doctor on day one and things like this. So, when the migration comes to the final agreements I hope this will be in there and if it is not, Deputy, we need to have a talk to see the best way we can get this done, or the Assembly will amend it, if it is not fit for purpose.

**5.9 Deputy R.J. Ward:**

Looking at Written Question 536, when you look at the figures per month, that are being returned to the Income Support Department and the numbers of households, it is clear that the averages per household that is being returned, is at its lowest £110 per month and its highest £209 per month on average. If it is £3 a day, on a 31-day month, that is £90. So, the minimum is not the thing that is being repaid and some of these figures would, therefore, be higher than that average and would be significant on those on the lowest incomes. Does that not show that the system is fundamentally flawed and we have to get a handle on one-fifth of those claiming income support having to repay overpayments?

**Deputy J.A. Martin:**

I have done 4 weeks in this month and the last 2 weeks, Income Support think I am going to take £300 a week. I have taken £500, because I worked hard and I worked 50 hours and I have worked 50 hours and I have wanted to do it and so I have got £400 extra, £200 and £200. I just want to pay back what the Income Support have given me. Some people do, they just pay it back straight away. I did not say it has to be at £3 a day, I am saying it has been £3 since 2008. Depending on how people want to pay it, they already had the money. They had the Income Support money and then they had the wages. What does the Deputy suggest we do?

**5.9.1 Deputy R.J. Ward:**

May I suggest the Minister considers that - in circumstances whereby the error was made by the Income Support Department years ago and a constituent has thousands of pounds of debt, because they did not really understand it and will be repaying it for the rest of their life, literally and I quote them not me - that we have to have a situation where we come to a point where those debts, which are not real anymore, are written off, in order to free people from this trap of poverty, that we are putting them in.

**Deputy J.A. Martin:**

I do not know the case the Deputy is talking about. If he wants to come to me on any individual case ... the Deputy says it is always the Department's fault. The majority of things that are picked up is because somebody did not tell them about an extra income, somebody living with them, somebody moving in with them, after the claim side. There are all these issues and they add up so quickly.

**Deputy R.J. Ward:**

A point of clarification, Sir?

**The Bailiff:**

No, I am sorry, Deputy, there is no point of clarification in question time, but you may have a chance to ask another question. Had you finished your answer, Minister?

**Deputy J.A. Martin:**

Yes.

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

I am sure the Minister would agree that it is important that we save for our old age and not totally rely on the state pension. Currently, the Minister is looking at workplace pensions; does she believe that they should be mandatory and should there be an opt-out option included?

**Deputy J.A. Martin:**

I am glad to tell the Deputy I met about 6 weeks ago now with a consulting company called D3P, who have worked in New Zealand, they have worked in smaller jurisdictions and they have got some fantastic knowledge. They are coming here now, they have been here, they are talking to Jersey businesses, they are talking to the Chamber of Commerce, Jersey Finance, Institute of Directors; then they will put some things on the table. Now, we are asking to look for security in old age, it will probably be a pension. Would it be opt out? These are all things I need to consider. The only 2 I know of, Guernsey and the U.K., are opt out and, funny enough, the majority of people do not opt out. But these are all things to consider. Very quickly, I want something done soon, I want it under my ministry. It might not, whatever it is, start working until I am way gone, after the next election, if I am way gone, but it needs to be put in now; it needs to be thought through and it needs



to work for everybody. I have questions about: “Well if you are on a zero-hour contract?” Yes, I want those people in. They should not be missing out on anything like that.

**5.11 Deputy G.P. Southern:**

What work has the Minister done, in conjunction with the Minister for Health and Social Services, to draw up a business plan for the funding and implementation of the Jersey Care Model, if any?

**Deputy J.A. Martin:**

Well, we had a meeting yesterday, but we did not draw up a funding model. We are talking ... it is so frustrating for myself, my officers, the Minister’s officers, his Assistant, that these economists are in now and they are going to be here working and then they are going to tell us what works, how we can do it, looking at everything we do. I am there saying: “Yes, look, if we need to spend H.I.F. (Health Insurance Fund) to get this going” and obviously a lot more money, my budget in the H.I.F. is £91 million, the Minister for Health and Social Services’ budget is in the millions. Some money is going to go from there. We are talking all the time. We are going forward next year, we will be meeting at least once a month, sometimes probably more and when it comes to it we will need to meet more. We have got one chance to get this right and what I have seen of it, it sounds fantastic and everyone is excited. We want to get it right.

**5.11.1 Deputy G.P. Southern:**

Can the Minister inform Members what concrete plans, if any, have been drawn up to give, for example, terms of reference to this board that is going to come along and advise and give the model, that is the Jersey Care Model? Has any planning gone into this yet?

[12:00]

**Deputy J.A. Martin:**

Well, I think the Minister for Health and Social Services said that they did not just go out and say: “Would you give us a figure?” They have researched these people, they have gone out for tender, these people are here, knowing what the job was and the Deputy says has anything gone into it yet. Well, although it is the Minister for Health and Social Services and his staff that would be writing up the terms of reference, they are written.

**5.12 Deputy R.E. Huelin of St. Peter:**

Will the Minister update us on progress that she is making, in eradicating fraudulent claims for income support?

**Deputy J.A. Martin:**

I do not know who they are and I do not need to know, we have a Department in a Department, who look out for fraud. It is sad that we need them, but we do. Jersey is a very small place, which is good in a way; you do not get away with things in Jersey, that you might get away in big cities. They are reported and, again, if it is fraud we always, it does not matter how big the fraud is, we maintain that it is paid back. Again, it may never, because the money is so large, but we ask the person to pay what they can and it will never be written off.

**5.13 Deputy K.F. Morel:**

Further to Deputy Truscott’s question, would the Minister advise the Assembly as to whether, or not, she has any understanding of the level of private pension arrangements that Islanders have, or have not, made for themselves? Do we know how many Islanders have private pensions, or do we not?

**Deputy J.A. Martin:**

That is a very good question, but, obviously, to know what the answer is and I am sure that these consultants, D3P, will be finding that out, because I do not know. The Deputy is right, I do not

know. I know that the States have a pension, bigger companies, smaller companies not so much, shop workers not so much, people in care not so much. So, I would not even know at a guess, is it a third of the Island, is it half of the Island, I have no idea. But I will make sure - now the Deputy has raised this - that D3P do find that out for me, thank you.

**5.14 Deputy G.P. Southern:**

Will the Minister inform Members what the turnaround time on the short-term incapacity allowance is, i.e. people going on when sick, how long before they get their claim?

**Deputy J.A. Martin:**

I put one in for my daughter, this is how I know and now you can put a bank number on it and it can be paid directly into your bank. From putting it in on the Monday, because she was ill the week before and did not do anything with it, I think the money was in the bank by the Friday. Probably earlier, if she had put it in earlier.

**5.14.1 Deputy G.P. Southern:**

If such short turnaround times are achievable for short-term sickness, why are they not achievable for changes in circumstances in income support? Why the difference?

**Deputy J.A. Martin:**

Because the person has already got the money. They are paid in advance, sometimes weekly, 2 weekly, or monthly. This person had a sick note, put it in and they got their money at the end of the week. I do not link the 2 at all.

**5.15 Connétable R.A. Buchanan of St. Ouen:**

I am just picking up on Deputy Morel's question about workplace pensions. Can I ask the Minister if she would consider consulting with the Jersey Pension Association and the local pension industry, to get their feedback on the provision of workplace pensions? As the Deputy quite rightly points out, a number of people in this Island have made provision for their pensions and an opt-out clause would certainly be useful for them.

**Deputy J.A. Martin:**

Yes and although I said to Deputy Morel I will get D3P to find this out, if the companies you have just mentioned know the amount, that would be helpful. But, of course, I cannot remember who you said, but if you email me, I will make sure these people are talking to these companies. I would imagine they do know, because, as I say, they are very well briefed and they have done this before, but we do not want to miss anybody and if the Constable will let me know, I would definitely make sure that they are consulted when they are back on Island.

**5.15.1 The Connétable of St. Ouen:**

It is more of an offer, rather than a question, but would the Minister consider inviting me along to provide her with some advice, seeing as that is one of my specialities, when I was in the finance industry?

**Deputy J.A. Martin:**

Absolutely. When they are next back on Island I will make sure we can meet.

**5.16 Deputy G.P. Southern:**

Does the Minister accept that on a disposable income, if you are on income support, of around £130 to £140 a week, that the removal of £3 a day, because you have been overpaid, £21 a week, is quite significant and could cause hardship?

**Deputy J.A. Martin:**

The Deputy always quotes a single man on his own on the £140 to £160 a week and if the man has had the £21 a week before, he has spent the £21 a week before, he is hopefully spending it on the right things and then he is paying back £3 a day for the next week.

**5.17 Deputy M. Tadier:**

The question follows on from one raised by Deputy Ward about a time limitation on claims pursued by the Department where there has been no ...

**The Bailiff:**

Deputy, it will have to be extremely brief, as we are about to run out of time.

**Deputy M. Tadier:**

That was a quick half an hour. I am sure it did not feel like it. Is the Department not bound by the legal time barring, which covers claims under tort law, when pursuing damages, or lost revenue, from a member of the public?

**Deputy J.A. Martin:**

I do not think it is. I can check that for the Deputy. These are monies that are owed, have not gone to court, it has just been an overpayment. As I say, something has not obviously come to light in the Department. Yes, I am not saying the Department does not sometimes make mistakes, it does. It still does not mean that money can automatically go, because this is taxpayers' money. But I will look into what the Deputy is saying and if the Deputy knows one sort of case law, that he thinks I am not applying to overpayments, I look forward to hearing from him as well.

**The Bailiff:**

Very well, that does in fact bring the time allocated for questions to Ministers without notice to an end. **[Approbation]** I am not sure Standing Orders ever expected one Minister to field the entire half an hour, other than possibly the Chief Minister.

**Deputy J.A. Martin:**

I am never going second again, Sir. Never. **[Laughter]**

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**The Bailiff:**

That is, I am afraid, what Standing Orders do provide. We now come on to a statement that will be made by the Minister for Children and Housing regarding the publication of a report concerning the recent Ofsted inspection of Children's Services.

**6. The Minister for Children and Housing will make a statement regarding the report *Making a Difference; Driving Improvement - An Inspection of The Government of Jersey Children's Social Work Service - A follow-up report***

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

Last week, the Jersey Care Commission published a report on the follow-up inspection of our Children's Services, carried out by Ofsted. As a Government, we welcome this report's findings and recommendations. In particular, I am pleased with the finding that children in need of help and protection are now better supported than they were at the time of the last inspection. However, there is still more to do, to ensure a fully joined-up response to children's needs and the report rightly highlighted the lack of progress made in some areas. As Minister, I will provide a full response in

due course. Today I wish to provide States Members and the public with an update on the progress that has been made since the inspection took place and what progress we are now able to make, as a result of the Government Plan being passed last week. I would like to thank Members for their support in passing the Plan, which enables us to quicken the pace in delivering on many of the improvements which are needed. This report and those which preceded it have repeatedly told us of the problems there were with recruitment and retention of staff in Children's Services. I am pleased to say that, since the Ofsted inspection took place at the end of September, we have made several permanent appointments, to stabilise the workforce at all levels, so that children experience less turnover and change. We now have a senior leadership team, of 5 permanent staff, including a new Director of Children's Safeguarding and Care, who are committed to take the Children's Service forward. This is the first time that there has been stability in the leadership team for many years and puts us on a sound footing to proceed with developing a service development plan, that directly responds to Ofsted and the Care Inquiry, as well as instilling a relentless focus on the quality of practice and performance management, to improve outcomes for children and families. The report found that the Multi-Agency Safeguarding Hub has been strengthened, which is a particularly welcome finding, given the report from the Independent Jersey Care Inquiry earlier this year. They also found that there had been improvements in the fostering and adoption service and a better response to children at risk of exploitation. In its recommendations, the report states that we need to: "Implement and embed a wider system changes, such as new legislation and improved corporate infrastructure, with comprehensive political commitment." The Government Plan allocates funding for this important policy work, and we have just launched a consultation on wide-ranging amendments to the Children's (Jersey) Law 2002, which includes corporate parenting. The report also recommended that we: "Improve the quality of services and support provided to care leavers and to children, in private fostering arrangements." As corporate parents, we must improve the way we support care leavers and work has been undertaken to prepare an entitlement offer for care leavers, which will provide extra help and support. Just last week, the Corporate Parenting Board, which I Chair, met to discuss this and the Government Plan now gives us the funding to deliver on this in the new year. I have also just signed a contract with Jersey Carers, to enable them to provide independent advocacy for care leavers. The report recommended we: "Rapidly develop and implement an early help offer, so that children's needs are responded to effectively at the earliest opportunity." Through the Government Plan, we will put in place a new initiative, namely "Right Help, Right Time" which is an early intervention service for families. This is a significant piece of partnership work, to develop support to children and families to strengthen and build their capacity and to reduce the numbers of children entering statutory systems. The Ofsted report recognised that there has been a significant shift in corporate and political support for Children's Services, as well as greater recognition of the need to strengthen the support provided for children. They recognised our commitment in the Common Strategic Policy, the Children's Plan and our Pledge to Children and Young People. The pledge to Put Children First has recently been launched, with support from the Chief Minister, myself, the Chief Executive and Government of Jersey departments and colleagues. It has been great to see businesses, organisations, charities and individual Islanders help to positively promote this awareness campaign. The logo and campaign were designed by children, in collaboration with the Jersey's School Council Network. This campaign is to encourage Islanders and businesses to sign up, as part of our commitment in responding to the Independent Jersey Care Inquiry recommendations, to raise awareness of the need for everyone to take responsibility for putting children first and make Jersey the best place to grow up. The Independent Jersey Care Inquiry Panel said in their 2-year progress report: "We believe Jersey has the potential to learn from its past, in order to put in place truly world-class services for children. Some long-held approaches will need to be relinquished, to allow new ones to develop to ensure a better future for the Island's children. We are reminded that almost everyone, who had suffered maltreatment in the Island's care system, told us that the purpose of sharing their experiences was to ensure that, in the future, children in Jersey had safer, more fulfilling and happier childhoods. Delivering that future

honours their past.” Putting Children First means that all children and young people will grow up safely, learn and achieve, live a healthy life and are valued and involved in everyday decisions that affect their lives. The campaign to support the pledge is about raising awareness of the need for everyone to take responsibility for putting children first, which is a necessary step in changing those “long held approaches” that enabled child abuse to persist for so long. There is still a long way to go on this journey, but I wish to take this opportunity to thank all those involved in Children’s Services for facilitating the Ofsted inspection. I know that the Service comes under intense scrutiny from the public, media and within Government itself, but I wish to take this opportunity to thank all the staff, whether they are interims, or permanent employees, as they all have a vital role to play in making a difference in the lives of our most vulnerable children and young people in Jersey.

**The Bailiff:**

There is now a period of 15 minutes in which questions can be asked of the Minister on the statement. Does anyone have any questions for the Minister?

**6.1.1 Deputy K.G. Pamplin:**

I thank the Minister for his work and his efforts in this regard, but does he agree with me that we still have a long way to change the hearts and minds of those who still refuse to see this as a critical issue going forward; that putting children first also puts families first and that also we live in a fragile society if we are going to fully get everybody committed to this important cause for all of us?

[12:15]

**Senator S.Y. Mézec:**

Yes, of course, I do agree with Deputy Pamplin on that. He spoke about winning hearts and minds and that is what a lot of this work has got to focus on. We can improve the systems and we can improve the legislation, that governs how we deal with these issues, but most fundamentally we need everybody in our society to understand what this is all about and understand that it is not just about what the Government does, but also about what people do in their private lives and what businesses and other organisations can do. I know that there is some very good practice, that takes place in some businesses in the Island and I think that, over the next few months, with the campaign that we are running, I hope we will have an opportunity to celebrate some of that good practice. In particular, I know some of the supermarkets do quite a lot to support children in their communities, or those who come through their doors. If we can celebrate the good practice that they have we may also encourage others to think: “What more can we do?” and have that just become a normal part of what we do in Jersey.

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

I really appreciate having this statement in front of us and I think it gives a good direction of what is going on. I would ask the Minister: does he feel that the end is in sight? Can he see light at the end of the tunnel?

**Senator S.Y. Mézec:**

It is a good question and in terms of whether I see the end in sight, the honest answer to that is ‘no’, because I do not think there will be an end. This will be a journey that our Island will always be on, because it is entirely possible to make a series of improvements, to feel like we have done a good job and then, in years to come, things slip again. What we have got to try and do is to mitigate the chances of that ever happening. But in terms of the here and now and the work that we are doing, I am pleased that the Ofsted report identified areas for improvement that we ourselves had recognised beforehand and were doing the work to put bids in for the Government Plan for particularly projects that we knew would be necessary. To see what Ofsted and the Jersey Care Commission have highlighted and see the synergies that there are with what we propose in the Government Plan, gives

me hope that with the work we are going to do next year, when that Government Plan funding kicks in, we can make some real progress and the things that we have been criticised on for dealing with too slowly before, we will now be able to deal with more quickly. I am immensely pleased at that prospect.

### **6.1.3 Deputy M.R. Higgins of St. Helier:**

In the Minister's statement, he mentions the report found that the Multi-Agency Safeguarding Hub has been strengthened, which is a particularly welcome finding, given the report of the Independent Jersey Care Inquiry, earlier this year. Can the Minister elaborate on the criticisms of the Care Inquiry and why he feels this report deals with their criticism?

### **Senator S.Y. Mézec:**

It does not completely deal with their criticisms, but says that the Service itself has been strengthened, which has got to be welcome, because, in the Independent Jersey Care Inquiry report, there were criticisms, not just about how it worked, but also the wider perceptions and attitudes there were with that Service. That second part I do not think has been dealt as much with yet and we have got to do more on that. But, in terms of enabling that Service to operate more effectively and do a better job, on behalf of those who it is meant to safeguard, the Ofsted report has said there has been progress there and that is worth recognising, because it is an important part of trying to protect children.

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

Can the Minister provide any assurances that through the efficiencies plans, that no social worker roles will be cut?

### **Senator S.Y. Mézec:**

The efficiency programme is obviously still in its early stages. I certainly will not approve of any reduction in the number of social workers, certainly in the short term; I think that is not right and I have made that perfectly clear to my officers. It is the case that we have a large proportion of social workers, who are agency staff and we are working to have a greater proportion that are on permanent contracts. It may well be the case, in a couple of years' time, that because of the development and training that is given to our permanent staff who are based here, that overall numbers can be looked at. But that can only be looked at when we have the evidence that case management can be dealt with properly and that early help, right time, right help, has succeeded in reducing that. But, as an efficiency, absolutely not; that can only happen as we change the service to meet what is the obvious need out there, but as an efficiency, no.

### **6.1.5 Senator S.C. Ferguson:**

Will the Senator confirm that the lessons being learned in the Children's Service - both as a result of the Ofsted report and work that has been done - will be shared with the services for vulnerable adults?

### **Senator S.Y. Mézec:**

That is obviously not at the forefront of my mind, with the work that I am doing with the programme I am undertaking, but the Senator does raise a valid point and I am sure that there will be lessons to learn from the transformation of what is happening with Children's Services. I am certainly happy to, at the right time, facilitate that discussion with other Government departments. I am sure that those discussions, probably, are happening at an officer level, but if that needs to be escalated to a political level, then that would strike me as being a worthwhile thing to do.

### **6.1.6 Senator S.C. Ferguson:**

From reports that have been produced by the Auditor General, she is really quite concerned about the fact that the lessons being learned by the Children's Service are not being communicated to the services for vulnerable adults. Will the Minister look at this and make sure it gets going?

**Senator S.Y. Mézec:**

Services for vulnerable adults do not fall within my ministerial remit, but they are important and I am, as I said to the Senator just now, more than happy to facilitate that discussion, because, as she says and as the C. and A.G. (Comptroller and Auditor General) is clearly indicating, that would be a worthwhile thing to do.

**6.1.7 Deputy K.F. Morel:**

It is excellent to see improvements in Children's Services and nobody is going to dispute that we needed to improve Children's Services, but how would the Minister respond to concerns by people who would say that, perhaps, the prioritisation of Children's Services has led to a deprioritisation for vulnerable adults, including the 30 per cent of pensioners, who live in poverty?

**Senator S.Y. Mézec:**

I am the Minister for Children and Housing, I am not the minister for vulnerable adults, although I clearly consider that to be an important part of what Government ought to do. My job is to bang the drum for putting children first and that is what I am trying to do. I do not believe that ought to be done at the expense of everybody else, certainly not at the expense of other vulnerable people. The Deputy can see that my own record in this Assembly, as my voting record and how I have spoken and supported Propositions, is that I have never voted for anything that I believe would negatively impact on the vulnerable people in our community, no matter what age they are. But, if it is the case that there is a desire to see better working with those who are helping transform our Children's Services and take those lessons to other parts of government services, then that is a worthwhile thing to do.

**6.1.8 Deputy K.F. Morel:**

Is it the case that, in his response to my question and Senator Ferguson's question, the Senator is demonstrating a silo mentality that this One Government is meant to be breaking down?

**Senator S.Y. Mézec:**

No, absolutely not. This is a strategic priority of this Government, for which I have been appointed as the first Minister for Children and Housing to lead the work on it and I am incredibly proud to do so. It is not silo mentality to point out that I do not have the powers of legal intervention in other Government departments, because I do not; that is simply a legal fact. Many of those things would fall in the remit of the Minister for Health and Social Services, who I have a good working relationship with and am more than happy to have these discussions with him, to demonstrate that there is no silo thinking here. But this is a strategic priority, it should not come as a surprise to everybody that it features on the agenda in the way that it does.

**6.1.9 Deputy M. Tadier:**

Does the Minister agree that protecting children from harm in familial situations is one strand of putting children first, but we also need to protect children and families from disproportionate intervention and inappropriate intervention from the State? When there are cases where States Members become aware of what, I believe, in some cases, is a completely spurious action, which is taken by social workers, or the Children's Services, against the family, often whom are incapable, or ill-prepared to be able to represent themselves; what steps should they take to flag that up with Government?

**Senator S.Y. Mézec:**

Every case that ends up going through Children's Services is a difficult case and it can be very difficult to know how to react to individual cases. But that is why the focus has got to be on right help, right time, because when you can help families at an earlier stage, it will come across as a more

friendly intervention, as opposed to a tougher intervention, that can often make things acrimonious and unpleasant. If families, that have difficulties, are being helped at an earlier stage, then the benefits will be felt throughout the entire system. As I mentioned in my opening statement, there is now a new permanent Director for Children's Safeguarding. I am beginning to have conversations with him about how specific cases can be dealt with and what processes we can put in place. There are a small number of cases that I am aware that he is looking at, because of referrals by me, but I think we need to formalise that somehow better, so when these particular cases come up, we can find a path to resolution.

**6.1.10 Deputy M. Tadier:**

Will the Minister also comment on an issue, which has been raised to me by a constituent, about the fact that when records are kept by social workers, it is possible for them to record matters, which are purely conjectural, yet they will stay on files, as if they were matters of fact, for years and often interminably? Does he believe that is correct and would he undertake to have a cross-ministerial review of some of these issues, to make sure that a balanced approach is taken to both human rights and child protection?

**Senator S.Y. Mézec:**

It should be an uncontroversial fact that whatever records are kept about anybody, who goes through a service, ought to be accurate. It is difficult to comment on individual cases, because there will always be multiple perspectives on them, but I am certainly happy to have that discussion with the Director for Children's Safeguarding, to see what process has been in place to ensure records are kept accurately. There has, recently, been a big update of the computer system that social workers have been using and the feedback, that I am getting, is that the new system is much more user friendly and positive than what existed before and that will enable social workers an easier time in keeping accurate records and accessing them when they are needed.

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

I wonder whether the Minister could help me here. The headlines - and I know paper never refuses ink - but we have been told there are still 400 youngsters who are possibly still in danger in this Island. We have employed people - and we have employed a lot of outsiders to come and help us with this situation - and yet we seem to still have 400 children, who could possibly - that was the headline - be still in danger. We seem to be trying; are we not trying hard enough? Is something going wrong here, that it is better to sort of portray us as an Island that is a hotspot for children's abuse, that we are doing something, or are we actually doing something? Because, at the moment, a lot of my parishioners feel that whatever is going on is very negative and we keep getting these inquiries and yet we keep employing staff ...

**The Bailiff:**

Connétable, there is only 30 seconds left if you could ask the question.

**The Connétable of St. Saviour:**

Sorry, is everything negative, or are we winning?

**Senator S.Y. Mézec:**

We absolutely are winning and that is partly why I wanted to make this statement, because I did feel that some of the media coverage had focused very heavily on the negatives and not tied it to some of the stuff that is in the Government Plan that is very positive on this. The story she specifically referred to domestic violence, as opposed to Children's Services, although the 2 can obviously interact with each other. She may have seen that work was taken in the last few weeks on a domestic violence campaign and there is funding in the Government Plan to proceed on projects to help deal with that. They were slightly separate issues, but I see where the Constable is coming from.



**The Bailiff:**

Well that exactly brings the question time for the Minister for Children and Housing to an end on his statement and we now move on to Public Business.

[12:30]

**PUBLIC BUSINESS**

**Senator I.J. Gorst:**

Sir, I wonder if just before we do, it is not my piece of legislation, but you will be aware of P.123, which requires the Minister to ask the Assembly to lift 2 specific Standing Orders. I wonder if the Minister might like to make that case now, before lunch.

**The Bailiff:**

Well it is a matter for the Minister. It can be dealt with immediately prior to when the States is asked to take it, or it can be dealt with now. Minister, do you wish to make that?

**Deputy J.H. Young of St. Brelade:**

Yes, I want to make a Proposition that the States do waive those Standing Order requirements. Obviously, this has come to light late in the day and it is not something I relish, having stood here before and asked the Assembly to do that, previously, when we were, at that time, approaching the October deadline for Brexit. But, of course, now the deadline has been moved to January and that has necessitated a further review into the legal requirements and our compliance and I believe the same process is happening in the United Kingdom. Therefore, I have been asked, as soon as that gap was [*indistinct*] to present to the Assembly and seek to bring this legislation through, in time for the meeting that will take place in January, this thing called S.C.O.P.A.F.F. (Standing Committee on Plants, Animals, Food and Feed), the relevant E.U. Committee that decides whether, or not, our arrangements are satisfactory for our agricultural projects, animal standards and so on; all those things that are meant to decide that our processes are satisfactory, so that trade can continue. That is why I am asking the Assembly to take those on the last item today.

**The Bailiff:**

Is that seconded? [**Seconded**]

**Deputy K.F. Morel:**

I want to bring the Assembly's attention to the fact that this legislation has had zero scrutiny. As many of you know, it was lodged on Friday and this is yet another example of this Department coming to the Assembly saying: "Sorry, we did not realise but." I have, personally, in Scrutiny, asked the officers and the Minister with regard to S.C.O.P.A.F.F. legislation, in the past, if there is any more to come. The answer is always, no, there was not. Last time it was: "No, we think we have found everything." Yet here we are, on the eve of the debate ... we did not know it was going to be a debate and suddenly Friday becomes the eve of the debate that we did not know we were going to have. I appreciate the Minister talking about urgency and I appreciate that the Minister, himself, has had no say in this, but there is something deeply wrong where we keep being asked this and suddenly find a bit more legislation. Let us face a real fact here. They did not find this legislation on Thursday. They could have given some sort of advance warning, before Friday, that this legislation would be coming. They could have mentioned it to Scrutiny. It was not mentioned to Scrutiny. The legislation, itself, asks for us to give Order-making powers to the Minister for the year ahead, without having had any scrutiny. We are handing the Minister quite considerable power, without having provided any scrutiny of that power, whatsoever. It is a *cliché*, I know, but this is a gun to our head. This is how we are being asked to pass this legislation. I am not saying

we should not, because the sense is and I have trust in the Minister in that he says: “It is necessary and it must be done, so please do not get in the way of this.” I will not stand in the way of it, but I want the Minister to understand how deep my concerns are with regard to the situation in his Department uncovering this legislation, how deeply unsatisfactory the conduct of the Department has been in bringing forward this legislation and its complete failure to advise Scrutiny of that. The Minister said quietly to me earlier - as I was saying similar things in his ear as we sat here - that he would commit to advising Scrutiny in advance of Orders being signed and I ask that that is made as a public statement, that goes down on record and the Minister not just advises, but advises with notice of Orders, before they are signed, because it is appalling. The Department is continuously riding roughshod over this Parliament in the name of urgency and: “Sorry, we made a mistake.” How many mistakes is this Department going to make? As I said, I asked a couple of months ago, with regard to previous S.C.O.P.A.F.F. legislation: “Is this the last?” “Yes, it is the last” and here we are and it is apparently not the last. Please bear that in mind and if ever there was a need for a Department to eat humble pie this is it, because the conduct is deeply unsatisfactory.

**Deputy R. Labey:**

Would the Minister tell us when he next speaks how much consultation specific to this Proposition there has been with farmers and growers, their representatives, the Jersey Farmer’s Union?

**Deputy G.C. Guida:**

I think there is a little misconception here. This Assembly has very little jurisdiction over the over 300 million people in the European Union and the 65 million in the U.K. They do their own thing and then, for some things, we just have to follow. A month ago, there was absolutely nothing to do with S.C.O.P.A.F.F. We were celebrating our inclusion. We have done our paperwork at the very last minute, as it happened, not because we enjoy doing those things in the last hours of Friday night. We managed to do this and we were included. Brexit did not happen. The E.U. now has new Regulations coming out at the end of December and S.C.O.P.A.F.F quite rightly said, since these Regulations are coming out before you are likely to exit the E.U. we would like you to implement them. I think we learnt about that late last week and scrambled, again, very late on Friday, trying to have something to present to this Assembly. We are reacting to what the rest of the world imposes on us. There is very little we can do to pre-empt, or be proactive about this. We can only react. To say that it is the fault of our Department, for not having anticipated what is going on in the U.K. and what the E.U. wants to do with its relations, is a little bit extreme. We have worked unbelievably hard. We are so much in advance on most Brexit matters, but we still cannot expect anything. Should we already prepare on what is going on this Friday? Of course, we know exactly what is going on on Thursday and we can anticipate and treat everything that will happen after that. No, we will have to be reactive. We are prepared, but we will have to be reactive, so please excuse us for the late presentation of this. It is nothing to do with us, whatsoever and I would like a little bit of help here rather than hindrance. **[Approbation]**

**Deputy K.G. Pamplin:**

Just so we can get some clarity on this, when exactly did the Minister’s Department find out about this, that it was necessary to be lodging? Obviously, Brexit could have happened a couple of times, but, as we know, it could still happen in January. The scenario I am thinking of is if Brexit had happened, what would have happened afterwards? I am seeking a bit of clarity around that. Also, I read in the Proposition paper and I am sure everybody has read it, that the Minister cannot exercise the power any later than the end of 2020, so would there need to be an extension and what would be the going forward of that?

**The Connétable of St. Brelade:**

I am inclined to empathise with the principles of what Deputy Morel was saying, in that the perception is this type of process is disrespectful to the Assembly here. Having said that, wearing the hat of the Scrutiny Chair directed to scrutinise this sort of legislation, might I suggest the Minister takes it at the end of business today, to enable us to have conversations, during the course of the afternoon and deal with any concerns that may arise?

**The Bailiff:**

I have Deputy Tadier and Senator Gorst who are still to speak. We will then come to 12.45 p.m. and I will be required to ask the Assembly if they wish to adjourn. Can I have an indication now if we wish to conclude with this application before adjourning? Very well, we will continue beyond. Will those who wish to speak indicate again, please?

**Deputy M. Tadier:**

It may surprise Members that I am a bit more relaxed, this time, about shortening the deadline for this and there are a couple of reasons. The first is that shortly after I raised similar objections to Deputy Morel, on the last occasion, I had a chance meeting with the States Vet. It was more of a casual conversation, rather than specifically about what had been passed, but I had a greater understanding, after that, of the urgent need and the necessity for Jersey to be acting in these areas. Secondly, the test we are debating, in reducing the lodging period, is of a much lower bar now. It used to be whether it was of such an urgent matter, which was prejudicial to the interests of Jersey and even on that, I think, it would have met that test. Today we are just asking whether it is in the public interest and it is always right that the public interest includes a presumed lodging period, where Members can read through, do the necessary due diligence and ask the relevant questions, whether individually, or as a panel and that has not been provided. But it seems to me that, unless I am mistaken, the principles of why we need to shorten the lodging period are exactly the same as the last time and the Minister can address that. Last time, we were quite happy for it to be put at the top of the Order Paper. I remember objecting to that and getting a very short shrift on that, so I would not have any objection to this being taken as the first item today, either.

**The Bailiff:**

Can I explain to Members that what Members are being asked to agree to do is 2 things? One is the suspension of Standing Order 32, that requires 2 clear working days' notice to be given of the desire to bring forward the legislation and that did not happen because notice was given on Friday. Secondly, to reduce the lodging period, in which the public interest test is the test the Assembly would wish to apply. It is dealing with those 2 issues - just so Members are clear - that is what is being asked of Members. It does not mean that the legislation will then proceed to be continued as the first item of business. It will then fall to its normal place on the Order Paper, unless Members desire to bring it forward, but at least there will be clarity that it will be debated, if the Members support what the Minister is asking of them.

**Senator I.J. Gorst:**

I am very grateful for your clarification there, because I was going to start at that point. This is simply to lift those 2 Standing Orders, to allow the item to be debated today, not to change the order of debate. Therefore, the questions that any Members might have to the Minister, or his officials, I am sure he would make them available over the lunch recess. The first point to make is that I fully understand the frustration of the Chair of the Scrutiny Panel. The Minister and his officials know that, in overseeing the Brexit project, we and I have, from time to time, shared that frustration, because the right question to ask is how have we arrived at this point, still needing to bring forward this particular fix to a piece of legislation? That is the right question to ask, but we must listen to the answer, because it is completely unfair to criticise the officials when we hear the answer. They worked, a number of weeks ago, night and day, to ensure that we were compliant with the

S.C.O.P.A.F.F Regulations, so that, post-Brexit, we would not have any problems with those particular exports. They had a lot of work to do. They had those legislative fixes to do at the time and, as we said in this Assembly, it was a time of uncertainty and they really did work every hour God sent, to ensure that was a positive outcome. We were in exactly the same position as the United Kingdom and as our fellow Crown Dependencies.

[12:45]

Officials worked to such an extent to deliver a positive outcome and we would, had the U.K. left the European Union at the end of October, as Deputy Pamplin asked, have had no problems whatsoever, because we would not have been required, at that point, to comply with any directives that have come into force between the leaving in October and a future point. The problem arises, because we have the application and officials have worked hard, with the support of Ministers, to get that approved, but between the end of October and the end of January, into force on 14th December, comes another piece of E.U. legislation which, if we are to maintain our S.C.O.P.A.F.F compliancy, we have to put this fix into place. It is not the best fix in the world. In an ideal world, Scrutiny would have had weeks to look at it and refine it and that is why when we get, hopefully, to the debate later in this sitting, the Minister will talk about why there is a sunset clause at the end of next year, to allow officials to continue to work to deliver a long-term solution, rather than the individual fix. It is not fair to criticise officials, in this instance, for all the reasons Deputy Guida said. Of course, it is frustrating, as parliamentarians, that we have not been able to follow all the processes we would wish to in these instances. We could just chalk that down to Brexit, but depending on the result on Thursday and depending on whether there is a majority Conservative Government, then we know, in the coming year, there will be many issues like this, that we will have to find ways to manage and navigate. The Chair is right to challenge Ministers, to make sure they are communicating effectively and in a timely manner with Scrutiny Panels. I am sorry and I am fully prepared to apologise that, in this instance, that has not taken place. The Chair has my apology in regard to that, but we will have to continue to work through these issues, if there is that majority Conservative Government that will seek to leave in January and have a future trading relationship with Europe by the end of next year, so we will have to get used to this. It is in Members' hands to shorten and override these 2 Standing Orders. Of course it is. We are not entirely at the mercy of the European Union and the U.K. We could say no to it today. That will then present the risks to the agriculture industry that Deputy Labey asked whether there had been sufficient consultation with. Of course, there has not been sufficient consultation in the few short days that have been available, but let us say that if we say no to it and we, therefore, put our position at risk, we will not be consulting the agricultural industry. They will be banging on our doors, asking us what on earth we were doing in not putting this fix to our legislation, when we had it in front of us to do in this manner. The Minister has my full support, as do his officials. They should take no blame for the position we find ourselves in today. If there is any blame to be taken, as ever, it is those of Ministers and, as I have said, I am sorry we found ourselves in this situation with the foreshortened period we are asking for but, for my part, I think it is very important.

**The Bailiff:**

Does anyone else wish to speak on the suspension of Standing Order 32, or the shortening of the lodging period? I call on the Minister to respond.

**Deputy J.H. Young:**

I am very grateful to Senator Gorst for everything he said and his support. The Senator, as the mastermind of our Brexit work, has done outstandingly and I am just a small agent but, if it helps the Assembly, I am absolutely prepared to eat humble pie. My part of the piece is to progress, through this Assembly, a piece of legislation, that I am told is essential for our continued export of products into the E.U. We know the one thing about goods and products that Jersey does export. It exports

into the E.U., exports into the U.K. and also exports into the Far East. I am told, in all the discussions I have had with agriculturalists, right throughout, is that they want to maintain that regulatory compliance with the E.U., upon which those contracts depend. We found the snags and we put those right. I stood and said this is the last time. I think I added the word “hopefully”. I am sorry. I was asked when I knew about it. I knew about this problem on 4th December. I did not get the draft. I looked at an earlier draft on 5th December and I was not happy with it. We got the draft on 6th December and I wrote to all States Members and I did ask that the Scrutiny team have it on that day. I apologise that something seems to have gone wrong in the network, but I think this particular piece of legislation, as I see it and maybe when we have the debate, it is to me a legal technicality, a vitally important legal technicality. I am prepared to say now, that I am quite prepared to have an arrangement that if this legislation is discussed and is passed, before any Order, under those rules, is done, it will be discussed with the Scrutiny team, because that is all this piece of law does. I think I picked up the dates. Again, I can only just say I am sorry. I will ask Members, please; it is very unsatisfactory. My reaction was exactly the same as other Members, not happy with it, but I think, in this case - and we all know, we all have our own personal feelings about the Brexit process; I do not mean this Island but I meant the whole thing - to me it is a shambles and we have all had to do our best with it and I think this is the best we can do for the Island, so I make the Proposition.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on whether, or not, to suspend Standing Order 32, to enable a filing period of less than 2 days and then to allow a foreshortened lodging period, on the basis of it being in the interests of the Island, in the public interest. If Members return to their seats I will ask the Greffier to open the voting.

<b>POUR: 44</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Is the adjournment called for?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The States stands adjourned until 2.15 p.m.

[12:53]

**LUNCHEON ADJOURNMENT**

[14.17]

**7. Draft Children and Education (Amendment) (Jersey) Law 201- (P.112/2019)**

**The Bailiff:**

We now move on to Public Business and the first item of Public Business is the Draft Children and Education (Amendment) (Jersey) Law, P.112/2019, lodged by the Minister for Children and Housing, and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Children and Education (Amendment) (Jersey) Law 201-. A law to amend the Children (Jersey) Law 2002 and Education (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

Members will be pleased to know that I do not intend to speak for too long on this draft law. Members will remember, I hope, very clearly, the debate that we had at the beginning of this year on P.144/2018, which was brought by Deputy Le Hegarat, to start the journey to outlawing corporal punishment against children. In that debate, her Proposition was accepted by 38 votes in favour and 3 against, which I thought was a wonderful signal of the importance that this Assembly treats children’s rights and is treating our obligation seriously to work towards incorporating the United

Nations Convention on the Rights of the Child into Jersey law. It is an indisputable fact that Article 79 and the other subsequent sections of the Children (Jersey) Law are simply incompatible with the U.N.C.R.C. (United Nations Convention on the Rights of the Child), end of story, no debates; they are incompatible, that is just the way it is. By bringing her Proposition, Deputy Le Hegarat has asked us to take this very important step and I am very pleased to be in a position to propose the draft law, which, if Members will read, will see that it is a relatively simple law, in that it targets a very clear part of the Children's Law that has not been too difficult to change. The one thing that I will say is that Deputy Le Hegarat asked, in her Proposition, for us to repeal Article 79 and we can see from the draft law that, rather than just repealing it, we are also replacing it with a clause which will unequivocally state that corporal punishment is no longer a defence that can be used in criminal cases. So, our law will not simply be silent on this matter, it will be expressly forbidden, which is what is required by the U.N.C.R.C. There were other sections in law that had to be changed, not just Article 79, but there are a couple of other bits that made reference to the principles that were in Article 79 and so the subsequent clauses in this law target those. One of which sits in the Education Law. If we go ahead and pass this legislation today, as I am confident we will, because of the overwhelming numbers we had in support of the debate at the beginning of the year - and in anticipation that it will go according to plan; it is registered in the Royal Court in time - this will come into force in Jersey in April, which will make us the first place in the British Isles to outlaw corporal punishment. I think that, given the history we have as an Island, everything we know from the Independent Jersey Care Inquiry, the failings that were in place before, this is, I think, just one sign of the change that there has been in our Island and I, for one, am very proud that we find ourselves in this position, able to claim today to be trailblazers, rather than lagging behind, not just by years, but sometimes by decades, as we are in other areas. So, I propose the principles of this draft law and hope Members will support it.

#### **The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

#### **7.1.1 Senator S.C. Ferguson:**

Like other Members of this Assembly, I also have had letters about this particular Proposition. They have supported retention of the ability for parents to use reasonable corporal punishment. This takes responsibility away from parents. I do not know if anybody heard the lecturer from Swansea this morning, on the radio, talking about this detracts from authoritative parenting. She pointed out that the court process is far more damaging than a short sharp smack. One of the examples that was given to me was of a toddler running across the road, when told not to. A short sharp smack gets the message across, instead of the whole thing ending up in court going on and on and the child really does not know what is going on; with respect. Parents do have to have sanctions and sitting on the naughty step, for a 3½ year-old, is not really a sanction. I doubt that many of the people in the Assembly here did not get a short sharp smack at some stage in their younger years and it is a sanction. The big thing about it, is that you learn that acts have consequences and that there is such a thing as individual responsibility. The Minister mentioned this morning about heavy intervention in his answer to a question by Deputy Tadier. I think taking a parent to court, for a short sharp smack of a child, is definitely heavy intervention. I am sorry, I really feel that this is taking sanctions away from parents, taking authoritative parenting away and just leaving parents in a position where they go and sit on the naughty step. I am sorry, it does not make sense.

#### **7.1.2 The Deputy of St. Peter:**

I have got my 1,500-word speech from before and I am sure we all really want to listen to it. I am not, obviously, but I will just go through my opening paragraph, which was: "Let it be clear at the outset, any excessive bullying, physical violence, torture and undue suffering, administered to children by parents, or anyone that cares for children is abhorrent and must never happen." I stand

by that. However, what we now have is a world of parenting that has gone from instinctive parenting to internet parenting. I am always constantly amazed by mothers with new-born children, how they adapt and they work their way through the process, obviously with the support of parents and family around them. But not the barrage of information that they get on the internet, which I think is fundamentally confusing and detracts from their inner emotions and their inner skills, which they have developed, or nature has given us over generations and generations, otherwise we would be extinct and not here today, would we not? Anyhow, Senator Ferguson mentioned authoritative parenting; the key to parenting ultimately is mutual respect. It is a 2-way relationship, like most relationships. Key to that is also the administering of boundaries, which children have to have. They have to have boundaries, otherwise they have no controls, they have no rights or wrongs, which is fundamental in our society. I genuinely think a little gentle slap is one of the measures that is available for it. No pain, just a little reminder of where they are. I have not changed my mind; I will still be voting against this, but I will not give you the 1,500-word reasons why.

### **7.1.3 Deputy M. Tadier:**

I came to this debate presuming that the main debate had already been had and that the Assembly was comfortable with the overwhelming decision that there should not be any assaults on young children. I do take offence at some of the underlying comments, in particular there was an email that we received. I have not responded to it, because I cannot verify the provenance of that email, but there seems to be some *non sequiturs* and some logical inconsistencies in it. What I do not like is the idea that in order to have boundaries about ethics and morals and correct behaviour that necessitates smacking; I do not see the 2 as logical at all. I know that most parents out there, who manage the challenging issue of raising a child, or children, without having to resort to what is effectively common assault. If that principle, that Deputy Huelin has referred to, a gentle smack, is such a good idea for children - who are the least able in society to defend themselves, because there is a size issue for a start; there is also an issue about trust and confidence and the abuse of all that; we all know the reasons - why do we not extend that practice to wider society? So, if we are in a bar and we have a disagreement with somebody, it is OK to just give them a gentle punch, or a gentle kick, or a gentle smack. Because that is not how we settle things in society. We talk, we reason and we have loving relationships, hopefully, with our family, in which we get them to understand what kind of behaviour is expected and what the consequences will be, if that is not lived up to. I can understand arguments that are put forward, I do not agree with them about deterrents, for example. You might immediately want to take your child away from harm, if they are too near a fire. You might smack their hand away or, more likely, you just take them away if they are small enough and remove them from danger. To what we have heard in this Assembly today about sanctions, another word for a sanction is a punishment. In my mind, I am decades away from when we removed corporal punishment in school. I do still remember the stories of the people, who were perhaps only 2 or 3 years below me at Les Quennevais, who would tell you stories about physical manhandling, of teachers, being pinned up against the wall; that is the students, not the teachers. What it actually does mean is that later on, it means that the cycle of violence is perpetuated. We would not ever countenance a child hitting a parent, if the parent got something wrong, but unfortunately violence breeds violence and I think that the argument has been well made. But it needs to be put again on record, because there will always be those dissenting voices in society and within the Assembly, which I think do not represent the mainstream.

[14:30]

### **7.1.4 Deputy M.R. Le Hegarat:**

This law change is about putting a child's rights, protection, on the same parallel to an adult. Nothing more, nothing less. Also, when people stand up and talk about it, this is about corporal punishment of a child. That is why we need to get rid of and change this law. Nothing more, nothing less.



### 7.1.5 Deputy K.F. Morel:

Actually, to ask questions of the Minister. In the report, before the Proposition, the Minister has written that funding of £7,000 will be available for a public awareness campaign, prior to the implementation of the draft law. He also talks, elsewhere, about the importance of having an awareness campaign. As the other elements of the report state, different jurisdictions have different attitudes to corporate punishment and, in some jurisdictions, it will still be legal in the way we are about to end it here. Could the Minister let the Assembly know whether, or not, this £7,000 will be available ... in the publicity, the communications it creates, will that be available in different languages for those languages which are available here? Because, otherwise, you are going to have people who speak English understanding what has happened and anyone who, perhaps, is not so good at English not understanding and they will revert to whatever the law is in their own jurisdiction.

#### The Bailiff:

Does any other Member wish to speak on the principles? I call on the Senator to respond.

### 7.1.6 Senator S.Y. Mézec:

That was a good question from Deputy Morel at the end there and I can answer it very simply by saying that, yes, that is the intention, to produce a guidance and literature in different languages. That is something that is going to happen. The Safeguarding Partnership Board are working, as we speak, on that campaign and it has been made clear, for the reasons that he stated, it cannot just be in English and we do have to accept that there will be people, who will arrive to Jersey, who, for perfectly honest and decent reasons, will just presume that the *status quo* is what it was where they came from. You cannot blame anybody for thinking that, so it is something we have to be conscious of. He is right there. I will not say too much more. I will say to Senator Ferguson and the Deputy of St. Peter, they are consistent, so fair enough. You cannot take that away from them. I obviously still disagree with them. The simple reason that I disagree is because of the point that Deputy Tadier made about the cycle of violence. It must surely send all the wrong messages to say that it is OK for a big and powerful person to use violence against a small and weak person, as a deliberate attempt to extract the behaviour from them that they want. To me, that is just intrinsically wrong. I was always brought up to believe that violence was never the answer. From my old karate days, we got taught that a true warrior wins his battles without fighting. I think that is quite an important lesson for life. There are lots of countries around the world that have already done this and they have not seen the mass criminalisation of decent parents. New Zealand have had barely any prosecutions, as a result of their changing the law. This idea has been brought up again about the toddler, who is about to run into the road. This law will do nothing, whatsoever, to stop parents from having to make reasonable physical interventions to protect children, or protect people around children. What this is about is punishment. This is about saying to a child: "You have done something wrong, now here is some pain as a consequence of your behaviour." That is what this is about. It is not about reasonable physical interventions to protect a child. I do not feel that there is that much more to say. The case, I think, was made very clearly in the debate earlier this year. I thank Members who have contributed and I call for the *appel* on the principles.

#### The Bailiff:

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the principles of the draft legislation.

<b>POUR: 39</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator T.A. Vallois		Connétable of St. Brelade		
Senator K.L. Moore		Deputy M.R. Higgins (H)		
Senator S.W. Pallett		Deputy of St. Peter		
Senator S.Y. Mézec				

Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Deputy Ward, does your Scrutiny Panel wish to call this matter in?

**Deputy R.J. Ward (Chair, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

How do you wish to propose the Articles, Minister?

**7.2 Senator S.Y. Mézec:**

They all go together. To have them taken separately and some adopted and some not adopted would defeat the purpose of them, so I think they ought to be taken *en bloc*.

**The Bailiff:**

So you propose them *en bloc*?

**Senator S.Y. Mézec:**

I propose them *en bloc*.

**The Bailiff:**

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

**7.3 Senator S.Y. Mézec:**

I do propose them in Third Reading. I simply take the opportunity to thank the officers, who have worked to put this together and to thank the Safeguarding Partnership Board for the work that they are going to do on the campaign. To thank Members for their support on this principle and also to thank Deputy Le Hegarat, who got the ball rolling with this. I think she has done a very valuable job there and I think we can hold our heads up high for the decision we are about to make. **[Approbation]** I propose it in Third Reading.

**The Bailiff:**

The *appel* is called for.

**Deputy R.J. Ward:**

Do we not get to speak on the Third Reading?

**The Bailiff:**

Yes, they are to be seconded in Third Reading, then I invite people to ... so is it seconded? **[Seconded]** Does any Member wish to speak in Third Reading?

**7.3.1 Deputy R.J. Ward:**

I just want to make one comment. I think, seeing as the Council of Ministers have made a priority of putting children first, if the Council of Ministers are available in the Chamber, or near the Chamber, perhaps they should be here to support this to show their unanimity in support of this law and generally putting children first.

**7.3.2 Deputy M. Tadier:**

I just wanted to follow up with that point as to ask the mover of the Proposition whether this is, in fact, a matter of collective responsibility for the Council of Ministers, as he knows, or is it a conscience vote?

**The Bailiff:**

I did not pull up Deputy Ward, but the debate in Third Reading is limited to whether, or not, the law should be passed in Third Reading in the form that it ends up in. There is no basis for a broader debate than that.

**Deputy R.J. Ward:**

My apologies.

**The Bailiff:**

No, not at all.

**Deputy M. Tadier:**

I could probably direct my point to that comment. In the sense that looking at the law as a whole, as it stands, one would hope that it is complete, it does everything that it should do and so, perhaps, first of all the Minister can address that point in summing up. If it does do everything that it sets out to do and is a good and complete law, does he think that all of his fellow Ministers, who are in the precinct today, who have signed in this morning and who will be here after this vote, should also

be here to record their vote for, or against, rather than what some think is taking the easy option and just absenting themselves, so they do not have to face public accountability?

**The Bailiff:**

Does any other Member wish to speak on the law in Third Reading? I call on the Senator to respond.

**7.3.3 Senator S.Y. Mézec:**

I cannot speak on behalf of any Member, Minister, or otherwise, who is not in the Chamber. I would say, though, that the Proposition brought by Deputy Doublet in the last Assembly, to incorporate the U.N.C.R.C. into Jersey law was overwhelmingly adopted. If you are serious about that commitment on U.N.C.R.C. incorporation, then it naturally and inextricably follows that this piece of law must be adopted, because it puts us, on this issue, in compliance with the U.N.C.R.C. and therefore I say that every Member who is truly committed to the U.N.C.R.C. ought to vote for this and I would hope that it being such a matter of importance would compel people to feel like they ought to be here, unless they have something really important preoccupying them elsewhere. But I could not speak on their behalf, because I would not know why that would be the case. So, I call for the *appel* in Third Reading.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption of the law in Third Reading.

<b>POUR: 39</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator T.A. Vallois		Connétable of St. Brelade		
Senator K.L. Moore		Deputy M.R. Higgins (H)		
Senator S.W. Pallett		Deputy of St. Peter		
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
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Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **8. Draft Data Protection (Registration and Charges) (Amendment) (Jersey) Regulations 201- (P.114/2019)**

### **The Bailiff:**

The next item is the Draft Data Protection (Registration and Charges) (Amendment) (Jersey) Regulations lodged by the Minister for Economic Development, Sport, Tourism and Culture. I ask the Greffier to read the citation.

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

Draft Data Protection (Registration and Charges) (Amendment) (Jersey) Regulations 201-. The States makes these Regulations under Articles 18 and 46 of the Data Protection Authority (Jersey) Law 2018.

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

These proposed Regulations introduce a new fee model for the registration of businesses with the Jersey Office of the Information Commissioner. In 2018, the Assembly introduced data protection legislation equivalent to the European General Data Protection Regulations. The new laws were established to enhance privacy and protection for Islanders and to preserve the free flow of data between Jersey and the E.U., which is crucial for our economy. To do this, the new legislation expanded the power, scope and responsibilities of the Data Protection Regulator, requiring an increase in resources and skills in that organisation. Historically, the Data Protection Regulator was funded by a combination of Government and by the organisations it regulates, each of whom paid a £50 flat fee. This fee has been unchanged since 2005 and was levied, regardless of the type, or amount, of personal data that an organisation processed, or its size, or ability to pay. So, a very small business paid exactly the same as a very large business. This approach is no longer feasible. It does not bring in sufficient revenue and indiscriminate flat fees are not considered to be compatible with G.D.P.R. (General Data Protection Regulations). The need to change the funding model was recognised by the States Assembly with the Proposition for the new Data Protection Law in 2018, which noted that the Regulator's additional costs would be met partly by the Government, for a transitional period, before the introduction of a risk-based, tiered, fee from 2020. I am pleased to bring to the Assembly the Information Commissioner's recommended proposal for a new fee model, which aims to meet the Authority's resource requirements, while fulfilling the following key criteria: that it is compatible with the General Data Protection Regulations; that it takes into account the risk associated with the data held; that it is fair and the impact of the fees is appropriately and proportionately distributed; that it minimises the burden on businesses, especially small businesses; that fee payers can easily understand the amount they are expected to pay and how this is calculated; and that it is simple and economical to administer. I believe that the proposals that are before the Assembly today deliver against these criteria. The smallest businesses will no longer pay the same as the larger businesses. The fee is easy to understand. Businesses just need to answer 4 simple questions and it is supported by a registration process, that is simpler than the one currently in place.

In developing the proposed model, the Commissioner consulted with the business community. This work was complemented by further consultation, by my Department, with business organisations and representatives from the finance industry and Jersey Business. As a result of this engagement, substantial revisions were made to the fee levels that were originally consulted upon. The fees for small to medium-size enterprises were significantly reduced. The approach was simplified and the highest fees were also reduced. The highest possible fee is now set at £1,600, which compares favourably to a maximum of £2,900 in the U.K.; the lowest fee is just £70. While I am sure we all know that no business welcomes an increase in charges, I can confidently say that this new model is one that they can accept. Our estimates are that 85 per cent of all businesses in Jersey will pay the minimum £70 fee, or nothing at all and just 36 businesses will pay the maximum fee of £1,600. Businesses will also receive valuable benefits from the Regulator. Upon registration they will gain access to tool kits, to help them comply with their obligations under the law and an advice helpline, manned by skilled advisers. Can I thank the Members that attended the presentation yesterday? I did also send all Members a copy of the slide set last night and that did explain just the detail of the new fee structure.

[14:45]

In short, it is based upon the number of full-time equivalent staff and organisation employees, what its prior year revenues were, whether it is regulated and registered with the Jersey Financial Services Commission and whether it processes special category data. In conclusion, I would like to invite Members to support this proposed new fee structure, that will ensure Jersey has a sufficiently skilled and well-resourced Regulator, help protect Islanders' privacy and data and help Jersey maintain its E.U. adequacy status and the crucial free flow of data with our European partners.

#### **The Bailiff:**

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the principles?

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

In fact, the Minister may like, in his summing up, to let me know how many small businesses are paying the requisite £50, which he mentioned, at the moment. I feel that charging small businesses £70, with very little benefit seems somewhat unreasonable. It has been suggested that £70 will give them help in filling out the forms and I would suggest very little else. I can understand financial services businesses, who regularly deal with the U.K. and other parts of the world, needing data protection services and, obviously their clients will too, but what good is this going to do for the ordinary small businesses in Jersey? I suggest that this is nothing but added red tape.

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

I feel the need to speak after the previous speaker. Data protection is something that is about protecting everyone's data if you are doing business; so, if you hold people's personal data. It is about making sure ... the data protection will make sure that you are doing it appropriately, you are not selling that data, you are not handing it on to people that should not have the data. That can be quite confusing for some people. This whole £70 will mean that you get all the support you could possibly need from our Information Commissioner and the teams there, to make sure that if you are confused about how you can handle data, how you can share data, putting emails together and all of the areas where people's personal data, which really they own; they own their own personal data, you just hold it for them, for business reasons to be able to contact them. It is not used in an inappropriate way, or handed on to people that it should not be handed on to. The only other way we could do this is that you go and see a lawyer and a lawyer could help you explain it, which will cost an awful lot more than £70. I think this is absolutely appropriate. We need to bolster up the Information Commissioner, so we can help as many small businesses, medium businesses and large businesses, if we can, to protect our Islanders' information, because it is about the people that live in

this Island and how their data is used appropriately and in a way that they agree with. I think this is absolutely a fantastic bit of legislation. This is going to do a lot of good for Islanders and give the support that is possibly needed.

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

Similarly, to Deputy Wickenden, I will be supporting this Proposition. I just wanted to bring Members' attention to how important a strong Information Commissioner is going to increasingly be, basically; particularly as the Government itself digitises more and more of the services that it offers. Our Government is going to be in possession of some incredibly personal data, which people outside of the specific departments, or even specific teams, that are processing that data, should not have access to, only the people who need it. Whether it is individuals, or small businesses, or larger businesses, at some time many of us are going to require adjudication by the Information Commissioner and representation in front of the Information Commissioner, in order to ensure that our data is being used properly and is being used sensibly and not being shared outside the bounds of where it should be. I, personally, am always concerned about governments and personal data, because, for those of us old enough to remember - that is most of us in this Assembly - the Cold War and the way we saw the Communist regimes turning people's personal information against them, using their neighbours, *et cetera* and things like this, just to inform on them. Now, governments have far greater ability to do that and our Government is going to be in exactly the same place. For me, asking people to pay to ensure we have a robust Information Commissioner, I think, is a really important investment for the future. So far, in my personal dealings, I have found the Office of the Information Commissioner to be very forthcoming and ready to answer queries, no matter what size of organisation you are representing. I urge Members to support this proposal, because it is ridiculous, considering we put up the cost of alcohol, tobacco and so on every year by the cost of living and more, but the Information Commissioner has not had the fees rise, by even R.P.I., once in that time. Since 2005, I believe, Senator Farnham said, there has been no increase in the cost of the Information Commissioner to those who use his services. It is about time that we did that and this new fee structure is fairer than the previous, one-size-fits-all, fee structure.

### **The Bailiff:**

Does any other Member wish to speak on the principles? I call on the Senator to respond.

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

Can I thank the Members that have spoken and especially thank Deputies Wickenden and Morel for their support? I do understand where the Constable of St. Brelade is coming from, because we want to do everything we can to help small businesses, which is such a crucial part of our economy. But I believe that having good data protection regulation is absolutely important. The States agreed the legislation in 2018, for the very important reasons that we need to share our data with other jurisdictions and we need to demonstrate to other jurisdictions that we have good practice and processes and strong legislation in place here. People's data and privacy is people's data and privacy, so whether you are a large business, or a small business, using that data it is as equally as valuable. Unfortunately, that activity of protecting people's data has to be regulated and the businesses that use that data have to pay for the regulation. That is why we set up a model, that put more of the burden on larger businesses, who are more able to pay, but also derive far more commercial value from the use of that data. We have worked hard to keep the cost to small businesses as low as possible; it is an increase from £50 to £70, which I think is reasonable. Thank you to all Members. I would like to propose the Regulations *en bloc*, if I may.

### **The Bailiff:**

We are still at the principles stage, so you are proposing the principles. Those in favour of adopting the principles kindly show. The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Bailiff:**

Deputy Morel, do you wish to call the matter in?

**Deputy K.F. Morel (Chair, Economic and International Affairs):**



No, thank you, Sir.

**The Bailiff:**

How do you wish to propose the Regulations?

**Senator L.J. Farnham:**

*En bloc*, please, Sir, if I may.

**The Bailiff:**

*En bloc*.

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

Regulation 1 addresses the matter of interpretation. Regulation 2 introduces some new definitions, that are required to give effect to the new fee model. Regulation 3 concerns provisions in the existing Regulations, that relate to the transitional period, when they were first brought into force. They are now redundant, so they can be removed. Regulation 4 replaces Regulation 6 in the existing Registration and Changes Regulations, which concern the requirement to pay an annual charge, the amount of the annual charge and the way in which the annual charge is calculated. The effects of Regulation 4 is to insert a new Regulation 6, as well as Regulations 6A, 6B and 6C. The new Regulation 6 requires every registered controller, or processor, of personal data to pay an annual charge each year. It also provides exemption from fees for not-for-profit organisations and associations, public authorities, which include States Members, candidates for election, schools, businesses that are no longer trading, but are required to retain data for legal reasons. The newly inserted Regulation 6A sets out the way in which the annual charge is calculated, as mentioned previously. Regulation 6B sets out the treatment of client entities, that are administered by a trust company, or provider of fund services. These entities are data controllers, but are not functioning businesses, as we would usually understand one; they are a trust, or funds. In order to factor these entities into the model in a proportionate way, we have treated them separately and maintain the existing flat fee of £50. Regulation 6E introduces a requirement for businesses to provide enough information to allow the Regulator to calculate the fee that is due. Back to Regulation 5 within the Amendment gives the Information Commissioner the power to remove a business from the register when they have not provided sufficient information, or have provided false information. Regulation 6 provides the set schedule of exemptions, that I have already outlined. Regulation 7 is a transitional provision, to ensure that businesses are not charged twice. This is where a business has already paid its annual fee in 2019 and some of that fee relates to 2020, they will, of course, receive a *pro rata* refund. Regulation 8 is a commencement provision, which brings these Regulations into force from 1st January 2020.

**The Bailiff:**

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you move the matter in Third Reading?

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

I do. May I speak briefly? Just to thank officers and thank the Jersey Office of the Information Commissioner, who, as Deputy Morel previously mentioned, have worked diligently and hard and co-operatively on this with my Department. Can I also thank Members for their support today?

**The Bailiff:**

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in Third Reading kindly show. The *appel*

is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption in Third Reading of the Regulations.

<b>POUR: 43</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Connétable of St. Brelade	
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

## **9. Draft Revenue Administration (Jersey) Law 2019 (Appointed Day) Act 201- (P.115/2019)**

### **The Bailiff:**

The next item is the Draft Revenue Administration (Jersey) Law (Appointed Day) Act, lodged by the Minister for Treasury and Resources and I ask the Greffier to read the Proposition.

## The Deputy Greffier of the States:

Draft Revenue Administration (Jersey) Law 2019 (Appointed Day) Act 201-. The States make this Act under Article 31 of the Revenue Administration (Jersey) Law 2019.

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

The Revenue Administration Law 2019 contains the first new provisions which begin to reform our approach to the administration of taxes. Many of these replace, or update, provisions which have been in place since 1961. Members will recall that I agreed to postpone debate of this law on several occasions in 2018 and 2019, to allow further scrutiny by the Corporate Services Scrutiny Panel. In our first debate in February, the Assembly referred the law back to me for further clarifications. The new law was then passed unanimously by this Assembly in May and it received Royal Sanction, Privy Council agreement, in October. This Appointed Day Act brings most of the provisions into force from 1st January 2020. These provisions improve information exchange gateways between Revenue Jersey and other public bodies. They create new civil penalties for incorrect tax returns and they change record-keeping requirements for individuals in preparation for online filing, which will be available for many Islanders from January 2020.

[15:00]

I am not proposing to bring into force the provisions relating to the charging of interest on unpaid taxes. This is partly down to the delays we have faced in bringing the law to this point, which could have made the necessary computer programming impossible to achieve, in time for a 2020 January start. But also recognising that Revenue Jersey is still working very hard to clear its backlog, which arises from the extraordinary level of change it has faced in 2018 and 2019. Before closing, I do want to take this opportunity to thank all of our tax officers at Revenue Jersey for the hard work they are putting into modernising the whole of Jersey's tax system, while still coping with all of the challenges of delivering their regular business activities; and also to thank all Islanders for bearing with us while we are making these changes. I move the Act.

### The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? Those in favour of adopting the Proposition kindly show. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **10. Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) (No. 2) Act 201-(P.116/2019)**

### **The Bailiff:**

We now come to the Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) (No. 2) Act, lodged by the Minister for External Relations and I ask the Greffier to read the Proposition.

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

Draft Dormant Bank Accounts (Jersey) Law 2017 (Appointed Day) (No. 2) Act 201-. The States make this Act under Article 31(2) of the Dormant Bank Accounts (Jersey) Law 2017.

### **Senator I.J. Gorst (The Minister for External Relations):**

I ask my Assistant Minister to act as *rapporteur* in this matter.

### **10.1 The Connétable of St. Ouen (Assistant Minister for External Relations):**

Members will be aware of the Dormant Bank Accounts (Jersey) Law 2017, the majority of which came into force in July 2017. The law established a fund, to be known as the Jersey Reclaim Fund and introduced a regime for the notification and subsequent transfer to the Jersey Reclaim Fund of monies held in Jersey bank accounts, where there had been no contact with customers for at least 15 years. Account holders are entitled to seek recovery of their money from the banks at any time and the banks can, in turn, seek reimbursement from the fund. The monies in the fund can only be used to cover costs of the Charities Commissioner and for the charitable purposes set out in the law. The effect of this Appointed Day Act is to bring into force the remaining provisions of the law on 16th December 2019, namely Article 20 and its associated provisions, Articles 10(1)(d) and Article 33.

Article 20 deals with distribution of monies in the Jersey Reclaim Fund. It requires that one, or more, Orders be made, setting out policies and procedures dealing with distributions from the fund and also as to the appointment of an independent organisation, to distribute any allocated monies to individual recipients. These Orders will be made in due course, but cannot be made until Article 20 is in force, hence the need for this Appointed Day Act. The distribution policy will balance the obvious benefit to Jersey of releasing these funds, with the obligation of the fund to meet those claims as it is prudent to expect. Given that, at this stage, there is only a short history on which to base any estimate of the number of reclaims that might be expected from account holders via banks and the fact that the contributions to the fund from banks are expected to tail off, distributions, in the initial period, will be relatively modest. I propose the principles in the Proposition.

### **The Bailiff:**

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

#### **10.1.1 Deputy J.M. Maçon:**

While I have no objection to the Appointed Day Act, I would like to ask the *rapporteur* whether, through this process, there is some sort of annual report. Because, when we were discussing this, I mooted this suggestion and I still think it is better that any of these monies should really be put in a pot and any interest should then be distributed to charities, so, therefore, we have got an ongoing pot, which can then always be used, instead of running it down to nothing. If that is not the practice, perhaps, when an annual report is made, perhaps, at that point, such a scheme should be considered, and I would just like to know if the *rapporteur* could update me.

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

I am pleased to be standing and talking about this Appointed Day Act, because it was one of my first oral questions, as a States Member, in this Assembly last year, when I asked the Chief Minister when he was bringing Article 20 of this Dormant Bank Accounts Law to the Assembly for scrutiny. At that time, he said that the distributions of money would be brought forward, before the end of the year, in 2018, as an Appointed Day Act. This would also be done in consultation with the Economic Affairs Scrutiny Panel. At the time, I also asked a written question - and I also ask if he could update the Assembly - at the time, the sum, at 31st August, was just shy of £5 million and if he could just update us on how much that has increased and how much the deductions have been; at the time of 31st of August it was £1,316. I then came back, to follow up in February 2019, because there had, obviously, been no Appointed Day Act brought forward and no scrutiny, which I learnt that the responsibility had been moved across to the *rapporteur's* ministerial responsibilities and it was said that the officers were expected to be in a position to brief the Scrutiny Panel by the end of March 2019. That did not happen. I followed up again and it was expected the work would be completed in May, with a Scrutiny briefing to follow. That did not happen. So, just following up from the previous speaker's point, I have so many questions that are missing from the comments paper. Thankfully, the Chair of the relevant Scrutiny Panel has shared with me today, a response to the questions the Panel had, having not had a Scrutiny briefing and it raises even more questions. So, let me be clear; I want this money to come forward for the many charities that I represent and have worked for previously. That is why I asked the question, when I first walked through into the Assembly. But also, what is really important is the distribution of this money, how much money is going to be made available to charities, also because, as the speaker made reference to, the banks can have a process to reclaim some of the money from some of the customers, so that is why the money has got to remain in the account. So, how are we going to have regular updates of what money is available and also for the Charities Commissioner, because under the law it says money will be released to fund the Charities Commissioner; how much will be in proportion to the Charities Commissioner? How will we see sight of that? How will we have records of that, as well as the distribution of the monies? If I had not seen sight of what the Scrutiny Chair had shared with me

today ... I only raise all these points and I hope we can pass this through and the Order can come through. But there has to be relevant scrutiny, so we can reassure the many charities who have been waiting for this that it is something that we will not be coming back as we did with the previous debate that we had on charitable lottery funding distributions, that it can be done properly, right. We have accountability in how much money is shared equally and how that money is being used. That is all I wanted to raise at this time, but I am very pleased to finally see it here today.

#### **10.1.3 Senator S.C. Ferguson:**

I continue to be uneasy about this law. The original concept was eagerly taken up by Gordon Brown, when he was a member of the Labour Government in the U.K., to establish a new source of finance. In a previous life, Members may, or may not know, I was a banking supervisor and one thing I did discover was that citizens of various Middle East and Far Eastern countries, placed wedding present money on deposit, when they were getting married and left it there until they were older, or approaching retirement and it was a nice nest egg. This was, obviously, a substantial period of time. While I know there are various safeguards for the depositors, which have been built into the law, I am still very uneasy about borrowing money from depositors, without informing them. Perhaps the *rapporteur* can comment on this, I am told that it is for the convenience of the banks, but it feels distinctly unprincipled to me and I will not be supporting this.

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

Further to Deputy Pamplin's comments, this is an Appointed Day Act and so there is obviously little in there, but I think, to satisfy Deputy Pamplin's curiosity - for want of a better word - and because we have had no scrutiny of this, in terms of policy and where the money is going, I understand it will come with the Orders and it will come later. I was just going to ask if the *rapporteur* might enlighten us, to some extent, in order to satisfy everyone's curiosity as to what policy areas do you have in mind, how do you see this working? Because I think that is where a lot of this uneasiness comes from. With regard to distribution, what are the plans?

#### **The Bailiff:**

Does any other Member wish to speak on the Proposition? I call on the [**Members: Oh!**] ... I did say that I was going to introduce a system, where I made it entirely clear when I was about to say the last sentence. I have not done so on this occasion, therefore, I will allow the Senator the benefit of the doubt. But, what I propose to say are words to the effect "The debate is closed" or something like that and any light that comes on after that will be a light too late.

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

Sir, if you would like to say the debate is closed, while I switch my light off, I have got no disagreement with that.

#### **The Bailiff:**

I beg your pardon, Senator? I do not understand.

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

Sir, I am quite happy to sit down and be told not to speak.

#### **The Bailiff:**

You do understand speaking is entirely a voluntary act? [**Laughter**]

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

Sir, it is obvious, for about 14 years I have been misunderstanding the job description. I will give way to my Assistant Minister to sum up.

#### **10.1.5 The Connétable of St. Ouen:**

Starting at the top with Deputy Maçon; we have no problem producing a report and I think that is what we envisaged. In terms of the distribution amounts, it is initially envisaged that we would probably only distribute the interest, simply because we are taking a cautious approach to the fund, given that - and this probably goes some way towards answering Senator Ferguson's comment - depositors have an absolute right to call that money back from the bank on the basis that they can produce sufficient proof that they are, indeed, the depositor. Turning to Deputy Pamplin's comments, I think I was a bit confused by what he was getting at, but if I could help him, there is about £16 million in the fund, as of today. We have had recall on £200,000 on it and if I can perhaps take him back to my response to Deputy Maçon, we will be producing a report, showing how we have distributed the amounts and that will include the amount that we have paid to the Charities Commissioner, which will be a proportion of the funds that are held in the account. I am more concerned about Senator Ferguson's comments. I think, firstly, to point out that any depositor, who has money in a bank account - and it is a live deposit - will receive regular communications from the bank, not least in the form of annual statement. More recently - certainly in the last 5 years - they would have been required to update their K.Y.C. (know your customer), so it is very unlikely that wedding gifts, or anything of that nature, would fall into this pot, because one of the key criteria for the money coming into the fund, through the banks, is that we have lost touch with that depositor for 15 years. Now, 15 years is an awful long time. If I can allay her concerns, by repeating what I said in response to Deputy Maçon's concerns, those depositors have always had the absolute right, at any time, without limit, to come back and claim that money. If there is no money in the fund then we, as the Government, would have to fund that, but they will always be able to reclaim those funds. So, moving to Deputy Morel's comments; it is envisaged that we would use the Jersey Charities Commission to draw up a distribution list initially for us and the amounts distributed would be a small amount, a cautious amount and would largely be based on the return that we receive on the fund. But the law states quite clearly that it can only be to recognised charities and those charities would normally be Jersey charities. To allay his concerns - and I have read his letter - and to be clear to all Members, we will be reporting on those distributions, so it will be completely transparent to all Members. So, I think I have covered all the points; if I have not I am sure somebody will point that out to me. I move the Proposition.

[15:15]

**The Bailiff:**

Those in favour of adopting the Proposition kindly show. Those against? The Proposition is adopted.

**11. Jersey Police Complaints Authority: reappointment of members (P.117/2019)**

**The Bailiff:**

The next item is the Jersey Police Complaints Authority: reappointment of members, lodged by the Minister for Home Affairs, and I ask the Greffier to read the Proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to reappoint Mr. Howard Cooper as Chairman and Mr. Matthew Swan and Mrs. Rachel Catchpole as members of the Jersey Police Complaints Authority for a period of 3 years, commencing on 1st January 2020.

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

I am very pleased to propose the reappointment of Mr. Howard Cooper as Chairman of the Jersey Police Complaints Authority. Mr. Cooper has served on the Authority for 7 years, the last 3 as

Chairman and he has been an excellent Chairman and carried out his duties in an exemplary manner, in a professional manner and we should all be very grateful to him. I am very grateful that he has agreed to sit as Chairman, subject to the States' approval, for another 12 months, which would then give us the opportunity, during that 12 months, to set the process in train to find his successor. At the same time, I am proposing the re-election of 2 members of the Authority, who have been in post for 3 years: Mrs. Rachel Catchpole, who has acted as Chairman since March of last year and Mr. Matthew Swan and I am very grateful that they are putting their names forward again. While nothing to do exactly with the Proposition, I should mention that a member of the Authority, who has been a member since 2018, a Mr. Graham Jennings, has sadly had to tender his resignation to me for personal reasons. I am sure we would all wish to thank Mr. Jennings for his work on the Authority and for those of us who know him - and have known him as a senior officer in the States of Jersey - wish him well. I am pleased to make the Proposition.

**The Bailiff:**

Is the Proposition seconded? **[Seconded]**. Does any Member wish to speak on the Proposition?

**11.1.1 Deputy J.M. Maçon:**

While having no problems with the appointment, can I just ask: the Minister outlined that this process is for a year and I just want to know, obviously with my interest in this area now, is there any type of shadowing that will be put in place for people to better understand what these roles do? Is there any type of ... even within the annual report, is there anything that explains what the role entails, so that people, who might be interested in these roles in the future, can have a better understanding about what could actually be done? I wonder if the Minister could share his thoughts on those types of processes.

**11.1.2 Deputy K.F. Morel:**

Again, it is more questions rather than statements. I was wondering if the Minister might enlighten us as to whether, or not, there is a term limit, as in the maximum number of years, or maximum number of terms, that a member of the Authority may serve. I know it is 3 years per term, but is it capped at a certain amount? I was also wondering if he just had any stats to hand as to how many complaints had been upheld, how many dismissed, *et cetera*. I was quickly looking for the annual report 2018 and I have not been able to find it. Would he be able to confirm that there is a Jersey Police Complaints Authority annual report for 2018, which will be the last full year and if it has been published?

**11.1.3 Deputy M.R. Higgins:**

I will not be voting against the appointment of the particular individuals, but I will give notice to the States that I think that the Police Complaints Authority is a toothless tiger. I believe we are not being well served by the body. The reason why, quite simply, is how can you have a body that people make a complaint to, they get the Professional Standards Department of the States of Jersey Police to do the investigation and they do not even contact the people, who made the complaints in the first place, to hear their side of the story and when the report comes back, it is rubberstamped by the Police Complaints Authority. It is a complete nonsense and I give notice I will bring a Proposition to change the body.

**11.1.4 Deputy J.H. Perchard of St. Saviour:**

It would be a bit unfair of me to give Treasury a hard time, if I did not also give the Minister for Home Affairs an equally hard time about the diversity of the board. Obviously, this is a more diverse board than other boards that the States have and that is really very pleasing and given the resignation it does mean that the balance becomes more well-struck; that is a bad turn of the English language there. But I am fighting for - and it is an ideological fight - equality and balance and, for me, balance means 50:50. In the case where there is an odd number, it means no less than 40 per



cent of board membership. The board is currently at approximately 60:40 which, I think, is acceptable, but I would just like to say that if it were to fall below that, I would absolutely object. If the individual who has resigned is to be replaced, I would ask the Minister to take that into account, because my feeling is having had this kind of conversation a few times in this room, there is momentum building against the idea that we are not just going to wait for diversity to happen. The first time I stood up and objected to an appointment, on diversity grounds, there were 4 votes against the appointment; last time I think it was 11, maybe 12. That number is going to keep growing and eventually the Council of Ministers is going to have to accept that diversity is what is wanted by the Assembly and that we will not just nod through appointments, because we are asked to. That is going to become an increasing problem for this Council of Ministers, so I urge you to take this seriously and with the reappointment, please, consider the balance going forward.

**11.1.5 Deputy R.J. Ward:**

Just to follow on from that, I must point out, as well, in terms of ethnic diversity on the board that reflects our society I think is a very important thing, particularly in the area of policing, which represents all communities on our Island. It is really a question, more than anything else as to what can be done about it in the future.

**The Bailiff:**

Does any other Member wish to speak on the Proposition? I call on the Minister to respond.

**11.1.6 The Connétable of St. Clement:**

I thought Deputy Perchard would have been very pleased that we have got 4 gentlemen and 3 ladies now on the Authority. Thank you for that. I do agree with Deputy Ward's comment about improving diversity on the boards, but, certainly, in the Services that Home Affairs provide: police, fire, ambulance, customs, the prison service, we are seeing a greatly improved balance of diversity within the services. In fact, the Deputy Minister and I were at the prison last week to shadow a senior officer and she happened to be from Poland. But there were a lot of people, from different ethnic groups, who are working in the prison, in the police, in the fire service to a degree. There is a lot more work that has got to be done over time. The important thing, with all of these roles, they have to be the right people for the job, as well as their ethnicity and their gender; that is very important. Deputy Higgins, well, he would say that, would he not? This is Christmas, so I am not going to be as harsh on the Deputy as perhaps I ought to be, but he did raise this issue with the Complaints Authority. The complaint that they had not interviewed the complainant. So, he made the complaint, the Complaints Board offered to speak with Deputy Higgins but, of course, he has refused to speak with them. This happens with Deputy Higgins all the time. Members will recall that earlier this year he asked questions about prices of food and waste facilities ...

**Senator S.C. Ferguson:**

Sir, I must complain about this, in this particular instance ...

**The Connétable of St. Clement:**

Am I giving way?

**The Bailiff:**

You are not giving way. Is it a point of order, Senator?

**Senator S.C. Ferguson:**

I think this character assassination is out of order.

**The Bailiff:**

Well, Minister, the position is, obviously, that you are summing up on a Proposition to reappoint members. To the extent that Deputy Higgins has criticised the panels to which they are appointed, that, I believe, is a reasonable purview for a response, but to move more broadly into your view as to how the Deputy functions within the Assembly and otherwise, I am not sure is helpful to the debate.

**The Connétable of St. Clement:**

Absolutely fair, Sir. I appreciate what you are saying and I accept that totally. It is not how Deputy Higgins behaves in the Assembly that worries me, it is how he lobs grenades and then refuses to produce the evidence. But it is Christmas so I will forget it. I will forget it now. As I say, it is Christmas, or it is coming up to Christmas, but I suggest that Deputy Higgins, perhaps, will think of a New Year’s resolution and stop bring spurious and speculative claims to this Assembly and then not following up with evidence. That would be a good New Year’s resolution. Deputy Maçon, yes, there is an annual report, which describes what the Complaints Board do; they also have their own webpage. Of course, we can try and do more. As we go into recruitment for the board, for not just the Chairman, we will need a couple of new members, as well, we will make sure that is fully explained to encourage people to join us. Deputy Morel, yes, there is a maximum, recommended by the Appointments Commission, which we always follow and that is a maximum of 9 years for people to serve on any one authority, or board. I think that was all the questions and I maintain the Proposition.

**The Bailiff:**

Those in favour of adopting the Proposition, kindly show? The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 42</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **12. Draft E.U. Legislation (Official Controls and Agricultural Products) (Jersey) Regulations 201- (P.123/2019)**

### **The Bailiff:**

The last item of Public Business is the Draft E.U. Legislation (Official Controls and Agricultural Products) (Jersey) Regulations, lodged by the Minister for the Environment. I ask the Greffier to read the citation.

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

Draft E.U. Legislation (Official Controls and Agricultural Products) (Jersey) Regulations 201-. The States make these Regulations under Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014.

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

Thank you to the Assembly for agreeing to debate this today. Obviously, it gives me no great pleasure, but it is a necessity, in the best interests of the Island and our agricultural industry, to propose these very wide powers, available to the Minister. They are very temporary powers, they will be only available to the Minister until the end of 2020 and the intention, if I am Minister, is that you will see, during the year, your succession of replacement pieces of legislation, to avoid the need for us to be able to have to rely on these policies. So, in particular, the law relating to food safety, the food will be included in the food law and there are measures, in progress, on plant health, too. I think when one reads this ... I am not a lawyer, I think I can follow some of the principles of laws, but the one thing I know is that trade and agricultural laws is probably one of the most complex areas of our dealings internationally and, in fact, these legislations reflect that. What it does is it gives the Minister powers to effectively make what is the equivalent of Regulations in 2 broad areas. One of those relates to food and feed, rules on animal health and welfare, plant health and plant protection and that is, in particular, the one that was approved. This was a piece of E.U. legislation, which was approved in April 2017. But the important point about that particular piece of E.U. legislation, was that they did not take effect until 14th December 2019.

[15:30]

Therefore, it came about that in our work towards trying to make sure that we can deliver the regulatory compliance, continuing through a Brexit situation, that our industry require and we support and the Island is wholly behind ... when we brought forward previous proposals, it was based on the situation at 31st October, a situation, therefore, where a decision was made that we had enough to deal with, with focusing on those issues, without trying to speculate, at that time, what might happen in December 2019, when they came to pass. But, of course, the U.K.'s extension, there were 2 major

changes, the U.K. extended that exit date with the agreement of the E.U. until 31st January and also the complication that Her Majesty's Government decided in the U.K., as we all know, not to put the deal, which would have put a transition arrangement in place ... chose not to push it through the process and call a general election. Obviously, the team would have to completely look again at the rules set out in the areas here. I have been challenged on the dates, I am told that the first discussion about this took place on 12th November. At that time, or very soon after, the alarm bells went, on 22nd November, when the United Kingdom were unable ... when all their legislation, we were advised, was in lockdown, as a result of the general election. So, therefore, our team realised, at that time, that we had to make sure that this gap, that these Regulations are now intended to block temporarily, was addressed and addressed with urgency. So, a whole week of meetings took place after 22nd November, which resulted in me being told around about, I think I said this morning, the 4th; I think it might have been one, or 2, days earlier, but it was pretty well at the beginning of December that I was told verbally that this had to happen. Nobody was obviously pleased about that. I give the Assembly an assurance that these powers to pass these Regulations will be used with great care and with the involvement of Scrutiny, fully. Of course, the intention is not, in my understanding, to introduce anything new; this is to ensure that our degree of compliance, that we have at the moment, continues. In the future, of course, we do not know where that is all going to go, with the E.U. and the negotiations, if things happen as expected next year, nonetheless we will bring new legislation, to make sure that these provisions are temporary. I have to kind of put a flag up here, I give an assurance that I shall work with Scrutiny, but some of these, because it is difficult to predict the detail, may be urgent and we may need to do things very quickly, in order to plug a gap. I think I have probably said enough and I will try and answer Members' questions. I make the Proposition.

**The Bailiff:**

Do you propose the principles?

**Deputy J.H. Young:**

I propose the principles of the new Regulations.

**The Bailiff:**

Are they seconded? **[Seconded]**

**12.1.1 Deputy S.M. Wickenden:**

Obviously, it has been a very short time to look at this, but there is one thing that really sticks out for me here, at the moment, which is on page 3 of the report, end of paragraph 2. This says at least 2 Regulations specified the arrangements for trade in agricultural products and products processed from them, that were made under Protocol 3 of the U.K. Ascension Treaty. Now, we had Protocol 3 of the Ascension Treaty, it was the one thing that we have known that has been guiding us and the controls that we have had for a very long time. We have been preparing for the event of a Brexit for a very long time, so could the Minister please explain why, if this was part of Protocol 3, which was the only bit that we had, that this was not identified earlier in the work we were doing towards a Brexit, please?

**12.1.2 Deputy R. Labey:**

I make a declaration, my brother is a potato farmer. I receive no financial benefit from that. Could I ask the Minister: there has been a recent case - and I am not sure which chemical it involves - but with the E.U. putting a ban on the use of that chemical, wanting to bring it in, say, 31st December, by which time the ban is coming too late, because a lot of farmers have already bought stocks of this chemical and want to be able to use it in the coming season; when we are talking about plant health and plant protection, does that mean pesticides and chemicals? Do these Regulations give the Minister the power, for instance, in a scenario like I have just explained, so he would be able to

extend the deadline, so that farmers can use up the chemical, that they have bought, unbeknownst of a ban coming in? I hope that makes sense. I am a little bit sketchy on the detail, but I know it is an issue and I wanted to bring it up. I thank Deputy Young very much and I consider that we are very aligned he and I - like Jupiter and Mars [Laughter] - but then Deputy Young occasionally refers to potato growing in the Island as intensive farming. It is not intensive farming. The potato crop is in the fields for 13 weeks of the year. Thirteen weeks out of 52. That is not intensive farming, by any stretch of the imagination. I just want to know that the few remaining, independent, potato growers on this Island - and I think they are now into single figures - I want to know that they are safe under the Minister's stewardship and with these Regulations.

### **12.1.3 Deputy G.C. Guida:**

First of all, I would like to apologise; I think I have made an unclear statement, earlier on, about the European Regulations, which were drafted in 2017, but do come into application on 14th December and it is the potential of a hard Brexit, straddling that date, which led us to this situation. I would like to talk, just for a second, about paragraph 3. Basically, all our relationships with Europe today are defined by paragraph 3 and it is getting away from that, that we are working on; that is the essence of our part in Brexit, is to have our own legislation, that is compatible with European legislation. So, we are writing legislation, as fast as we can, to not rely on the paragraph 3, which will not exist in a few months, depending on what happens, so that is why this paragraph is mentioned here. As well, because there are wide-ranging powers, that is why they are limited to the Articles listed in the Proposition. The last thing, I think it diverges a little bit from this, pesticides used in agriculture may leave residue in animal product and that is where all these Regulations link with the way we conduct farming in the Island. The precise problem, that Deputy Labey mentioned, is a nematicide - of which the active ingredient is called ethoprophos - and there is a discrepancy between the end date of use of that chemical, which has been set as the end of March in Europe, but the end of December in the U.K. Some of our potato growers would like to have an extension. So, we are working on that. Personally, I do not have a problem with the extension. We could allow it, however, what is important is that we are again talking about residue and their customers would probably not allow it, because there is the risk of residues of that pesticide being in potatoes sent to customers in the U.K., which has got a last use date of 30th December. So, we need to negotiate that with the U.K. and we are working on it. It is interesting that care of agriculture is shared between the Economic Department and Environment and, of course, we are the regulator, as well as the carer and sometimes it superimposes but we are trying our best to help them.

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

Just to pick up from what the Minister is saying, these are broad and wide-ranging and, therefore, they are of concern, especially when it is being delivered by Ministerial Order. So, when I hear the Minister say that he will promise to engage with Scrutiny, the history that the Minister gave gives me concern, because he said that officers realised, on 22nd November, that there was a problem. The question is: why was he not advised of this until 4th December, because he should have been advised on 22nd or 23rd November that this was upcoming and, in turn, then should have advised Scrutiny that this would be upcoming. So, with Orders, we have this 2-week notice period, I believe - I get confused between Ministerial Orders and Ministerial Decisions - and I would like something stronger than just a promise to engage with Scrutiny. I would like the Minister to ensure that Scrutiny is told at the earliest opportunity of the Minister's decision to bring in Orders. I would be really keen for him to make that promise here in the Assembly, because these are going to be complex. As Deputy Labey has shown, these are things to do with chemicals and pesticides, not easy to understand necessarily. But what I do not want to see is Scrutiny being told that it has got to hurry things up and get things through, because the Minister, or the Department, have left it so long to let us know. So, please can you promise more than just to engage, but to engage with the

fullest time possible, at each opportunity, with regard to these Orders, because we need to ensure that these wide-ranging Orders are not being abused in some way, shape, or form.

**12.1.5 Deputy J.H. Young:**

I thank Members, I think there are some really good points there. I have no hesitation, whatsoever, in giving the commitment that Deputy Morel requires, because, on what basis would I not alert Scrutiny to immediately if an issue comes to light. But I think some of those issues are complex and, as Deputy Labey illustrated, there is no question, this question of the use of agricultural chemicals, in the potato industry, is very heavily influenced by regulatory framework that exists both in the U.K. and Europe. Here is a particular discrepancy, where Europe have banned this product, which I am told, at the moment, is the only product available to deal with the problems of nematode cyst build-up in the soil, which is I am told is as result of intensive cropping. That product is banned in the E.U. from 21st March and in the U.K. on the 31st. There have been attempts to find substitutes; unfortunately, the substitute products are water soluble and have resulted in water detections in our water. So, I think that is a discussion that is ongoing. Deputy Guida works with the industry on that and we will have to try and find the best solution. So, obviously, when I say that I criticise the industry for intensive activity, it is usually, I think, related to the lack of crop rotation and, therefore, relying on intensive agricultural chemicals to sustain that. But that is very complex and Deputy Guida is working on that and I assure there will not be any abuse of powers while I am Minister. I would have to just highlight one thing: Deputy Wickenden does make a reasonable statement about this ... Protocol 3 was the original source, as I remember, as being the document that looked after the Channel Islands' agricultural industries, when we went into Europe. But Protocol 3 falls away. Of course, it covered everything and so the work that I have seen, the work of that team, has been astonishing; the depth and the commitment that people have made, lawyers, officers, for the last 2 years and they have obviously worked through this slowly. I understand they first saw there was an issue that they needed to look at, potentially, in June 2019, but it was not clearly their number one focus at that time, because we were working to the October date.

[15:45]

I have seen the commitment of the civil servants, working around the clock, trying to sort this out. This whole Brexit business has been a nightmare. I hope, whatever the outcome on Friday, well, will it get better? My fear is there is going to be a lot more to come. So, I hope I have answered those questions and I propose the Regulations in First Reading.

**The Bailiff:**

In First Reading you are proposing the principles?

**Deputy J.H. Young:**

Yes, sir.

**The Bailiff:**

Are they seconded? **[Seconded]** All Members in favour of adopting the principles kindly show. The *appel* is called for, I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the principles of the Regulations.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				

Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Deputy Morel, does your Brexit Review Panel wish to call the matter in?

**Deputy K.F. Morel (Chair, Brexit Review Panel):**

I do not believe we are allowed to, Sir.

**The Bailiff:**

How do you wish to deal with the matter in Second Reading, Minister?

**Deputy J.H. Young:**

Can I take them *en bloc* please and answer questions?

**The Bailiff:**

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on any of the Regulations? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose the matter in Third Reading?

**Deputy J.H. Young:**

Yes, please. I propose and ask for the *appel*.

**The Bailiff:**

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
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Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				



Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Very well, that now brings us to the end of Public Business. We come to the arrangement of future public business.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**13. Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

The only change I have to the arrangement of public business, published for our first sitting in 2020, is that Deputy Tadier’s Public Holidays has moved to that date. I am not sure what has happened to Deputy Tadier’s buskers, I think they might have been moved on permanently and we might not get to see them again. **[Laughter]** Son other than that, that is the arrangement of public business and I would like to wish you a very happy birthday for yesterday and everyone in the Assembly season’s greetings. **[Approbation]**

**The Bailiff:**

Thank you very much for your birthday wishes. Do Members agree to adopt the future business, as moved by the Chairman? Very well, then that is the future business of the Assembly so adopted.

**CHRISTMAS GREETINGS**

**14.1 Senator I.J. Gorst:**

It gives me great pleasure to wish Christmas greetings to our colleague Connétables and Deputies on behalf of the Senators. Christmas is a time when we remember the birth of Christ. It is a time when we look back and we also look forward. So, there is a great book that described 3 ghosts: the ghosts of Christmas past, Christmas present and Christmas future. Some of us, in this Assembly, feel that is a good description of Brexit. It has been an overriding - I am not sure if ghost is an appropriate term for it - for Christmases past and it has been mentioned by those giving greetings. It is still present and I have got no doubt that it will continue into the future. It is a time of peace, a time of goodwill to all people. Peace and goodwill at a time of global political turmoil can, I think, only be a positive thing. As I said last Christmas, we were looking forward to Brexit earlier this year. We stand here having had 2 delayed Brexits; even my daughter, this morning, said: “Daddy, why do they keep delaying Brexit?” I did not have time to explain but, who knows, dependent on - and I am going to start upsetting my colleagues now - dependent on who wins on Thursday, we might, finally, be getting Brexit done. **[Members: Oh!]** Next Christmas we could be looking for chlorinated turkey. **[Laughter]** Of course, there could be a very different result on Thursday and we could all be continuing in our confusion and looking forward to another referendum. Of course, we all have our views about what the best outcome might be. But it has not escaped my notice - and it may not have escaped yours - that, perhaps, the biggest piece of United Kingdom political news over the last week was that the Brexit party will be ceasing, will be no more. I took it like

this, I might have misread it, but Reform Jersey will be launching a U.K. sister party, called Reform, led by that well-known Labour person, Nigel Farage. **[Laughter]** They say that we have to be careful of fake news and indeed we are. I am mindful that this time last year we were all remembering that 2018 was the commemoration year of the end of the Great War. As we look back over 2019, it is obvious to me that commemoration has played a large part in 2019, as well. The Chief Minister was invited to lay a wreath, for the first time, on behalf of - I will be careful how I say this - Jersey, a duty which had previous been undertaken by Her Majesty. That was recognition and a great honour bestowed on the Island **[Approbation]** to be able to do that in Whitehall. The Deputy Chief Minister, of course, did so, as well, at the Cenotaph here in St. Helier. The Chief Minister and I were privileged to be invited to the 75th D-Day Commemoration at Bayeux. We attended very moving ceremonies in the cathedral there and in the British cemetery. Next year, of course, we will be thinking about Liberation<sup>75</sup>. I know that your officials, together with Members of this Assembly, have planned a very fitting number of events that we can rightly remember our freedom from liberation and those who gave their lives, that we might know peace in our daily lives. It is right that we remind ourselves that peace - peace on Earth - peace comes at a price and we should never take it for granted. It serves all of us well to remember, at this time of year, that we, in this legislature, in this Government, in this place, have a role to support that peace, to speak peace, rather than to speak the division and hatred, that we see around us in other places. I think, at this Christmas time, we can be rightly proud that, by and large, on the whole, that is exactly what Members do in this place. I mention also, on the theme of peace and pay tribute to our colleagues in Rotary, who a number of years ago, ensured that Jersey was recognised as a peace Island and set up an annual peace debate. I mention that because, of course, we all know that the late Colin Powell was influential in ensuring that we were recognised as a peace Island and in the creation of that peace debate, where young Islanders come together and consider issues which influence, sustain and might bring peace. Peace on Earth and goodwill to all. At this time, when we could think of each other, perhaps rather than as political foes, or jousting partners, but as individual members of the same community. We also think about what it is that makes this community the great and special place that it is to live in. For my part, the voluntary organisations and those individuals that volunteer day in and day out, whether they be in charitable organisations, whether they be in the Honorary Police, whether they be in the community service committees, right across the Parishes, they themselves help to maintain Jersey as a peaceful Island. We, as Senators, send them the very best of Christmas wishes. Sir, that therefore leaves me to wish you, in your first Christmas as Bailiff, a very happy and peaceful Christmas and to the - not quite sure how to phrase this - soon to be Deputy Bailiff. We note that this will be the last States Assembly that the Attorney General will be attending, in that role. We wish him the very best of Christmases and we wish him the very best of success in his new role when he gets to that point. **[Approbation]** We wish His Excellency and Lady Dalton a very happy Christmas, the Dean, a very happy Christmas to you and all of the Crown Officers, the Greffier and all of his officials and support, who keep this place working. **[Approbation]** Not forgetting, of course, the tea lady and the ushers. **[Approbation]** We, as Senators, wish our colleagues a very merry, happy and peaceful Christmas. Perhaps this is something slightly different, I thought I might start my own tradition, in trying to find the most amusing anecdote that has been inserted into a speech during the course of this last year. I do this, because I feel that it is a Senator that should rightly be nominated for this position.

[16:00]

The most amusing anecdote this year should rightly go to the Deputy Chief Minister, Senator Farnham, who ... he is trying to say all his speeches are amusing. That, of course, is not the case, **[Laughter]** is not the case at all; never let that be said. He said, with a very straight face, that he, like the rest of us in this Assembly, enjoyed puzzles, particularly jigsaw puzzles and he naively told us that he had completed a puzzle in only 6 months, when it had said on the side it really ought to have taken him 3 to 4 years. **[Laughter]** I do not tell it as well as he did, of course; I do not.

Yet, that stands as one to be beaten this year and I look forward to my colleague Constable and Deputy, perhaps, endeavouring to beat it. We wish our colleagues the very best wishes for Christmas and the coming year. Thank you. **[Approbation]**

#### **14.2 Connétable A.S. Crowcroft of St. Helier:**

I am not going to go there. There is a good one about a Senator, but ... **[Laughter]** it is with great pleasure that I extend the Constables' greetings of the season to all Members of the States Assembly. As Members will be aware from the Parish magazines, which regularly appear on our desks and clutter up our pigeon holes, there is a great deal going on in the Parishes with all kinds of events being organised under each parochial umbrella, whether it be games of *pétanque*, tea dances, sporting fixtures, twinning exchanges, church activities, charitable events, Island Plan briefings, the list goes on and on. The 12 Honorary Police Forces, in particular, make an enormous contribution to Parish life and I would like to take this opportunity to thank them and all of our Honorary Officers and volunteers for the work they have done over the past year and to wish them a well-deserved break with their families **[Approbation]** and friends this Christmas. At the same time, we should express our thanks to the emergency services, including health and social workers, at this time of year and wish them our heartfelt compliments of the season, especially those who will be keeping us safe and well over the festive period. Next year's events, marking the 75th anniversary of the liberation of Jersey will, I am sure, provide numerous opportunities for the Parishes to celebrate Parish life and the freedom, which we have enjoyed since 9th May 1945. I know that all of the Constables are looking forward to their Parish's contribution to the Island-wide celebrations of this important anniversary. We are informally known as the mothers and fathers of the Island's Parishes and I know that all of my colleagues take their pastoral responsibilities seriously, whether it is a phone call, an email, or a good old-fashioned letter, we welcome the direct appeals that we receive for help, advice, or company. We value enormously the community spirit that exists in our Parishes, whether we are responsible for the largest, or the smallest. We notice the empty chair at our Senior Citizens' Christmas lunch and we mourn the loss of parishioners, who have passed away this year and wish their friends and families comfort and strength as they face their first Christmas without their loved one. As Constables, we depend very much on the support, advice and sometimes the long-suffering endurance of our partners and children, as we do our best to fill the demands of Constableness. Today is a good moment for us to thank them for being there for us. **[Approbation]** I know my wife would expect a foot-stamp at that point. **[Laughter]** One of our number has been bereaved in recent months and we offer him - and the other Member of the Assembly similarly afflicted this year - our very best wishes for the coming days and weeks. **[Approbation]** We hope that you, Sir, are enjoying chairing this Assembly, especially the recent 5-day sitting. We wish you and your family a restful holiday this Christmas. We also wish to thank the Deputy Bailiff, the Greffier, Deputy Greffier and Assistant Greffier and their families and wish them a happy Christmas and peaceful New Year. I am sure His Excellency, the Lieutenant Governor, has enjoyed his membership of the States Assembly this year, while he and Lady Dalton have followed an enormously full programme of visits around the Island, especially supporting hundreds of charities, schools and the like. We wish them a well-deserved rest and a happy Christmas with their family. **[Approbation]** We hope that the Dean and Mrs. Keirle enjoy the season, in spite of their numerous duties, as well as the Rectors of the 12 Parishes. We also extend our Christmas wishes to the other faith leaders of the Island, especially the leader of the Catholic Community, Canon Golding and the Methodist community, Baptist community, Muslim community and all other faiths. The Constables thank the Attorney General and the Solicitor General for their advice this past year and we wish them a well-deserved break, too, with their families. We extend warm Christmas greetings to the Viscount and his staff, the ushers and, of course, the media. We wish Jan, our tea lady, a merry Christmas, as we do the many other people associated with the efficient running of this Assembly. We wish all of our parishioners a peaceful and enjoyable Christmas and best wishes for a peaceful

and fulfilling year ahead, which we also, of course, extend to the Deputies. Thank you, Sir. **[Approbation]**

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

The Third Act, as they say. I would like, from the Deputies benches, to wish you and your family a very merry Christmas and also to all of my fellow States Members, to all the Senators and Constables. I would also like to wish a merry Christmas to His Excellency the Governor and Lady Dalton, the Attorney General, the Solicitor General and the Dean and Mrs. Keirle, the Viscount, the Deputy Viscount, the Greffier and the Deputy Greffier and the 2 Assistant Greffiers, the ushers and, of course, Jan, the tea lady. Not to forget to mention all the staff at the Greffe, who work to support us in this Assembly **[Approbation]** especially on a 5 or 6-day Government Plan sitting and also to all the Greffe staff, who support us behind the scenes, especially to the Scrutiny officers, the Committee clerks, those who do the webcasting, the log-noting teams and the Legislative Drafters and the Publications Editor and, of course, to all other of our public servants out there, who deliver services on behalf of this Assembly **[Approbation]**, 365 days a year, many 24/7. Now, for my very short little speech and I make no apologies to keep this all about women, because it has been 100 years in July since women got the vote. **[Approbation]** We still only have 14 women in this Assembly. That is the highest I can remember over the last 20 years and we absolutely need to do better. There are 2 Scrutiny Chairmen, Senator Moore and Deputy Le Hegarat. We have a woman Chair of P.A.C., our lovely own Senator Fergusson. **[Approbation]** We also have 4 women Ministers in this Government. They are myself, Senator Vallois, the Deputy of Grouville and Deputy Pinel. **[Approbation]** Today, for the first time, we have a woman Chair of the Committee of Connétables, the Constable of St. Lawrence. **[Approbation]** If I am wrong on that, I am sorry, but it is the first time I remember it. Sorry, I give way. **[Laughter]**

### **The Connétable of St. Lawrence:**

Sir, I know it is not usual to interrupt the speech.

### **The Bailiff:**

Is this a point of clarification? **[Laughter]**

### **The Connétable of St. Lawrence:**

This is a point of clarification. My predecessor, Connétable Iris Le Feuvre, also chaired the Comité, many years ago. **[Approbation]**

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

Thank you very much to the Constable of St. Lawrence. I did wonder that.

### **The Connétable of St. Lawrence:**

There have been only 2 of us.

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

Absolutely, should do better. Both of them do a fantastic, excellent job; absolutely excellent job. We also have our newest Deputy, Deputy Gardiner, another woman, who was born in Kazakhstan, but lived in many other places, as well. She brings a wide-breadth of knowledge to this Assembly and for many other jurisdictions and another fantastic addition to this Assembly. **[Approbation]** I would like to welcome her again. The Deputy of Grouville also delivered this year's 74th Liberation speech; excellent speech from the Deputy. **[Approbation]** With the help of Deputy Perchard, she managed to get funds and host this year's Commonwealth Women Parliamentary Association Conference in Jersey. That was absolutely another excellent event. **[Approbation]** I have to mention, because there are 4 more, they are the Constable of St. Saviour, the Constable of St. Martin, Deputy Alves and Deputy Doublet, who all work tirelessly and very hard on many issues.

**[Approbation]** They bring a lot of different things to our debates. It is a thing; you cannot help being a different sex and you do bring different things to a debate. I wanted to do this, in the 100-year speech, but I did not want to make it personal. I do get the feeling sometimes, I get on very well with a lot of the younger women Deputies, but I do not think they think I get it as much as I should. **[Laughter]** They are probably right there.

**The Bailiff:**

Deputy, I am going to ask that no one ask for a point of clarification. **[Laughter]**

**Deputy J.A. Martin:**

I get women's lib as much as I should. **[Laughter]** Sorry, Sir; so sorry. I just want to go back and I want to say, 52 years ago I left my lovely little cosseted primary school and went to my big secondary school, which had just become a co-ed; girls and boys. I thought: yes, this is good. But it was a massive school. Then on my curriculum it said I am going to do, on a Friday afternoon, 2 hours, domestic science. I went home to my mum and said: "I am doing science." She said: "Do you mean you are doing chemistry?" I said: "No, it says science and I am doing it." Could you imagine my disappointment, when I walk into this room on the Friday afternoon? They split the boys out of the class. There are 15 ironing boards **[Laughter]** - I kid you not - and a washing basket, with men's shirts in them. We learned how to iron a man's shirt: collar first, sleeve, sleeve, back, right, left. We did this. I am a perfect shirt-ironer. **[Laughter]** The next week, we learned to make Shepherd's Pie; again, no boys. So I am finding out: "Where are the boys? Where have the boys gone?" Oh, they are learning something really useful, like woodwork, or they were doing something else. I would love to say it was me, but about 6 weeks into this, ironing the shirts, or making Shepherd's Pie, one of the girls piped up and said: "Miss - and it was a lady teacher - I am a bit fed up doing all this. I do not know where it is going to get me. I want to do other things." The lady said, "if you can master ironing a man's shirt and you can cook a reasonably good Shepherd's Pie, you will be married by the time you are 18. What is the problem?" **[Laughter]** I kid you not, it is like game over. I am 11 years old, do I really need to learn anything else? This is where I have been upward-struggling for years and years to say: "Well, I can." I have been married twice. I can do the shirts and Shepherd's Pie; it is the marriage I cannot do. **[Laughter]** I should probably have had a lot more lessons in that and then that would have been game over. I really say this Christmas I hope that we can carry on to rise above this. I know every one of these men in this Assembly, if that was their daughter, or granddaughter, who went home to them and said: "Teacher said that is all I need to learn" they would have been outraged and they will be outraged today. When I told my mum and dad, my dad was outraged and my mum said: "Oh, get on with it." What do you do? I would just like to finish and say: we are coming forward. I have been in this Assembly, when we have had only 9 women. Today we have 14. After the next elections, in 2022, I hope we have 20. We need more input from women. It is an even balance. Deputy Doublet says: "Women are out there in the community. Women are out there, so you need them in the Assembly." We have a different point of view. We do things differently. I do not say they are better ways, I am just saying different. You cannot ignore that and you ignore that at your peril. From the Deputies' benches I would just like to say again: a very happy Christmas and a very prosperous 2020. Thank you. **[Approbation]**

**The Bailiff:**

Mr Attorney General, you have your light on. Did you want to have a swan song?

**14.4 Mr. R.J. MacRae, H.M. Attorney General:**

Yes, if I may, I would like to say a few words. This is my last appearance in the Assembly, as Attorney, before I shuffle off into obscurity. **[Laughter]** I have enjoyed the time I have spent in the Assembly. I thank all Members for their kindness, particularly those, in my early days, who

were thoughtful enough to let me know in advance what question they were thinking of asking during debates. I have enjoyed getting to know Members of the Assembly. The advantages of sitting here as Attorney is I do not count towards the quorum, so I can go to the tearoom, whenever I like. **[Laughter]**

[16:15]

Unfortunately, Sir, you do not count towards the quorum either, but we never see you in the tearoom at all. Who would want your job? **[Laughter]** I would not want to single out any particular Member of the Assembly for the kindness that they have shown to me, but I am very grateful to the Constable of St. Saviour, who still calls me “young man” **[Laughter]**; not enough people do these days. I was trying to think about the strangest question that I have been asked during a debate. The winner, by a short head, is a question I was asked about Antarctica, about 5.00 p.m. a couple of years ago. The question had no legal content, at all and was purely geographical. It was the only question I was asked that entire day and, luckily, from A-level geography, I knew the answer. Otherwise, I imagine Members would have gone home thinking: “He sits there all day, we ask him one question and he is clueless.” **[Laughter]** That is a fear I have had often. I hope some of my questions have been answered correctly. On behalf of myself, the Solicitor General, the Viscount, the Deputy Viscount and all those, with whom the Attorney customarily speaks, I wish Members a happy Christmas. If I do see you again in the New Year, I regret to say it will not be in the tearoom. I do hope the Constable of St. Saviour can find it in her heart to still call me “young man” from time to time. **[Approbation]**

#### **14.5 The Bailiff:**

I hope, Mr. Attorney General, if you are called “young man” while you are in this seat, you will correct it robustly and quickly. **[Laughter]** The difficulty with being the fourth, or untypically, the fifth speaker is that pretty well everything that one might want to say has been said, by other people. As Members might recall, this is not, in fact, the first time I have been in the Chair during Christmas greetings. In 2016, I was presiding when the Bailiff was in Guernsey. The Assembly, rather untypically, finished rather sooner than expected and gave me the wholly unlooked for opportunity of unprepared Christmas greetings. This, however, is the first time I do it as Bailiff. I am delighted, on behalf of His Excellency, on behalf of the Law Officers, the Dean, the Greffier, the Viscount, the Chief Officer, for whom, in this place, I customarily speak, to thank you, Senator Gorst, Connétable of St. Helier, Deputy Martin and indeed all Members for their collective good wishes for this Christmas. One of the advantages of presiding over the Assembly is it gives me an opportunity to thank Members for their kindness and the marvellous support that I have had during my time as Deputy Bailiff and particularly in the last 2 months, or so, while I have presided as Bailiff. That was quite an experience, because, as I did not have the benefit of a Deputy Bailiff, I had the pleasure of presiding through all of the first ever Government Plan debate, which I consider, even now, to be a privilege. I hope Members will not take it in any way as condescending, on my part, that I say that, in my view, during the course of that debate, the quality of speeches was often very high indeed and important matters of principle and sometimes political philosophy were canvassed in the Assembly. No matter which way the votes went, many important points were made and arguments heard. It was, as I have said, quite genuinely, a privilege to sit during that period. The Assembly has, of course, had a very busy year. This marks our 34th meeting day. Although I do not have any of the other customary statistics in front of me, there were, of course, a number of important matters before the Assembly. It is entirely subjective to single anything out, but, of course, this was the first ever Government Plan and that, therefore, was an important matter for the Assembly to consider. Also, the fact that the Assembly declared a climate change emergency, with all of the potential consequences that flow from that going forward, was to my mind also a significant decision and moment. Similarly, in term of events - and I make no apology for repeating a little bit of what has already been said - we welcomed Deputy Gardiner into the Assembly, at the early part of the

year. **[Approbation]** We celebrated 100 years since women were given the vote. As already has been said, we hosted the Commonwealth Women Parliamentary Association Conference. In addition to which, which has not yet been mentioned, we commemorated the Corn Riots. **[Approbation]** The only statistic that it is traditional to mention at this time - that I have not yet made reference to - is the amount raised for the Christmas Charity Appeal. The fines levied this year amounted to £130. That was a significant reduction on last year, but I suspect it is because a number of people have not yet settled their bill. If there is any money outstanding, I am sure people can be trusted to put it into the pot, because it will all be paid to the Christmas Charity Appeal. The presiding officer of any Parliamentary Assembly must rely, to a very considerable degree, on the clerk of that Assembly. I would like, therefore, to pay a particular tribute, at this time, to the enormous contribution to the work of the Assembly made by the Greffier, the Deputy Greffier and their team. **[Approbation]** Members speaking so far have already recognised this, but perhaps I am particularly aware and am grateful for the level of support that I have received in the day-to-day functioning of my Office. Of course, Members will also be aware of the outreach programme, conducted by the staff of the Greffe and, in particular, the Deputy Greffier and the fact that students in our local schools can come and experience what it might be like to debate a point in the Assembly. In addition - and Senator Gorst made reference to it - I was delighted to have had the chance to preside over the new Rotary Colin Powell Peace Debate last month, which was, perhaps, my first ever job as presiding officer of the Assembly. Outreach from this Assembly to the broader community, to further political understanding, in its broadest sense, is enormously valuable. I very much hope to play my part in that, going forward. I also hope there are going to be other ways of improving the business of the Assembly. We are now taking, as read, the written questions. We will be bringing in time limits for speeches, during the course of debates. Within the next few months, we will see the advent of clocks in the Assembly, to enable that resolution to be carried into effect. It may be that other things can be considered, although it may be simply that nothing more is needed than a gentle revisiting and reminder of the contents of some of the Standing Orders. Watch this space. In any event, these are things to look forward to in the future, when we reconstitute after a Christmas break and we begin our work in 2020, refreshed. It is time now for everyone to take very well-earned rest and no matter what your personal beliefs may be, if any indeed, about the significance of this time of year, I would like for myself and on behalf of His Excellency and the Crown Officers and for the Dean, the Greffier, the Viscount, the Chief Usher and all Members of their respective teams, to thank you and wish you and your respective families a peaceful and happy Christmas break. Thank you. **[Approbation]** Very well, that appears to conclude the business of the Assembly. Until next year, the States stands adjourned until 21st January 2020 at 10.30 a.m.

## **ADJOURNMENT**

**[16:25]**